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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>V FIXED RECOVERABLE SUCCESS FEES  
IN EMPLOYER'S LIABILITY DISEASE CLAIMS***

**[<sup>F1</sup>Percentage increase of counsel's fees**

**45.25.**—(1) In the cases to which this Section applies, subject to rule 45.26, the percentage increase which is to be allowed in relation to counsel's fees is—

- (a) 100% if the claim concludes at trial; or
- (b) where—
  - (i) the claim concludes before a trial has commenced; or
  - (ii) the dispute is settled before a claim is issued,to be determined by rule 45.25(2).

(2) Where rule 45.25(1)(b) applies, the percentage increase which is to be allowed in relation to counsel's fees is—

- (a) if the claim has been allocated to the fast track, the amount shown in Table 6; and
- (b) if the claim has been allocated to the multi-track, the amount shown in Table 7.

(3) Where a trial period has been fixed, rules 45.17(2) to 45.17(5) apply for the purposes of determining the date fixed for the commencement of the trial.

**Table 6**

Claims allocated to the fast track

	If the claim concludes 14 days or less before the date fixed for commencement of the trial	If the claim concludes more than 14 days before the date fixed for commencement of the trial or before any such date has been fixed
Type A claim	50%	27.5%
Type B claim	100%	100%
Type C claim	62.5%	62.5%

**Status:** Point in time view as at 02/10/2006. This version of this provision has been superseded.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 45.25. (See end of Document for details)

**Table 7**

Claims allocated to the multi-track

	If the claim concludes 21 days or less before the date fixed for commencement of the trial	If the claim concludes more than 21 days before the date fixed for commencement of the trial or before any such date has been fixed
Type A claim	75%	27.5%
Type B claim	100%	100%
Type C claim	75%	62.5%]

**Textual Amendments**

**F1** [Pt. 45 Section 5](#) inserted (1.10.2005) by [The Civil Procedure \(Amendment No.3\) Rules 2005 \(S.I. 2005/2292\)](#), rule 1(c), [Sch. 1](#)

**Status:**

Point in time view as at 02/10/2006. This version of this provision has been superseded.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 45.25.