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STATUTORY INSTRUMENTS

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**1998 No. 3132**

The Civil Procedure Rules 1998

PART 45

FIXED COSTS

***[<sup>F1</sup>III—FIXED PERCENTAGE INCREASE IN ROAD TRAFFIC ACCIDENT CLAIMS***

**[<sup>F1</sup>Application for an alternative percentage increase where the fixed increase is 12.5%**

**45.18.**—(1) This rule applies where the percentage increase to be allowed—

- (a) in relation to solicitors' fees under the provisions of rule 45.16; or
- (b) in relation to counsel's fees under rule 45.17,

is 12.5%.

(2) A party may apply for a percentage increase greater or less than that amount if—

- (a) the parties agree damages of an amount greater than £500,000 or the court awards damages of an amount greater than £500,000; or
- (b) the court awards damages of £500,000 or less but would have awarded damages greater than £500,000 if it had not made a finding of contributory negligence; or

[<sup>F2</sup>(c) the parties agree damages of £500,000 or less and it is reasonable to expect that if the court had made an award of damages, it would have awarded damages greater than £500,000, disregarding any reduction the court may have made in respect of contributory negligence.]

(3) In paragraph (2), a reference to a lump sum of damages includes a reference to periodical payments of equivalent value.

(4) If the court is satisfied that the circumstances set out in paragraph (2) apply it must—

- (a) assess the percentage increase; or
- (b) make an order for the percentage increase to be assessed.]

**Textual Amendments**

**F1** Pt. 45 Section 3 inserted (1.6.2004) by [The Civil Procedure \(Amendment\) Rules 2004 \(S.I. 2004/1306\)](#), rule 1(a), [Sch. 1 Pt. 2](#)

**F2** [Rule 45.18\(2\)\(c\)](#) substituted (1.4.2005) by [The Civil Procedure \(Amendment No. 4\) Rules 2004 \(S.I. 2004/3419\)](#), rules 1, [13](#)

**Status:**

Point in time view as at 01/04/2005. This version of this provision has been superseded.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 45.18.