
STATUTORY INSTRUMENTS

1998 No. 3132

The Civil Procedure Rules 1998

[^{F1}PART 48

**PART 2 OF THE LEGAL AID, SENTENCING AND PUNISHMENT
OF OFFENDERS ACT 2012 RELATING TO CIVIL LITIGATION
FUNDING AND COSTS: TRANSITIONAL PROVISION IN RELATION
TO PRE-COMMENCEMENT FUNDING ARRANGEMENTS**

- [^{F1}48.2.—(1)** A pre-commencement funding arrangement is—
- (a) in relation to proceedings other than insolvency-related proceedings, publication and privacy proceedings or a mesothelioma claim—
 - (i) a funding arrangement as defined by rule 43.2(1)(k)(i) where—
 - (aa) the agreement was entered into before 1 April 2013 specifically for the purposes of the provision to the person by whom the success fee is payable of advocacy or litigation services in relation to the matter that is the subject of the proceedings in which the costs order is to be made; or
 - (bb) the agreement was entered into before 1 April 2013 and advocacy or litigation services were provided to that person under the agreement in connection with that matter before 1 April 2013;
 - (ii) a funding arrangement as defined by rule 43.2(1)(k)(ii) where the party seeking to recover the insurance premium took out the insurance policy in relation to the proceedings before 1 April 2013;
 - (iii) a funding arrangement as defined by rule 43.2(1)(k)(iii) where the agreement with the membership organisation to meet the costs was made before 1 April 2013 specifically in respect of the costs of other parties to proceedings relating to the matter which is the subject of the proceedings in which the costs order is to be made;
 - (b) in relation to insolvency-related proceedings, publication and privacy proceedings or a mesothelioma claim—
 - (i) a funding arrangement as defined by rule 43.2(1)(k)(i) where—
 - (aa) the agreement was entered into before the relevant date specifically for the purposes of the provision to the person by whom the success fee is payable of advocacy or litigation services in relation to the matter that is the subject of the proceedings in which the costs order is to be made; or
 - (bb) the agreement was entered into before the relevant date and advocacy or litigation services were provided to that person under the agreement in connection with that matter before the relevant date;
 - (ii) a funding arrangement as defined by rule 43.2(1)(k)(ii) where the party seeking to recover the insurance premium took out the insurance policy in relation to the proceedings before the relevant date.

Status: Point in time view as at 06/04/2024.

Changes to legislation: There are currently no known outstanding effects for the The Civil Procedure Rules 1998, Section 48.2. (See end of Document for details)

- (2) In paragraph (1)—
- (a) “insolvency-related proceedings” means any proceedings—
- (i) in England and Wales brought by a person acting in the capacity of—
 - (aa) a liquidator of a company which is being wound up in England and Wales or Scotland under Parts IV or V of the Insolvency Act 1986; or
 - (bb) a trustee of a bankrupt’s estate under Part IX of the Insolvency Act 1986;
 - (ii) brought by a person acting in the capacity of an administrator appointed pursuant to the provisions of Part II of the Insolvency Act 1986;
 - (iii) in England and Wales brought by a company which is being wound up in England and Wales or Scotland under Parts IV or V of the Insolvency Act 1986; or
 - (iv) brought by a company which has entered administration under Part II of the Insolvency Act 1986;
- (b) “news publisher” means a person who publishes a newspaper, magazine or website containing news or information about or comment on current affairs;
- (c) “publication and privacy proceedings” means proceedings for—
- (i) defamation;
 - (ii) malicious falsehood;
 - (iii) breach of confidence involving publication to the general public;
 - (iv) misuse of private information; or
 - (v) harassment, where the defendant is a news publisher.
- (d) “a mesothelioma claim” is a claim for damages in respect of diffuse mesothelioma (within the meaning of the Pneumoconiosis etc. (Workers’ Compensation) Act 1979; and
- (e) “the relevant date” is the date on which sections 44 and 46 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 came into force in relation to proceedings of the sort in question.]

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)

Status:

Point in time view as at 06/04/2024.

Changes to legislation:

There are currently no known outstanding effects for the The Civil Procedure Rules 1998, Section 48.2.