
STATUTORY INSTRUMENTS

1998 No. 1860

LEGAL SERVICES

The Conditional Fee Agreements Order 1998

Made - - - - 29th July 1998
Coming into force - - 30th July 1998

The Lord Chancellor, in exercise of the powers conferred on him by sections 58(4) and (5) of the Courts and Legal Services Act 1990(1), having consulted in accordance with section 58(7) of that Act, makes the following Order, a draft of which has been laid before and approved by resolution of each House of Parliament:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Conditional Fee Agreements Order 1998 and shall come into force on the day after the day on which it is made.

(2) In this Order “the Act” means the Courts and Legal Services Act 1990.

Revocation of 1995 Order

2. The Conditional Fee Agreements Order 1995(2) is revoked.

Specified proceedings

3.—(1) All proceedings are proceedings specified for the purposes of section 58(3) of the Act (conditional fee agreements in respect of specified proceedings not to be unenforceable).

(2) Proceedings specified in paragraph (1) shall be specified proceedings notwithstanding that they are concluded without the commencement of court proceedings.

Maximum permitted percentage increase on fees

4. For the purposes of section 58(5) of the Act the maximum permitted percentage by which fees may be increased in respect of any proceedings designated by article 3 as proceedings specified for the purposes of section 58(3) of the Act is 100%.

(1) 1990 c. 41.
(2) S.I.1995/1674.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

29th July 1998

Irvine of Lairg, C.

EXPLANATORY NOTE

(This note is not part of the Order)

Section 58 of the Courts and Legal Services Act 1990 provides that a conditional fee agreement which relates to specified proceedings shall not be unenforceable by reason only of its being a conditional fee agreement. Section 58(1)(a) excludes agreements in respect of criminal proceedings from the scope of section 58 and specified family proceedings. This Order replaces the Conditional Fee Agreements Order 1995, which specified a limited number of categories of proceedings, and specifies instead all proceedings (within the scope of section 58) without any exceptions.

The Order also specifies (as did the 1995 Order) that the maximum percentage by which fees may be increased in respect of the specified proceedings is 100%.