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STATUTORY INSTRUMENTS

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**2014 No. 3299**

**The Civil Procedure (Amendment No. 8) Rules 2014**

**Amendments to the Civil Procedure Rules 1998**

**5. In rule 21.12—**

(a) in paragraph (1)—

- (i) at the beginning, for “In” substitute “Subject to paragraph (1A), in”; and
- (ii) after “incurs”, insert “costs or”;

(b) after paragraph (1), insert—

“(1A) Costs recoverable under this rule are limited to costs incurred by or on behalf of a child by way of success fee under a conditional fee agreement or sum payable under a damages-based agreement in a claim for damages for personal injury where the damages agreed or ordered to be paid do not exceed £25,000.”;

(c) in paragraph (3)—

- (i) in the first line, for “the” substitute “this”;
- (ii) before “expenses”, insert “costs or”; and
- (iii) for the words in parentheses after the paragraph, substitute—

“(Costs and expenses which are also “costs” as defined in rule 44.1(1) are subject to rule 46.4(2) and (3).)”;

(d) in paragraph (4)—

- (i) before “expenses”, insert “costs or”; and
- (ii) after “rule 44.4(3)” insert “and rule 46.9”;

(e) in paragraph (5)—

- (i) before “expenses”, insert “costs or”; and
- (ii) before “expense”, insert “cost or”;

(f) in paragraph (6), at the beginning, for “Where” substitute “Subject to paragraph (7), where”; and

(g) after paragraph (6), insert—

“(7) The amount which the litigation friend may recover under paragraph (1) in respect of costs must not (in proceedings at first instance) exceed 25% of the amount of the sum agreed or awarded in respect of—

- (a) general damages for pain, suffering and loss of amenity; and
- (b) damages for pecuniary loss other than future pecuniary loss,

net of any sums recoverable by the Compensation Recovery Unit of the Department for Work and Pensions.

(8) Except in a case in which the costs payable to a child or protected party are fixed by these rules, no application may be made under this rule for a payment out of the money

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recovered by the child or protected party until the costs payable to the child or protected party have been assessed or agreed.”.