
STATUTORY INSTRUMENTS

1998 No. 3132

The Civil Procedure Rules 1998

[^{F1}PART 45

FIXED COSTS

[^{F2}SECTION IIIA

Claims Which No Longer Continue Under the RTA or EL/PL Pre-Action Protocols [^{F1}and Claims to which the Pre-Action Protocol for Resolution of Package Travel Claims Applies] – Fixed Recoverable Costs

[^{F1}]^{F2}Disbursements

45.29I.—(1) [^{F3}Subject to paragraphs (2A) to (2E), the court]—

- (a) may allow a claim for a disbursement of a type mentioned in paragraphs (2) or (3); but
- (b) will not allow a claim for any other type of disbursement.

(2) In a claim started under [^{F4}the RTA Protocol, the EL/PL Protocol or the Pre-Action Protocol for Resolution of Package Travel Claims], the disbursements referred to in paragraph (1) are—

- (a) the cost of obtaining medical records and expert medical reports as provided for in the relevant Protocol;
- (b) the cost of any non-medical expert reports as provided for in the relevant Protocol;
- (c) the cost of any advice from a specialist solicitor or counsel as provided for in the relevant Protocol;
- (d) court fees;
- (e) any expert's fee for attending the trial where the court has given permission for the expert to attend;
- (f) expenses which a party or witness has reasonably incurred in travelling to and from a hearing or in staying away from home for the purposes of attending a hearing;
- (g) a sum not exceeding the amount specified in Practice Direction 45 for any loss of earnings or loss of leave by a party or witness due to attending a hearing or to staying away from home for the purpose of attending a hearing; and
- (h) any other disbursement reasonably incurred due to a particular feature of the dispute.

[^{F5}(2A) In a soft tissue injury claim started under the RTA Protocol, the only sums (exclusive of VAT) that are recoverable in respect of the cost of obtaining a fixed cost medical report or medical records are as follows—

- [^{F6}(a) obtaining the first report from an accredited medical expert selected via the MedCo Portal: £180;]

Status: Point in time view as at 07/05/2018. This version of this provision has been superseded.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 45.29I. (See end of Document for details)

- (b) obtaining a further report where justified from [^{F7}an expert from] one of the following disciplines—
- (i) Consultant Orthopaedic Surgeon (inclusive of a review of medical records where applicable): £420;
 - (ii) Consultant in Accident and Emergency Medicine: £360;
 - (iii) General Practitioner registered with the General Medical Council: £180; or
 - (iv) Physiotherapist registered with the Health and Care Professions Council: £180;
- (c) obtaining medical records: no more than £30 plus the direct cost from the holder of the records, and limited to £80 in total for each set of records required. Where relevant records are required from more than one holder of records, the fixed fee applies to each set of records required;
- (d) addendum report on medical records (except by Consultant Orthopaedic Surgeon): £50; and
- (e) answer to questions under Part 35: £80.
- (2B) Save in exceptional circumstances, no fee may be allowed for the cost of obtaining [^{F8}a report to which paragraph (2A) applies where the medical expert—]
- (a) has provided treatment to the claimant;
 - (b) is associated with any person who has provided treatment; or
 - (c) proposes or recommends [^{F9}treatment that they or an associate then provide].
- (2C) The cost of obtaining a further report from an expert not listed in paragraph (2A)(b) is not fixed, but the use of that expert and the cost must be justified.
- (2D) Where appropriate, VAT may be recovered in addition to the cost of obtaining a fixed cost medical report or medical records.]
- [^{F10}(2E) In this rule, ‘accredited medical expert’, ‘associate’, ‘associated with’, ‘fixed cost medical report’, ‘MedCo’ and ‘soft tissue injury claim’ have the same meaning as in paragraph 1.1(A1), (1A), (10A), (12A), and (16A), respectively, of the RTA Protocol.]
- (3) In a claim started under the RTA Protocol only, the disbursements referred to in paragraph (1) are also the cost of—
- (a) an engineer’s report; and
 - (b) a search of the records of the—
 - (i) Driver Vehicle Licensing Authority; and
 - (ii) Motor Insurance Database.]]

Textual Amendments

- F1** Pts. 44-48 substituted (1.4.2013) by [The Civil Procedure \(Amendment\) Rules 2013 \(S.I. 2013/262\)](#), rules 2, 16, [Sch.](#) (with rule 22)
- F2** Pt. 45 Section 3A inserted (31.7.2013) by [The Civil Procedure \(Amendment No.6\) Rules 2013 \(S.I. 2013/1695\)](#), rules 2, 7(16), [Sch.](#) (with rule 10)
- F3** Words in rule 45.29I(1) substituted (1.10.2014) by [The Civil Procedure \(Amendment No. 6\) Rules 2014 \(S.I. 2014/2044\)](#), rules 2, [7\(c\)\(i\)](#) (with rule 14)
- F4** Words in rule 45.29I(2) substituted (7.5.2018) by [The Civil Procedure \(Amendment No. 2\) Rules 2018 \(S.I. 2018/479\)](#), rules 1(1), [5\(i\)](#)
- F5** Rules 45.29I(2A)-(2E) inserted (1.10.2014) by [The Civil Procedure \(Amendment No. 6\) Rules 2014 \(S.I. 2014/2044\)](#), rules 2, [7\(c\)\(ii\)](#) (with rule 14)

- F6** Rule 45.29I(2A)(a) substituted (6.4.2015) by The Civil Procedure (Amendment No. 8) Rules 2014 (S.I. 2014/3299), rules 2(c), **10(f)(i)(aa)**
- F7** Words in rule 45.29I(2A)(b) inserted (6.4.2015) by The Civil Procedure (Amendment No. 8) Rules 2014 (S.I. 2014/3299), rules 2(c), **10(f)(i)(bb)**
- F8** Words in rule 45.29I(2B) substituted (6.4.2015) by The Civil Procedure (Amendment No. 8) Rules 2014 (S.I. 2014/3299), rules 2(c), **10(f)(ii)(aa)**
- F9** Words in rule 45.29I(2B)(c) substituted (6.4.2015) by The Civil Procedure (Amendment No. 8) Rules 2014 (S.I. 2014/3299), rules 2(c), **10(f)(ii)(bb)**
- F10** Rule 45.29I(2E) substituted (6.4.2015) by The Civil Procedure (Amendment No. 8) Rules 2014 (S.I. 2014/3299), rules 2(c), **10(f)(iii)**

Status:

Point in time view as at 07/05/2018. 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 45.29I.