
STATUTORY INSTRUMENTS

2001 No. 256

The Civil Procedure (Amendment) Rules 2001

Amendments to the Civil Procedure Rules 1998

16.—(1) In rule 48.8—

(a) for paragraph (1), substitute—

“(1) This rule applies to every assessment of a solicitor’s bill to his client except a bill which is to be paid out of the Community Legal Service Fund under the Legal Aid Act 1988⁽¹⁾ or the Access to Justice Act 1999⁽²⁾.”; and

(b) after paragraph (2), insert—

“(3) Where the court is considering a percentage increase, whether on the application of the legal representative under rule 44.16 or on the application of the client, the court will have regard to all the relevant factors as they reasonably appeared to the solicitor or counsel when the conditional fee agreement was entered into or varied.

(4) In paragraph (3), “conditional fee agreement” means an agreement enforceable under section 58 of the Courts and Legal Services Act 1990⁽³⁾ at the date on which that agreement was entered into or varied.”.

(2) Omit rule 48.9.

(1) 1988 c. 34.

(2) 1999 c. 22.

(3) 1990 c. 41. Section 58 was substituted by section 27 of the Access to Justice Act 1999 (c. 22) with effect from 1st April 2000 (the Access to Justice Act 1999 (Commencement No. 3, Transitional Provisions and Savings) Order 2000, S.I. 2000/774, and the Access to Justice Act 1999 (Transitional Provisions) Order 2000, S.I. 2000/900).