



Legal Aid, Sentencing and Punishment of Offenders Act 2012

2012 CHAPTER 10

PART 2

LITIGATION FUNDING AND COSTS

Payments for legal services in civil cases

44 Conditional fee agreements: success fees

- (1) In section 58 of the Courts and Legal Services Act 1990 (conditional fee agreements), in subsection (2)—
- (a) omit “and” after paragraph (a), and
 - (b) after paragraph (b) insert “and
 - (c) references to a success fee, in relation to a conditional fee agreement, are to the amount of the increase.”
- (2) After subsection (4) of that section insert—
- “(4A) The additional conditions are applicable to a conditional fee agreement which—
- (a) provides for a success fee, and
 - (b) relates to proceedings of a description specified by order made by the Lord Chancellor for the purposes of this subsection.
- (4B) The additional conditions are that—
- (a) the agreement must provide that the success fee is subject to a maximum limit,
 - (b) the maximum limit must be expressed as a percentage of the descriptions of damages awarded in the proceedings that are specified in the agreement,

Status: This is the original version (as it was originally enacted).

- (c) that percentage must not exceed the percentage specified by order made by the Lord Chancellor in relation to the proceedings or calculated in a manner so specified, and
 - (d) those descriptions of damages may only include descriptions of damages specified by order made by the Lord Chancellor in relation to the proceedings.”
- (3) In section 58A of that Act (conditional fee agreements: supplementary), in subsection (5) after “section 58(4)” insert “, (4A) or (4B)”.
- (4) For subsection (6) of that section substitute—
 - “(6) A costs order made in proceedings may not include provision requiring the payment by one party of all or part of a success fee payable by another party under a conditional fee agreement.”
- (5) In section 120(4) of that Act (regulations and orders subject to parliamentary approval) after “58(4),” insert “(4A) or (4B),”.
- (6) The amendment made by subsection (4) does not prevent a costs order including provision in relation to a success fee payable by a person (“P”) under a conditional fee agreement entered into before the day on which that subsection comes into force (“the commencement day”) if—
 - (a) the agreement was entered into specifically for the purposes of the provision to P of advocacy or litigation services in connection with the matter that is the subject of the proceedings in which the costs order is made, or
 - (b) advocacy or litigation services were provided to P under the agreement in connection with that matter before the commencement day.