

SCHEDULE 1

PART II

III—FIXED PERCENTAGE INCREASE IN ROAD TRAFFIC ACCIDENT CLAIMS

Percentage increase of counsel's fees

45.17.—(1) Subject to rule 45.18, the percentage increase which is to be allowed in relation to counsel's fees is—

- (a) 100% where the claim concludes at trial;
- (b) if the claim has been allocated to the fast track—
 - (i) 50% if the claim concludes 14 days or less before the date fixed for the commencement of the trial; or
 - (ii) 12.5% if the claim concludes more than 14 days before the date fixed for the commencement of the trial or before any such date has been fixed;
- (c) if the claim has been allocated to the multi-track—
 - (i) 75% if the claim concludes 21 days or less before the date fixed for the commencement of the trial; or
 - (ii) 12.5% if the claim concludes more than 21 days before the date fixed for the commencement of the trial or before any such date has been fixed;
- (d) 12.5% where—
 - (i) the claim has been issued but concludes before it has been allocated to a track; or
 - (ii) in relation to costs-only proceedings, the dispute is settled before a claim is issued.

(2) Where a trial period has been fixed, if—

- (a) the claim concludes before the first day of that period; and
- (b) no trial date has been fixed within that period before the claim concludes,

the first day of that period is treated as the date fixed for the commencement of the trial for the purposes of paragraph (1).

(3) Where a trial period has been fixed, if—

- (a) the claim concludes before the first day of that period; but
- (b) before the claim concludes, a trial date had been fixed within that period,

the trial date is the date fixed for the commencement of the trial for the purposes of paragraph (1).

(4) Where a trial period has been fixed and the claim concludes—

- (a) on or after the first day of that period; but
- (b) before commencement of the trial,

the percentage increase in paragraph (1)(b)(i) or (1)(c)(i) shall apply as appropriate, whether or not a trial date has been fixed within that period.

(5) For the purposes of this rule, in calculating the periods of time, the day fixed for the commencement of the trial (or the first day of the trial period, where appropriate) is not included.