

---

## STATUTORY INSTRUMENTS

---

# 1998 No. 3132

## The Civil Procedure Rules 1998

### PART 44

#### GENERAL RULES ABOUT COSTS

#### [<sup>F1</sup>Adjourment where legal representative seeks to challenge disallowance of any amount of percentage increase

**44.16** Where—

- (a) the court disallows any amount of a legal representative's percentage increase in summary or detailed assessment proceedings; and
- (b) the legal representative applies for an order that the disallowed amount should continue to be payable by his client,

the court may adjourn the hearing to allow the legally represented party to be notified of the order sought.

(Regulation 3(2)(b) of the Conditional Fee Agreements Regulations 2000 provides that a conditional fee agreement which provides for a success fee must state that any amount of a percentage increase disallowed on assessment ceases to be payable unless the court is satisfied that it should continue to be so payable<sup>F2</sup>. Regulation 5(2)(b) of the Collective Conditional Fee Agreements Regulations 2000 makes similar provision in relation to collective conditional fee agreements]) ]

---

#### Textual Amendments

- F1** Rules 44.15-44.17 inserted (3.7.2000) by [The Civil Procedure \(Amendment No. 3\) Rules 2000 \(S.I. 2000/1317\)](#), rules 1, **19** (with rule 39)
- F2** Words in rule 44.16 inserted (26.3.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rules 1(a), **15**

**Status:**

Point in time view as at 01/10/2002. This version of this provision has been superseded.

**Changes to legislation:**

There are currently no known outstanding effects for the The Civil Procedure Rules 1998, Section 44.16.