



Courts and Legal Services Act 1990

1990 CHAPTER 41

PART II

LEGAL SERVICES

Miscellaneous

^{F1}58A Conditional fee agreements: supplementary.

- (1) The proceedings which cannot be the subject of an enforceable conditional fee agreement are—
 - (a) criminal proceedings, a part from proceedings under section 82 of the ^{M1}Environmental Protection Act 1990; and
 - (b) family proceedings.
- (2) In subsection (1) “family proceedings” means proceedings under any one or more of the following—
 - (a) the ^{M2}Matrimonial Causes Act 1973;
 - (b) the ^{M3}Adoption Act 1976;
 - (c) the ^{M4}Domestic Proceedings and Magistrates’ Courts Act 1978;
 - (d) Part III of the ^{M5}Matrimonial and Family Proceedings Act 1984;
 - (e) Parts I, II and IV of the ^{M6}Children Act 1989;
 - (f) Part IV of the ^{M7}Family Law Act 1996; and
 - (g) the inherent jurisdiction of the High Court in relation to children.
- (3) The requirements which the [^{F2}Secretary of State] may prescribe under section 58(3) (c)—
 - (a) include requirements for the person providing advocacy or litigation services to have provided prescribed information before the agreement is made; and
 - (b) may be different for different descriptions of conditional fee agreements (and, in particular, may be different for those which provide for a success fee and those which do not).

Status: Point in time view as at 19/08/2003. This version of this provision has been superseded.

Changes to legislation: Courts and Legal Services Act 1990, Section 58A is up to date with all changes known to be in force on or before 30 April 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (4) In section 58 and this section (and in the definitions of “advocacy services” and “litigation services” as they apply for their purposes) “proceedings” includes any sort of proceedings for resolving disputes (and not just proceedings in a court), whether commenced or contemplated.
- (5) Before making an order under section 58(4), the [^{F2}Secretary of State] shall consult—
- (a) the designated judges;
 - (b) the General Council of the Bar;
 - (c) the Law Society; and
 - (d) such other bodies as he considers appropriate.
- (6) A costs order made in any proceedings may, subject in the case of court proceedings to rules of court, include provision requiring the payment of any fees payable under a conditional fee agreement which provides for a success fee.
- (7) Rules of court may make provision with respect to the assessment of any costs which include fees payable under a conditional fee agreement (including one which provides for a success fee).

Textual Amendments

- F1** Ss. 58, 58A substituted (1.4.2000) for s. 58 by 1999 c.22, s. 27(1) (with Sch. 14 para. 7(2)); S.I. 2000/774, art. 2(b) (with arts. 3-5)
- F2** Words in s. 58A substituted (19.8.2003) by The Secretary of State for Constitutional Affairs Order 2003 (S.I. 2003/1887), art. 9, Sch. 2 para. 8(1)(c) (with arts. 6, 8)

Modifications etc. (not altering text)

- C1** S. 58A(6)(7) excluded (1.4.2000) by S.I. 2000/900, art. 2(1)(a)(b)

Marginal Citations

- M1** 1990 c.43.
M2 1973 c.18.
M3 1976 c.36.
M4 1978 c.22.
M5 1984 c.42.
M6 1989 c.41.
M7 1996 c.27.

Status:

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Changes to legislation:

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