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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*Status: This is the original version (as it was originally made).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.