

2000 No. 823

LEGAL SERVICES

The Conditional Fee Agreements Order 2000

Made - - - *20th March 2000*

Coming into force *1st April 2000*

The Lord Chancellor, in exercise of the powers conferred upon him by section 58(4)(a) and (c) of the Courts and Legal Services Act 1990(a), and all other powers enabling him in that behalf, having consulted in accordance with section 58A(5)(b) of that Act, makes the following Order, a draft of which has been laid before and approved by resolution of each House of Parliament:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Conditional Fee Agreements Order 2000 and shall come into force on 1st April 2000.

(2) In this Order “the Act” means the Courts and Legal Services Act 1990.

Revocation of 1998 Order

2. The Conditional Fee Agreements Order 1998(c) is revoked.

Agreements providing for success fees

3. All proceedings which, under section 58 of the Act, can be the subject of an enforceable conditional fee agreement, except proceedings under section 82 of the Environmental Protection Act 1990(d), are proceedings specified for the purposes of section 58(4)(a) of the Act.

Amount of success fees

4. In relation to all proceedings specified in article 3, the percentage specified for the purposes of section 58(4)(c) of the Act shall be 100%.

Dated 20th March 2000

Irvine of Lairg, C.

(a) 1990 c. 41. Section 58 was substituted by section 27(1) of the Access to Justice Act 1999 (c. 22).

(b) Section 58A was added by section 27(1) of the Access to Justice Act 1999 (c. 22).

(c) S.I. 1998/1860.

(d) 1990 c. 43.

EXPLANATORY NOTE

(This note is not part of the Order)

Under sections 58 and 58A of the Courts and Legal Services Act 1990, all proceedings may be the subject of an enforceable fee agreement except specified family proceedings and criminal proceedings other than those under section 82 of the Environmental Protection Act 1990. This Order specifies the proceedings to which a conditional fee agreement must relate if it is to provide for a success fee. These are all proceedings which may be the subject of a conditional fee agreement except criminal proceedings under section 82 of the Environmental Protection Act 1990.

Under section 58(4)(c) of the Courts and Legal Services Act 1990, the Order also sets a maximum success fee percentage of 100% for all conditional fee agreements which provide for such fees.

£1.00

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E 0403 03/00 ON (MFK)