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STATUTORY INSTRUMENTS

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**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,

[<sup>F2</sup>the court may adjourn the hearing to allow the client to be—

- (i) notified of the order sought; and
- (ii) separately represented].

(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>F3</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 substituted (2.12.2002) by [The Civil Procedure \(Amendment\) Rules 2002](#) (S.I. 2002/2058), rules 1(b), **16**
- F3** 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Point in time view as at 02/12/2002. This version of this provision has been superseded.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.