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STATUTORY INSTRUMENTS

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**2013 No. 1695**

**The Civil Procedure (Amendment No.6) Rules 2013**

**Amendments to the Civil Procedure Rules 1998**

7. In Part 45—

(1) In the index to the Part—

(a) for the entry for Section III, substitute—

“III THE PRE-ACTION PROTOCOLS FOR LOW VALUE PERSONAL INJURY CLAIMS IN ROAD TRAFFIC ACCIDENTS AND LOW VALUE PERSONAL INJURY (EMPLOYERS’ LIABILITY AND PUBLIC LIABILITY) CLAIMS”;

(b) in the entry for rule 45.17, after “costs” insert “and”;

(c) in the entry for rule 45.20, for “RTA Protocol” substitute “relevant Protocol”;

(d) after the entry for rule 45.23, insert—

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“Settlement before proceedings are issued under Stage 3	Rule 45.23A
Additional advice on value of claim	Rule 45.23B”;

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(e) in the entry for rule 45.24, for “RTA Protocol” substitute “relevant Protocol”; and

(f) after the entry for rule 45.29, insert—

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“IIIA CLAIMS WHICH NO LONGER CONTINUE UNDER THE RTA AND EL/PL PRE-ACTION PROTOCOLS – FIXED RECOVERABLE COSTS

Scope and interpretation	Rule 45.29A
Application of fixed costs and disbursements – RTA Protocol	Rule 45.29B
Amount of fixed costs – RTA Protocol	Rule 45.29C
Application of fixed costs and disbursements – EL/PL Protocol	Rule 45.29D
Amount of fixed costs – EL/PL Protocol	Rule 45.29E
Defendants’ costs	Rule 45.29F
Counterclaims under the RTA Protocol	Rule 45.29G
Interim applications	Rule 45.29H
Disbursements	Rule 45.29I
Claims for an amount of costs exceeding fixed recoverable costs	Rule 45.29J
Failure to achieve costs greater than fixed recoverable costs	Rule 45.29K
Costs of the costs-only proceedings or the detailed assessment	Rule 45.29L”.

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(2) In rule 45.9, in paragraph 3(b), after “Section III” insert “or Section IIIA”.

(3) For the heading to Section III, substitute—

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

*“The Pre-Action Protocols for Low Value Personal Injury Claims In Road Traffic Accidents and Low Value Personal Injury (Employers’ Liability and Public Liability) Claims.”.*

- (4) In rule 45.16—
  - (a) for “RTA Protocol”, in each place it occurs, substitute “relevant Protocol”;
  - (b) for the definition of “RTA Protocol”, substitute—
    - “The “relevant Protocol” means—
    - (a) the Pre-Action Protocol for Personal Injury Claims in Road Traffic Accidents (“the RTA Protocol”); or
    - (b) the Pre-action Protocol for Low Value Personal Injury Claims (Employers’ Liability and Public Liability) Claims (“the EL/PL Protocol”).”; and
  - (c) in paragraph (3), after “Claim Notification Form” insert “or Court Proceedings Pack”.
- (5) In rule 45.17—
  - (a) in subparagraph (b), at the end, for the full stop substitute “;and”; and
  - (b) after subparagraph (b), insert—
    - “(c) where applicable, fixed costs in accordance with rule 45.23A or 45.23B.”.
- (6) In rule 45.18—
  - (a) in paragraph (1), for “Table 6” substitute “Tables 6 and 6A”;
  - (b) in paragraph (2), for “Table 6” substitute “Tables 6 and 6A”;
  - (c) in paragraph (4), for “Table 1” substitute “Tables 6 or 6A”;
  - (d) in paragraph (5)(b), for “Table 6” substitute “Tables 6 or 6A”; and
  - (e) for Table 6 substitute—

**“Table 6**

Fixed costs in relation to the RTA Protocol			
Where the value of the claim for damages is not more than £10,000		Where the value of the claim for damages is more than £10,000, but not more than £25,000	
Stage 1 fixed costs	£200	Stage 1 fixed costs	£200
Stage 2 fixed costs	£300	Stage 2 fixed costs	£600
Stage 3 - Type A fixed costs	£250	Stage 3 - Type A fixed costs	£250
- Type B fixed costs	£250	- Type B fixed costs	£250
- Type C fixed costs	£150	- Type C fixed costs	£150

**Table 6A**

Fixed costs in relation to the EL/PL Protocol			
Where the value of the claim for damages is not more than £10,000		Where the value of the claim for damages is more than £10,000, but not more than £25,000	
Stage 1 fixed costs	£300	Stage 1 fixed costs	£300
Stage 2 fixed costs	£600	Stage 2 fixed costs	£1300

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Fixed costs in relation to the EL/PL Protocol					
Stage 3	- Type A fixed costs	£250	Stage 3	- Type A fixed costs	£250
	- Type B fixed costs	£250		- Type B fixed costs	£250
	- Type C fixed costs	£150		- Type C fixed costs	£150”.

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(7) In rule 45.19—

- (a) in paragraph (1)(a), for “paragraph (2)” substitute “paragraphs (2) or (3)”;
- (b) in paragraph (2)—
  - (i) for “The disbursements”, substitute, “In a claim to which either the RTA Protocol or EL/PL Protocol applies, the disbursements”;
  - (ii) in subparagraph (a)—
    - (aa) for sub-subparagraph (ii), substitute—

“(ii) a medical report or reports or non-medical expert reports as provided for in the relevant Protocol;”;

and
    - (bb) omit sub-subparagraphs (iii) and (iv); and
  - (iii) in subparagraph (d), at the end insert “and”; and
- (c) after paragraph (2), insert—

“(3) In a claim to which the RTA Protocol applies, 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.”.

(8) In rule 45.20, in the heading, for “RTA Protocol” substitute “relevant Protocol”.

(9) In rule 45.21—

- (a) in paragraph (1)(b), for “RTA Protocol” substitute “relevant Protocol”; and
- (b) in paragraph (6)(b), for “he” substitute “the”.

(10) In Rule 45.22, in paragraph (1)(c), for “RTA Protocol” substitute “relevant Protocol”.

(11) After rule 45.23, insert—

**“Settlement before proceedings are issued under Stage 3**

**45.23A.** Where—

- (a) there is a settlement after the Court Proceedings Pack has been sent to the defendant but before proceedings are issued under Stage 3; and
- (b) the settlement is more than the defendant’s relevant Protocol offer,

the fixed costs will include an additional amount equivalent to the Stage 3 Type A fixed costs.

**Additional advice on the value of the claim**

**45.23B.** Where—

- (a) the value of the claim for damages is more than £10,000;
- (b) an additional advice has been obtained from a specialist solicitor or from counsel;

- (c) that advice is reasonably required to value the claim,  
the fixed costs may include an additional amount equivalent to the Stage 3 Type C fixed costs.”.
- (12) In rule 45.24—
- (a) in the heading, for “RTA Protocol” substitute “relevant Protocol”;
  - (b) in paragraph (1), in subparagraph (a), for “RTA Protocol” substitute “relevant Protocol”;
  - (c) in paragraph (2)—
    - (i) for “RTA Protocol”, in each place it occurs, substitute “relevant Protocol”; and
    - (ii) in subparagraph (b)(ii), for “£10,000” substitute “£25,000”; and
  - (d) in paragraph (3)—
    - (i) for “7.22” substitute “7.28”;
    - (ii) after “RTA Protocol” insert “or paragraph 7.26 of the EL/PL Protocol”; and
    - (iii) for “that Protocol” substitute “the RTA Protocol or paragraph 7.17(2) or (3) of the EL/PL Protocol”.
- (13) In rule 45.25, for “RTA Protocol”, in each place it occurs, substitute “relevant Protocol”.
- (14) In rule 45.26, in the heading, for “RTA Protocol” substitute “relevant Protocol”.
- (15) In rule 45.28—
- (a) in the heading, after “Stage 1” insert “and Stage 2”;
  - (b) for “RTA Protocol” substitute “relevant Protocol”;
  - (c) after “Section II” insert “or Section IIIA”; and
  - (d) after “Stage 1” insert “and Stage 2”.
- (16) After rule 45.29, insert Section IIIA as set out in the Schedule to these Rules.