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STATUTORY INSTRUMENTS

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**2005 No. 2292**

**The Civil Procedure (Amendment No.3) Rules 2005**

**Amendment to the Civil Procedure Rules 1998**

**31.** In rule 27.14—

(a) after paragraph (2), insert—

“(2A) A party’s rejection of an offer in settlement will not of itself constitute unreasonable behaviour under paragraph (2)(d) but the court may take it into consideration when it is applying the unreasonableness test.

(Rule 36.2(5) allows the court to order Part 36 costs consequences in a small claim).”;

(b) in sub-paragraph (3)(c), after “loss of earnings”, insert “or loss of leave”; and

(c) for paragraph (5) substitute—

“(5) Where—

(a) the financial value of a claim exceeds the limit for the small claims track; but

(b) the claim has been allocated to the small claims track in accordance with rule 26.7(3),

the small claims track costs provisions will apply unless the parties agree that the fast track costs provisions are to apply.

(6) Where the parties agree that the fast track costs provisions are to apply, the claim will be treated for the purposes of costs as if it were proceeding on the fast track except that trial costs will be in the discretion of the court and will not exceed the amount set out for the value of claim in rule 46.2 (amount of fast track trial costs).”.