

Contents

Preface

Table of Statutes

Table of Statutory Instruments

Table of European Legislation

Table of Cases

Part 1 Insurance

Chapter 1 Insurance Principles

1. Introduction to insurance principles	[1.1]
2. Statutory provisions	[1.2]
3. Requirements of the policy	[1.12]
4. Breach of statutory duty to insure.....	[1.31]
(a) Implied indemnity	[1.36]
(b) Policy avoided	[1.37]
(c) Motor Insurers' Bureau not a defence.....	[1.38]
(d) Damage not result of breach.....	[1.40]
5. Certificate of insurance.....	[1.41]
(a) Cover note	[1.46]
(b) Temporary cover note	[1.51]
(c) Ineffective restrictions in policy.....	[1.52]
Passengers	[1.53]
(d) Certificate does not enlarge policy.....	[1.54]

Chapter 2 Coverage

1. Issue of the policy – general principles.....	[2.1]
(a) The proposal form	[2.1]
Duty to disclose material facts	[2.2]
Definition of materiality	[2.3]
Examples of materiality.....	[2.4]
(b) Non-disclosure – void or voidable.....	[2.31]
(c) Waiver of materiality.....	[2.34]
(d) Mutual mistake	[2.39]
(e) Policy interpretation.....	[2.40]
Contra preferens	[2.40]
Eiusdem generis	[2.42]
Continuing warranty	[2.44]
Assured as a third party	[2.48]
Goods in trust	[2.50]
False representation	[2.55]

Contents

Admission in breach of policy condition.....	[2.56]
Written words in printed document.....	[2.57]
(f) Words and phrases commonly found in policies	[2.58]
Age of insured	[2.58]
Meaning of 'garage'	[2.59]
Civil commotion – riot.....	[2.60]
Influence of intoxicating liquor	[2.61]
'Loss or damage' – unauthorised driver	[2.64]
Lorry – includes removed engine.....	[2.65]
Motor car	[2.66]
Personal luggage	[2.68]
2. Limits of cover	[2.68]
(a) Definition of driver	[2.68]
Servant driving	[2.71]
Driver retaining control when teaching.....	[2.75]
Paid driver	[2.76]
Disqualified driver	[2.76]
Driver not in employ.....	[2.77]
Named driver	[2.80]
Driver in 'insured's employ'	[2.81]
(b) Definition of driving.....	[2.82]
Driving 'with consent'	[2.82]
Driving 'with permission'	[2.85]
Unaccompanied provisional licence holder.....	[2.90]
Unqualified employee of limited company.....	[2.91]
Repairer driving.....	[2.93]
Definition of driver/more than one driver	[2.94]
(c) Using a motor vehicle	[2.102]
Sale of business to new company	[2.103]
Description of use clause	[2.104]
Use for hire or reward.....	[2.115]
Private hire.....	[2.118]
Social, domestic and pleasure purposes.....	[2.119]
Vehicle not being driven	[2.132]
Local authority	[2.137]
Trailers attached	[2.138]
Towing/drawing a trailer	[2.140]
No heavy goods vehicle licence	[2.141]
Hired vehicle	[2.142]
Crown servant – private use	[2.143]
Vehicle sold	[2.144]
Car hirers' policy	[2.148]
Vehicle bought on approval	[2.153]
Causing or permitting	[2.154]
3. Breach of condition	[2.176]
(a) Onus of proof	[2.176]
(b) Breach.....	[2.178]
Condition of vehicle.....	[2.178]
(c) Duty to notify insurers	[2.187]
'Detailed particulars'	[2.187]
'As soon as possible'	[2.188]

Impossibility of compliance	[2.191]
(d) Repugnancy of conditions	[2.192]
4. Avoidance of liability	[2.199]
(a) Duty of insurers to satisfy judgments	[2.199]
(b) Notice to insurers	[2.209]
Counterclaim: notice	[2.215]
No notice must be pleaded	[2.216]
(c) Declaration proceedings	[2.218]
Rights limited to notice	[2.115]
Delay in declaration action.....	[2.222]
Declaration action: position of the MIB.....	[2.223]
Disclosure of documents.....	[2.224]
Liability covered by the terms of the policy	[2.225]
(d) Declaration as to no liability	[2.229]
5. Double insurance	[2.230]
(a) Pro-rata contribution clause.....	[2.232]
(b) Non-contribution clause	[2.234]
(c) Breach of condition of the policy	[2.239]
6. The Fourth Motor Insurance Directive and the Third Parties (Rights against Insurers) Act 1930	[2.241]
7. Excess clause	[2.242]
8. Knock-for-knock agreement.....	[2.243]
9. Motor repairs and repairers	[2.247]
(a) Indemnity or insurance.....	[2.250]
(b) Contrary decisions	[2.252]
10. Brokers and agents	[2.255]
(a) Broker's negligence.....	[2.255]
(b) Broker not liable to insured	[2.261]
(c) Agent is agent of proposer.....	[2.263]
(d) The broker's implied authority to bind insurers.....	[2.269]
11. Consumer insurance contracts	[2.270]
(a) Consumer Insurance (Disclosure And Representations) Act 2012.....	[2.270]
Introduction	[2.270]
Specific application to motor insurance law (England and Wales).....	[2.271]
Consumers' duties to insurers under the 2012 Act.....	[2.272]
Insurers' remedies for misrepresentations	[2.273]
Declarations under section 152 of the Road Traffic Act 1988	[2.274]
12. Non-consumer insurance contracts	[2.275]
(a) Insurance Act 2015	[2.275]
Introduction	[2.275]
Duty of fair presentation	[2.276]
Breach of the duty of fair presentation	[2.277]
Remedies.....	[2.278]
Warranties, 'suspensive conditions' and policy terms	[2.279]

Chapter 3 Motor Insurers' Bureau

1. Background to the Motor Insurers' Bureau.....	[3.1]
(a) The European Directives	[3.1]

(b) Compensation for the victims of uninsured drivers.....	[3.2]
(c) The other major safety net for victims: sections 151 and 152 of the Road Traffic Act 1988	[3.3]
(d) Future developments	[3.4]
2. The Uninsured Drivers Agreements.....	[3.5]
(a) Generally	[3.5]
(b) Commentary on the Agreements	[3.6]
Clause 1: Interpretation and definitions	[3.6]
Clause 3: MIB's obligation to satisfy claims	[3.7]
Clauses 4 to 10: Exceptions.....	[3.8]
Clause 11: Compensation for damage to property.....	[3.14]
Clause 12: Form of application.....	[3.15]
Clause 13: Joinder and notice of relevant proceedings	[3.16]
Clause 14: Prosecution of proceedings.....	[3.20]
Clause 22: Agents	[3.21]
(c) The Uninsured Drivers' Agreement 2015	[3.22]
Introduction	[3.22]
Notice provisions.....	[3.23]
Passenger claims	[3.24]
Terrorism exclusion.....	[3.25]
Subrogated claims.....	[3.26]
Limitation on the MIB's obligations	[3.27]
Recovery rights.....	[3.28]
3. Case summaries	[3.29]
(a) Service of proceedings, joinder and limitation	[3.29]
(b) Proper notice.....	[3.38]
(c) Passenger claims	[3.42]
(d) Deliberate injury	[3.54]
(e) Interim payments	[3.57]
(f) Untraced drivers	[3.59]
(g) Suing possible joint tortfeasor – clause 14	[3.67]
(h) Status of the MIB	[3.68]
4. 'Domestic regulations'/Article 75 insurers.....	[3.70]
(a) Background	[3.70]
(b) The terms of Article 75	[3.71]
5. The Untraced Drivers Agreements.....	[3.72]
(a) Introduction	[3.72]
(b) Commentary on the Agreements	[3.73]
Introduction	[3.73]
MIB's claim form.....	[3.74]
Compensation and interest	[3.75]
Loss of earnings.....	[3.76]
Exceptions (other than 'passenger claims')	[3.77]
Joint (and insured) tortfeasors	[3.78]
Conditions precedent to MIB's liability.....	[3.79]
Rejection of claims.....	[3.80]
Appeal	[3.81]
Costs	[3.82]
Protected parties	[3.83]
(c) Text of Agreement dated 7 February 2003.....	[3.84]

(d) Text of Supplementary Agreement dated 30 December 2008	[3.85]
---	--------

Part 2 Liability

Chapter 4 General Principles of Negligence

1. The tort of negligence	[4.1]
2. The duty of care	[4.2]
(a) General	[4.2]
(b) Foreseeability.....	[4.13]
(c) Proximity	[4.25]
(d) Fair, just and reasonable.....	[4.31]
3. Breach	[4.46]
4. Causation.....	[4.55]
(a) Causation of injury	[4.56]
(b) Novus actus interveniens	[4.68]
Intervening act.....	[4.68]
Negligent treatment	[4.80]
Subsequent injury/disease	[4.88]
(c) Apportionment	[4.91]
5. Contribution between tortfeasors	[4.99]
(a) Civil Liability (Contribution) Act 1978	[4.100]
(b) Case law	[4.103]

Chapter 5 Vicarious Liability

1. Liability for employers	[5.1]
(a) Who is an employee?	[5.1]
(b) Who is the employer?	[5.11]
2. Liability of employer.....	[5.19]
(a) Scope of employment	[5.20]
(b) Pre-Lister cases	[5.41]
(c) Vicarious liability under the Protection from Harassment Act 1997	[5.50]
3. Owner's liability for driver	[5.53]
(a) Prima facie liability	[5.53]
(b) Owner in car	[5.56]
(c) Owner not in car	[5.60]
Loan of car	[5.60]
Driving on owner's business	[5.65]
Responsibility of spouse	[5.69]
Principal not the owner of vehicle	[5.72]

Chapter 6 Res Ipsa Loquitur

1. The doctrine.....	[6.1]
2. Vehicle collisions – inference of negligence.....	[6.14]
3. Events implying negligence	[6.21]
(a) Vehicles overlapping pavement.....	[6.21]
(b) Tyre bursting	[6.25]
(c) Other circumstances implying negligence	[6.28]

Chapter 7 Defences	
1. Act of God.....	[7.1]
2. Inevitable accident/agony of the moment.....	[7.6]
3. Involuntary act	[7.12]
(a) Driver overcome by illness/death.....	[7.12]
(b) Driver overcome by sleep	[7.15]
(c) State of automatism	[7.17]
(d) Epilepsy	[7.24]
4. Volenti non fit injuria.....	[7.26]
(a) The maxim.....	[7.26]
(b) Drunken driver	[7.39]
(c) Rescue cases	[7.42]
5. Ex turpi causa non oritur actio	[7.45]
6. Contributory negligence	[7.60]
(a) Introduction	[7.60]
(b) Law Reform (Contributory Negligence) Act 1945	[7.61]
(c) Examples of contributory negligence	[7.62]
(d) 100% contributory negligence	[7.69]
7. Res judicata.....	[7.70]
(a) Two actions, same accident	[7.72]
(b) Scope of doctrine.....	[7.78]
8. Estoppel.....	[7.86]
Chapter 8 Fraud	
1. Professional obligations.....	[8.1]
(a) Duty of proving the fraud	[8.1]
(b) Obligations when pleading	[8.2]
(c) Wasted costs orders.....	[8.12]
2. Standard/burden of proof.....	[8.14]
(a) Civil standard of proof.....	[8.14]
(b) Burden of proof remains with the claimant.....	[8.15]
3. Collateral fraud – first-party claims.....	[8.19]
4. Collateral fraud – third-party claims	[8.24]
5. Exaggeration – including fundamental dishonesty	[8.33]
(a) Introduction	[8.33]
(b) First-party claims and exaggeration.....	[8.34]
(c) Third-party claims and exaggeration	[8.36]
(d) Fundamental dishonesty	[8.39]
Qualified one-way costs shifting (QOCS).....	[8.40]
Section 57 of the Criminal Justice and Courts Act 2015 ...	[8.46]
6. Low velocity/low speed impact whiplash claims.....	[8.51]
7. Contempt of court	[8.57]
8. Ex turpi causa	[8.68]
9. Deliberate act	[8.75]
10. Experts	[8.77]
(a) Use of experts.....	[8.77]
(b) Expert's duty to court	[8.81]
(c) Credibility of experts	[8.82]
11. Fraud costs.....	[8.86]
(a) Generally	[8.86]
(b) Conduct	[8.97]

Contents	
12. Fraud remedies and criminal consequences/private prosecutions	[8.101]
(a) Tort of deceit.....	[8.101]
(b) Exemplary damages	[8.102]
(c) Recovery after judgement given	[8.109]
(c) Private prosecutions	[8.110]
Chapter 9 Liability of Road Users	
1. The Highway Code.....	[9.1]
2. Obstructing the highway	[9.2]
3. Special roads	[9.12]
(a) Motorway	[9.12]
4. Learner drivers	[9.13]
Chapter 10 Driving, Manoeuvring and Parking	
1. Finding of liability in motor cases	[10.2]
2. Overtaking	[10.5]
(a) U-turns and three-point turns	[10.14]
3. Speed	[10.20]
(a) Speed tables.....	[10.21]
(b) Speed and negligence.....	[10.22]
(c) Police vehicles and fire engines.....	[10.35]
4. Skidding.....	[10.56]
(a) General.....	[10.56]
(b) Racing competitions.....	[10.60]
5. Leading and following vehicle.....	[10.68]
6. Signalling and turning	[10.77]
(a) Overtaking turning vehicle	[10.77]
(b) Turning out of minor road	[10.81]
(c) Turning into minor road.....	[10.92]
(d) Brake lights and hand signals.....	[10.95]
(e) Misleading signals.....	[10.96]
(f) Travelling in the wrong lane	[10.98]
7. Lighting of vehicles	[10.101]
(a) Lights on vehicles	[10.101]
(b) Failure of lights	[10.104]
(c) Ill-lit lorry across highway	[10.106]
(d) Unlighted vehicle on road.....	[10.109]
8. Negligent parking/opening door of vehicle	[10.113]
9. Traffic lights	[10.124]
(a) Vehicle crossing against red light.....	[10.125]
(b) Duty of drivers when lights changing	[10.128]
(c) Presumption that lights are working correctly	[10.132]
(d) Lights not working correctly	[10.134]
10. Traffic signs	[10.136]
(a) Regulations	[10.136]
(b) Traffic entering major road from minor road	[10.140]
(c) Crossroads collision	[10.145]
(d) White lines and dotted lines.....	[10.153]
11. Helmets	[10.161]
(e) Claimant motorcyclist not wearing a crash helmet	[10.161]

Contents

(f) Claimant cyclist not wearing a crash helmet	[10.163]
Chapter 11 Pedestrians	
1. Drivers.....	[11.1]
(a) Driver not liable	[11.1]
(b) Contributory negligence	[11.18]
(c) Driver at fault	[11.35]
2. Pedestrian crossings/zebra crossings	[11.42]
(a) The statutory regulations.....	[11.43]
Road Traffic Regulation Act 1984, s 25	[11.44]
Zebra, Pelican and Puffin Pedestrian Crossings Regulations and General Directions 1997, SI 1997/2400, reg 25	[11.44]
(b) Driver not liable	[11.50]
(c) Contributory negligence	[11.51]
(d) Driver at fault	[11.55]
3. Traffic lights (push button controlled crossings).....	[11.56]
(a) The statutory regulations.....	[11.56]
(b) Driver not liable	[11.58]
(c) Contributory negligence	[11.63]
(d) Driver at fault	[11.66]
4. School crossings.....	[11.71]
(a) The statutory regulations.....	[11.71]
Road Traffic Regulation Act 1984, ss 26 and 28.....	[11.72]
Traffic Signs Regulations and General Directions 2002, SI 2002/3113, reg 50	[11.74]
(b) Duty of traffic patrol officer	[11.75]
Chapter 12 Liability of Children	
1. Child not negligent	[12.1]
2. Negligence of children.....	[12.8]
(a) Contributory negligence	[12.8]
(b) Driver not at fault	[12.20]
3. Booster seats	[12.31]
Chapter 13 Passengers	
1. General liability to, and of, passengers	[13.1]
(a) Duty to passengers.....	[13.1]
2. Contributory negligence	[13.5]
(a) When drivers affected by drink	[13.8]
(b) Seat belt.....	[13.20]
Froom v Butcher.....	[13.20]
Road Traffic Act 1988, ss 14 and 15.....	[13.27]
3. Contracting out of liability	[13.32]
(a) Public Passenger Vehicles Act 1981	[13.32]
(b) Exclusion of passenger liability ineffective	[13.34]
Road Traffic Act 1988, s 149	[13.34]
4. Passengers on public transport.....	[13.35]
(a) Duty of driver	[13.35]
(b) Passengers injured en route.....	[13.45]

Chapter 14 Defective Vehicles

1. Statutory duties	[14.1]
(a) Road Traffic Act 1988, s 41	[14.1]
(b) Road Vehicles (Construction and Use) Regulations 1986, SI 1986/1078.....	[14.2]
(c) MOT inspection	[14.5]
2. Defendant liability	[14.9]
3. Manufacturer/repairer/seller liable	[14.12]
(a) Statutory regulations.....	[14.12]
Consumer Protection Act 1987	[14.13]
Consumer Protection from Unfair Trading Regulations 2008, SI 2008/1277	[14.17]
(b) Latent defect	[14.23]
4. Defendant not liable.....	

Chapter 15 Highways

1. Definition of a highway.....	[15.1]
(a) The statutory definition.....	[15.1]
(b) Common law.....	[15.2]
(c) The adoption of highways	[15.3]
2. The Highways Act 1980	[15.4]
(a) Application of section 41	[15.4]
Definition.....	[15.4]
Nature of duty	[15.5]
Snow and ice	[15.14]
Flooding.....	[15.18]
Signs and visibility	[15.21]
(b) Statutory defence	[15.28]
Definition.....	[15.28]
Application	[15.29]
Section 58 and utility companies.....	[15.31]
3. Negligent repair	[15.32]
4. Common law.....	[15.33]
(a) General	[15.33]
(b) Danger introduced to the highway	[15.34]
(c) Construction of highway	[15.39]
(d) Road signs	[15.41]
Dangerous position of road signs	[15.43]
(e) Lighting	[15.44]
(f) Obstructions to visibility	[15.46]
(g) Other dangers.....	[15.49]
5. New Roads and Street Works Act 1991	[15.58]
(a) Reinstatement.....	[15.60]
Guarantee period	[15.63]

Chapter 16 Nuisance, Level Crossings and Trees

1. Meaning of nuisance	[16.1]
(a) Public nuisance	[16.1]
(b) What constitutes a nuisance?	[16.2]
2. Highway nuisances	[16.11]
3. Level crossings.....	[16.12]

Contents

(a) Public crossings	[16.12]
Nature of protection of public crossings	[16.12]
(b) Private crossings	[16.13]
4. Trees.....	[16.22]
(a) General.....	[16.22]
(b) Vehicles colliding with trees.....	[16.29]

Chapter 17 Animals on Highway

1. Introduction to animals on highways	[17.1]
2. Statutory provisions	[17.2]
(a) Animals Act 1971	[17.2]
(b) Dangerous Dogs Act 1991	[17.3]
(c) Dangerous Dogs (Amendment) Act 1997	[17.4]
(d) Road Traffic Act 1988	[17.5]
3. Case law	[17.6]
(a) Negligence.....	[17.6]
(b) Animals Act 1971.....	[17.38]
Animals Act 1971, s 2(1)	[17.38]
Animals Act 1971, s 2(2)	[17.39]
Animals Act 1971, s 5	[17.62]
Animals Act 1971, s 8	[17.66]

Part 3 Procedure**Chapter 18 Limitation**

1. Background.....	[18.1]
2. Limitation Act 1980.....	[18.2]
(a) Actions in respect of wrongs causing personal injuries or death	[18.3]
3. Calculating the period.....	[18.12]
(a) When time begins to run: section 14 ‘date of knowledge’	[18.12]
(b) Limitation defence	[18.43]
(c) Persons under a disability	[18.46]
4. Extending the statutory period.....	[18.50]
(a) Limitation Act 1980, s 33	[18.50]
(b) Discretion exercised in the claimant’s favour.....	[18.60]
(c) Discretion exercised in the defendant’s favour	[18.68]
(d) Fatal accidents	[18.77]
5. New claims in pending action.....	[18.78]
(a) Limitation Act 1980, s 35	[18.78]
6. Commencing second action out of time.....	[18.96]
7. Third party cases	[18.102]
(a) Limitation Act 1980, s 10	[18.102]
8. Waiver of limitation defence	[18.108]
9. Fraud.....	[18.112]
(a) Limitation Act 1980, s 32	[18.112]
10. The Latent Damage Act 1986.....	[18.119]
11. Pre-Action Protocols for Low Value Personal Injury Claims in Road Traffic Accidents and Low Value Personal Injury (Em-	

ployers’ Liability and Public Liability) Claims	[18.125]
---	----------

Chapter 19 Introduction to Civil Procedure

1. Introduction	[19.1]
(a) Overview	[19.1]
(b) A note on the format of Chapters 19 to 35	[19.2]
2. Pre-Action Protocol for Personal Injury Claims	[19.3]
(a) Text of the Protocol	[19.3]
(b) Text of Practice Direction – Pre-Action Conduct and Protocols	[19.4]
(c) Flow chart summary	[19.5]
3. The Civil Procedure Rules	[19.7]
(a) The overriding objective	[19.7]
CPR 1.1 – The overriding objective.....	[19.7]
CPR 1.2 – Application by the court of the overriding objective.....	[19.9]
CPR 1.3 – Duty of the parties	[19.10]
CPR 1.4 – Court’s duty to manage cases	[19.13]
(b) Application of the overriding objective in practice.....	[19.14]
Relevance of pre-CPR authorities	[19.14]
Parties on an equal footing.....	[19.16]
Saving expense	[19.18]
Proportionality	[19.21]
Dealing with cases expeditiously and fairly	[19.23]
Allocating the court’s resources	[19.28]
The overriding objective and human rights	[19.29]
Encouraging alternative dispute resolution	[19.32]
(c) Application of the Rules.....	[19.35]
CPR 2.1 – Application of the rules.....	[19.35]
(d) Judges	[19.36]
CPR 2.4 – Powers of judge, master or district judge to perform functions of the court	[19.36]
CPR 2.4A – Jurisdiction of the County Court exercisable by a legal adviser	[19.37]
(e) Court staff	[19.38]
CPR 2.5 – Court staff	[19.38]
(f) Calculation of time	[19.39]
CPR 2.8 – Time	[19.39]
CPR 2.9 – Dates for compliance to be calendar dates and to include time of day	[19.42]
CPR 2.10 – Meaning of ‘month’ in judgments, etc.	[19.43]
(g) Varying time limits	[19.44]
CPR 2.11 – Time limits may be varied by parties	[19.44]
(h) Conflict between the CPR and Practice Directions	[19.46]
The general rule – CPR to prevail over Practice Directions	[19.46]
The general rule must be applied in accordance with the overriding objective	[19.48]
4. Case and cost management	[19.49]
(a) Court’s powers	[19.49]
CPR 3.1 – The court’s general powers of case management	[19.49]
(b) Court order	[19.55]

CPR 3.3 – The court's power to make an order of its own initiative	[19.55]
(c) Striking out	[19.56]
CPR 3.4 – The court's power to strike out a statement of case	[19.56]
(d) Sanctions.....	[19.60]
CPR 3.7 – Sanctions for non payment of certain fees	[19.60]
CPR 3.7A1 – Sanctions for non-payment of the trial fee by the claimant.....	[19.61]
CPR 3.7A – Sanctions for non-payment of certain fees by the defendant.....	[19.62]
CPR 3.7AA – Sanctions for non-payment of the trial fee by the defendant, where proceedings continue on the counterclaim alone.....	[19.63]
CPR 3.8 – Sanctions have effect unless defaulting party obtains relief	[19.64]
(e) Applying for relief from sanctions	[19.66]
CPR 3.9 – Relief from sanctions	[19.66]
Relief from sanctions	[19.67]
(f) The court's power to rectify errors	[19.97]
CPR 3.10 – General power of the court to rectify matters where there has been an error of procedure	[19.97]
5. Statements of truth	[19.100]
(a) What is a statement of truth?	[19.100]
CPR 22.1(4)–(6) – Documents to be verified by a statement of truth.....	[19.100]
(b) Documents which require a statement of truth.....	[19.101]
CPR 22.1(1)–(3) – Documents to be verified by a statement of truth.....	[19.101]
(c) Who may sign a statement of truth	[19.102]
(d) Effect of failure to sign a statement of truth	[19.104]
CPR 22.2 – Failure to verify a statement of case.....	[19.104]
CPR 22.3 – Failure to verify a witness statement	[19.105]
CPR 22.4 – Power of the court to require a document to be verified	[19.106]
(e) Advancing alternative cases	[19.107]
(f) Form of the statement of truth.....	[19.110]
Chapter 20 The MOJ Process	
1. Introduction to the MOJ process	[20.1]
(a) Overview	[20.1]
(b) Communication	[20.2]
(c) Time limits	[20.3]
(d) Exit from the MOJ process.....	[20.4]
(e) Fixed costs	[20.12]
(f) Limitation	[20.14]
2. Stage 1	[20.16]
(a) Overview	[20.16]
(b) Claim notification form (CNF).....	[20.17]
(c) Response from insurer.....	[20.23]
(d) Admission of liability	[20.27]

(e) Liability arguments	[20.32]
(f) Pre-medical (pre-med) offers	[20.33]
(g) Exit at Stage 1.....	[20.34]
3. Stage 2.....	[20.35]
(a) Obtaining medical evidence	[20.35]
(b) The Stage 2 settlement pack and service	[20.36]
(c) Interim payment request.....	[20.37]
(d) Offers – making and acceptance of	[20.40]
(e) Withdrawal of offers	[20.51]
(f) Settlement in Stage 2.....	[20.54]
(g) Vehicle related damage	[20.55]
(h) Original and additional damages – what next?.....	[20.56]
(i) Unsuitable claims – ‘too complex’	[20.57]
(j) The Court Proceedings Pack	[20.61]
(k) Non-settlement payment by the defendant at the end of Stage 2	[20.62]
4. Stage 3	[20.68]
(a) Modified Part 8 proceedings.....	[20.69]
(b) Withdrawal of offer	[20.72]
(c) Stage 3 hearing	[20.73]
(d) Assessment of damages	[20.74]
(e) Stage 3 fixed costs	[20.80]
Chapter 21 Protected Parties	
1. Introduction	[21.1]
2. Claimants.....	[21.2]
(a) Children and protected parties	[21.2]
CPR Pt 21 – Children and protected parties: the litigation friend.....	[21.2]
Agreement with child or protected party not binding until approved by the court	[21.3]
(b) Executors and administrators.....	[21.14]
(c) Miscellaneous matters	[21.15]
Duty to remain contactable	[21.15]
Defendant's duty to claimant in person	[21.16]
(d) Vexatious litigants.....	[21.17]
CPR 2.3(1) – Interpretation	[21.17]
CPR 3.11 – Power of the court to make civil restraint orders	[21.18]
Practice Direction 3C – Civil Restraint Orders	[21.19]
Court's powers to impose restraint orders.....	[21.20]
(e) Group litigation.....	[21.32]
CPR 19.10 – Definition	[21.32]
CPR 19.11 – Group Litigation Order	[21.33]
CPR 19.12 – Effect of the GLO	[21.34]
CPR 19.13 – Case management	[21.35]
CPR 19.14 – Removal from the register	[21.36]
CPR 19.15 – Test claims	[21.37]
3. Defendants	[21.41]
(a) Direct right of action against insurance company	[21.41]
Motor claims and the European Motor Insurance	

Directives	[21.41]
Third Parties (Rights Against Insurers) Act 1930.....	[21.45]
Third Parties (Rights Against Insurers) Act 2010.....	[21.47]
(b) Companies	[21.51]
Companies Act 1985, s 651.....	[21.51]
Companies Act 1985, s 653.....	[21.54]
(c) Estate of deceased tortfeasor.....	[21.57]
Practice Direction 7A, paragraph 5.5	[21.57]
Procedure agreed between the Official Solicitor and the Motor Insurers' Bureau, as approved by the Senior Master on 11 March 2003	[21.58]
Official Solicitor	[21.59]
(d) The Crown.....	[21.60]
CPR Pt 66 – Crown proceedings.....	[21.60]
Crown Proceedings Act 1947, ss 2 and 4	[21.61]
(e) The armed forces	[21.62]
Practice Direction 6A, paragraph 5	[21.62]
4. Representative actions	[21.63]
CPR 19.6 – Representative parties with same interest.....	[21.64]
CPR 19.7 – Representation of interested parties who cannot be ascertained.....	[21.65]
CPR 19.8 – Death	[21.67]
CPR 19.8A – Power to make judgments binding on non-parties	[21.68]
CPR 19.9 – Derivative claims	[21.70]
5. Additional parties	
Chapter 22 Issuing Proceedings	
1. Overview	[22.1]
Procedural table.....	[22.1]
Introduction	[22.2]
2. Starting proceedings	[22.3]
(a) The claim form.....	[22.3]
CPR 7.2 – How to start proceedings	[22.10]
CPR 7.3 – Right to use one claim form to start two or more claims.....	[22.11]
(b) Contents of the claim form.....	[22.11]
CPR 16.2 – Contents of the claim form.....	[22.15]
Practice Direction 16, paragraph 2	[22.16]
(c) Statement of value	[22.16]
CPR 16.3 – Statement of value to be included in the claim form	[22.18]
(d) Where to start proceedings	[22.19]
Practice Direction 7A, paragraphs 2 and 4A	[22.20]
CPR 7.12 – Electronic issue of claims.....	[22.21]
CPR 7.10 – Production Centre for claims	[22.22]
3. Particulars of claim	[22.22]
(a) Contents of the particulars of claim	[22.22]
CPR 16.4 – Contents of the particulars of claim	[22.22]
‘Concise statement of facts’	[22.23]
Interest.....	[22.25]

(b) Matters which must be included in the particulars of claim in certain types of claim	[22.26]
Practice Direction 16, paragraphs 4 and 5	[22.26]
(c) Matters which must be specifically set out in the particulars of claim if relied on	[22.27]
Practice Direction 16, paragraph 8	[22.27]
CPR 16.8 – Court’s power to dispense with statements of case	[22.28]
4. Alternative procedure under CPR Pt 8.....	[22.30]
(a) Claims where Part 8 procedure may be used.....	[22.30]
CPR 8.1 – Types of claim in which Part 8 procedure may be followed	[22.30]
Practice Direction 8, paragraph 3.....	[22.31]
Practice Direction 8, paragraph 1.1.....	[22.32]
(b) Issue of a Part 8 claim	[22.34]
CPR 8.2 – Contents of the claim form	[22.34]
CPR 8.2A – Issue of claim form without naming defendants	[22.35]
CPR 8.5 – Filing and serving written evidence	[22.37]
Chapter 23 Service	
1. Service generally	[23.1]
(a) An overview	[23.1]
(b) Service of documents generally, including the claim form	[23.2]
CPR 6.3 – Methods of service (claim forms)	[23.2]
CPR 6.20 – Methods of service (general)	[23.3]
CPR 6.5 – Personal service (claim forms)	[23.4]
CPR 6.22 – Personal service (general)	[23.6]
How service is effected by post, an alternative service provider or DX.....	[23.7]
CPR 6.3 – Service on a company (claim forms)	[23.13]
CPR 6.20 – Service on a company (general)	[23.15]
CPR 6.13 – Service of the claim form on children and protected parties	[23.16]
CPR 6.25 – Service on children and protected parties (general)	[23.17]
CPR 6.4 – Who is to serve the claim form	[23.18]
CPR 6.21 – Who is to serve (general)	[23.19]
(c) Address for service	[23.20]
CPR 6.8 – Service of the claim form where before service the defendant gives an address at which the defendant may be served	[23.20]
CPR 6.9 – Service of the claim form where the defendant does not give an address at which the defendant may be served	[23.21]
CPR 6.23 – Address for service to be given after proceedings are started (general)	[23.22]
Practice Direction 6A, paragraph 5.1	[23.23]
CPR 6.6 – Where to serve the claim form – general provisions	[23.26]
CPR 6.7 – Service on a solicitor or European Lawyer	

Contents

within the United Kingdom or in any other EEA state.....	[23.27]
Document to be served must be sent to the address given for service	[23.28]
Service on a solicitor.....	[23.30]
Party to be served must be in the jurisdiction.....	[23.39]
Meaning of 'last known residence' and 'last known place of business'	[23.42]
2. Deemed service.....	[23.48]
CPR 6.14 – Deemed service (claim form).....	[23.48]
CPR 6.26 – Deemed service (general)	[23.49]
(a) Deemed date of service not rebuttable by evidence of ac- tual date of service.....	[23.50]
3. Service by an alternative method.....	[23.53]
(a) Service by an alternative method or at an alternative place.	[23.53]
4. Dispensing with service	[23.62]
(a) Power of court to dispense with service	[23.62]
5. Extending time for service	[23.67]
(a) Time for service of the claim form	[23.67]
CPR 7.5 – Service of a claim form	[23.67]
(b) Extending time for service of the claim form.....	[23.69]
CPR 7.6 – Extension of time for serving a claim form.....	[23.69]
To obtain a retrospective extension of time for service, the claimant must consider all the requirements of CPR 7.6(3), or where relief from sanctions is required, CPR 3.9. The reason for the application to extend time has to be explained to the court's satisfaction.....	[23.72]
CPR 7.7 – Application by defendant for service of claim form	[23.78]
(c) Extending time for service of particulars of claim.....	[23.92]
CPR 7.4 – Particulars of claim.....	[23.93]
CPR 7.8 – Form for defence etc must be served with par- ticulars of claim.....	[23.93]
6. Service out of the jurisdiction	[23.98]
7. Certificate of service.....	[23.99]
CPR 6.17 – Certificate of service relating to the claim form	[23.100]
CPR 6.29 – Certificate of service (general).....	[23.101]
 Chapter 24 Defence	
1. Responding to particulars of claim.....	[24.1]
(a) Generally	[24.1]
CPR 9.1 – Scope of this Part	[24.1]
CPR 9.2 – Defence, admission or acknowledgement of service.....	[24.2]
(b) Acknowledgement of service.....	[24.3]
CPR 10.1 – Acknowledgement of service.....	[24.3]
CPR 10.5 – Contents of acknowledgement of service	[24.4]
CPR 10.2 – Consequences of not filing an acknow- lement of service.....	[24.6]
CPR 10.3 – The period for filing an acknowledgement of service.....	[24.7]
2. Default judgment	[24.10]

(a) Basis for seeking a default judgment.....	[24.10]
CPR 12.1 – Meaning of 'default judgment'	[24.10]
CPR 12.2 – Claims in which default judgment may not be obtained	[24.11]
CPR 12.3 – Conditions to be satisfied	[24.12]
(b) Procedure.....	[24.16]
CPR 12.4 – Procedure for obtaining default judgment.....	[24.16]
CPR 12.10 – Circumstances where an application must be made	[24.17]
CPR 12.5 – Nature of judgment where default judgment obtained by filing a request.....	[24.18]
CPR 12.5A – County Court money claims	[24.20]
CPR 12.8 – Claim against more than one defendant	[24.21]
(c) Subsequent procedural steps	[24.23]
CPR 12.7 – Procedure for deciding an amount or value ...	[24.23]
CPR 12.6 – Entitlement to interest on damages	[24.24]
3. Setting aside or varying default judgment	[24.26]
(a) Default judgments set aside as of right	[24.27]
CPR 13.2 – Cases where the court must set aside judg- ment entered under Part 12	[24.27]
(b) The court's discretion to set aside or vary default judgments.....	[24.29]
CPR 13.3 – Cases where the court may set aside or vary judgment entered under Part 12	[24.29]
Judgment where the defendant has no notice of proceed- ings is a regular judgment.....	[24.31]
Defendant must establish 'a real prospect of success'	[24.33]
Defendant must show 'some other good reason'	[24.37]
Application must be made 'promptly'	[24.39]
Setting aside judgment with conditions.....	[24.47]
(c) Procedure	[24.50]
CPR 13.4 – Application to set aside or vary judgment – procedure	[24.50]
4. Admissions	[24.51]
(a) CPR Pt 14.....	[24.51]
CPR 14.1 – Making an admission	[24.51]
CPR 14.1A – Admissions made before commencement of proceedings	[24.52]
CPR 14.1B – Admissions made under the RTA Protocol or the EL/PL Protocol	[24.53]
CPR 14.2 – Period for making an admission.....	[24.54]
CPR 14.3 – Admission by notice in writing – application for judgment	[24.55]
CPR 14.8 – Allocation of claims in relation to outstand- ing matters	[24.56]
(b) Applications to withdraw an admission	[24.57]
Practice Direction 14, paragraph 7.....	[24.57]
Test to be applied	[24.58]
Admission not binding on non-contracting parties.....	[24.70]
CPR Pt 14 not applicable following the entry of judgment.	[24.71]
Mistake of law	[24.72]

Admission permitted to argue alternative defence.....	[24.73]
5. Defence.....	[24.74]
(a) Filing and serving the defence.....	[24.74]
CPR 15.2 – Filing a defence	[24.74]
CPR 15.4 – The period for filing a defence	[24.75]
CPR 15.5 – Agreement extending the period for filing a defence.....	[24.76]
CPR 15.6 – Service of copy of defence	[24.78]
(b) Content of the defence	[24.79]
CPR 16.5 – Content of defence.....	[24.79]
Practice Direction 16, paragraphs 10 and 11	[24.84]
Practice Direction 16, paragraphs 12 and 13	[24.85]
6. Reply.....	[24.86]
CPR 15.8 – Reply to defence	[24.86]
CPR 16.7 – Reply to defence	[24.87]
7. Procedure in respect of proceedings under CPR Pt 8	[24.88]
CPR 8.3 – Acknowledgement of service.....	[24.88]
CPR 8.4 – Consequences of not filing an acknowledgement of service.....	[24.89]
CPR 8.5 – Filing and serving written evidence	[24.90]
8. Amendments to the defence.....	[24.92]
 Chapter 25 Summary Judgment	
1. Summary judgment	[25.1]
(a) Generally	[25.1]
Introduction	[25.1]
Practice Direction to 24, paragraph 1.3	[25.2]
(b) The test – ‘no real prospect of success’	[25.3]
CPR 24.2 – Grounds for summary judgment	[25.3]
Meaning of ‘real prospect of success’	[25.8]
(c) Types of proceedings in which summary judgment is available.....	[25.16]
CPR 24.3 – Types of proceedings in which summary judgment is available.....	[25.16]
(d) Facts must be straightforward.....	[25.17]
Complex questions of fact or law not appropriate for summary judgment	[25.17]
2. Procedure	[25.20]
(a) When an application can be made.....	[25.23]
CPR 24.4 – Procedure.....	[25.23]
(b) Content of the application notice	[25.31]
Practice Direction 24, paragraph 2	[25.31]
(c) Evidence.....	[25.33]
CPR 24.5 – Evidence for the purposes of a summary judgment hearing	[25.33]
Standard of proof	[25.34]
Court is not to conduct a ‘mini-trial’	[25.36]
Cross examination of witnesses.....	[25.42]
(d) The hearing.....	[25.45]
Hearing to be before a master or district judge	[25.45]
Orders the court may make	[25.46]

Conditional orders.....	[25.47]
 Chapter 26 Additional Claims	
1. Preliminary matters.....	[26.1]
(a) Introduction	[26.1]
(b) The CPR framework	[26.2]
Practice Direction 20, Preamble	[26.2]
CPR 20.2 – Scope and interpretation	[26.3]
Compliance with Pre-action Protocol	[26.4]
2. Counterclaims	[26.6]
CPR 20.4 – Defendant’s counterclaim against the claimant	[26.6]
CPR 20.5 – Counterclaim against a person other than the claimant	[26.7]
Practice Direction 20, paragraph 6	[26.9]
3. Contribution or indemnity.....	[26.10]
CPR 20.6 – Defendant’s additional claim for contribution or indemnity from another party	[26.10]
4. Any other additional claims.....	[26.14]
CPR 20.7 – Procedure for making any other additional claims	[26.14]
5. Procedural matters common to all additional claims.....	[26.19]
(a) CPR to apply to additional claims.....	[26.19]
CPR 20.3 – Application of these rules to additional claims	[26.19]
Practice Direction 20, paragraph 3	[26.20]
(b) Application for permission to make an additional claim	[26.21]
Practice Direction 20, paragraph 2	[26.21]
(c) Service of an additional claim	[26.24]
CPR 20.8 – Service of the claim form	[26.24]
CPR 20.10 – Effect of service of an additional claim	[26.24]
CPR 20.11 – Special provisions relating to default judgment on an additional claim other than a counterclaim or a contribution or indemnity notice	[26.26]
CPR 20.12 – Procedural steps on service of an additional claim form on a non-party	[26.27]
(d) Case management of additional claims	[26.28]
CPR 20.13 – Case management where a defence to an additional claim is filed	[26.29]
Practice Direction 20, paragraph 5	[26.30]
(e) Should the additional claim be treated separately from the claim?	[26.31]
CPR 20.9 – Matters relevant to questions of whether an additional claim should be separate from the claim	[26.31]
6. Costs of a Part 20 claim where the main action fails	[26.33]
(a) When an application can be made	[26.36]
 Chapter 27 Allocation	
1. Generally	[27.1]
(a) Procedural table.....	[27.1]
(b) Preliminary matters	[27.2]
CPR 26.1 – Case management – preliminary stage	[27.2]
CPR 26.2 – Automatic transfer of claims for a specified	

sum	[27.3]	review	[27.49]
CPR 26.2A – Transfer of money claims within the County Court	[27.4]	CPR 29.4 – Steps taken by the parties.....	[27.50]
CPR 26.3 – Allocation questionnaire.....	[27.5]	CPR 29.5 – Variation of case management timetable.....	[27.51]
CPR 26.4 – Stay to allow for settlement of the case	[27.6]	(b) Final hearing	[27.52]
CPR 26.4A – Referral to the Mediation Service	[27.7]	CPR 29.6 – Pre-trial check list (listing questionnaire)	[27.52]
CPR 26.5 – Allocation	[27.8]	CPR 29.7 – Pre-trial review	[27.53]
CPR 26.6 – Scope of each track.....	[27.9]	Trial timetable	[27.53]
CPR 26.7 – General rule for allocation	[27.10]	CPR 29.8 – Setting a trial timetable and fixing or confirming the trial date or week	[27.54]
CPR 26.8 – Matters relevant to allocation to a track	[27.11]	CPR 29.9 – Conduct of trial.....	[27.55]
CPR 26.9 – Notice of allocation	[27.15]	5. Alternative dispute resolution/mediation.....	[27.56]
CPR 26.10 – Re-allocation	[27.16]		
2. The small claims track	[27.22]		
(a) Generally	[27.22]	Chapter 28 Disclosure	
CPR 27.1 – Claims which are normally allocated to the small claims track	[27.22]	1. Pre-action disclosure	[28.1]
Infant claims not to be allocated to small claims track	[27.23]	(a) The Pre-Action Protocol for Personal Injury Claims	[28.1]
Rules that do not apply to claims allocated to the small claims track.....	[27.26]	(b) Application to the court for pre-action disclosure.....	[28.2]
CPR 27.2 – Extent to which other Parts apply	[27.26]	CPR 31.16 – Disclosure before proceedings start	[28.2]
(b) Directions.....	[27.27]	Generally	[28.4]
CPR 27.4 – Preparation for the hearing.....	[27.27]	Meaning of 'likely to be a party to subsequent proceedings'.	[28.8]
(c) Final hearing	[27.28]	Not necessary to ascertain the merits of the case	[28.15]
CPR 27.5 – Experts	[27.28]	2. Standard disclosure	[28.16]
CPR 27.8 – Conduct of the hearing	[27.29]	(a) What is standard disclosure?	[28.16]
CPR 27.9 – Non-attendance of parties at a final hearing ..	[27.30]	CPR 31.2 – Meaning of disclosure	[28.16]
CPR 27.11 – Setting judgment aside and re-hearing	[27.31]	CPR 31.4 – Meaning of document	[28.17]
(d) Costs	[27.33]	CPR 31.5 – Disclosure limited to standard disclosure	[28.18]
Fixed costs	[27.33]	CPR 31.6 – Standard disclosure – what documents are to be disclosed	[28.19]
CPR 27.14 – Costs on the small claims track.....	[27.33]	(b) Duty in respect of standard disclosure	[28.25]
CPR 27.14(2), (3) – Unreasonable conduct	[27.35]	CPR 31.7 – Duty of search.....	[28.25]
(e) Appeals.....	[27.41]	CPR 31.8 – Duty of disclosure limited to documents which are or have been in a party's control	[28.26]
Practice Direction 27, paragraph 8	[27.41]	CPR 31.11 – Duty of disclosure continues during proceedings	[28.29]
3. The fast track.....	[27.42]	(c) Procedural matters	[28.34]
(a) Generally	[27.42]	CPR 31.10(1)–(4) – Procedure for standard disclosure.....	[28.34]
CPR 28.2 – General provisions	[27.42]	CPR 31.10(5)–(9) – Disclosure statement.....	[28.35]
(b) Directions.....	[27.43]	Practice Direction 31A, paragraphs 4.3 and 4.7	[28.36]
Standard directions	[27.43]	CPR 31.23 – False disclosure statements	[28.39]
CPR 28.3 – Directions	[27.43]	(d) Inspection.....	[28.40]
Parties can agree to vary directions save in respect of trial	[27.44]	CPR 31.3 – Right of inspection of a disclosed document ..	[28.40]
CPR 28.4 – Variation of case management timetable.....	[27.44]	CPR 31.14 – Documents referred to in statements of case etc	[28.41]
(c) Final hearing	[27.45]	CPR 31.15 – Inspection and copying of documents	[28.45]
Listing for hearing	[27.45]	3. Specific disclosure	[28.46]
CPR 28.5 – Pre-trial check list (listing questionnaire)	[27.45]	CPR 31.12 – Specific disclosure or inspection	[28.46]
CPR 28.6 – Fixing or confirming the trial date and giving directions	[27.46]	4. Non-party disclosure.....	[28.53]
CPR 28.7 – Conduct of trial.....	[27.47]	CPR 31.17 – Orders for disclosure against a person not a party	[28.53]
4. The multi-track	[27.48]	5. Electronic disclosure.....	[28.56]
(a) Case management and the case management conference	[27.48]	6. Privilege	[28.62]
CPR 29.2 – Case management	[27.48]	(a) Procedural matters	[28.62]
CPR 29.3 – Case management conference and pre-trial			

CPR 31.19 – Claim to withhold inspection or disclosure of a document	[28.62]
CPR 31.20 – Restriction on use of a privileged document inspection of which has been inadvertently allowed.....	[28.63]
(b) Legal advice privilege	[28.65]
(c) Without prejudice communications	[28.80]
(d) Public interest privilege	[28.95]
(e) Dominant purpose	[28.98]
(f) Crown privilege	[28.103]
Chapter 29 Witnesses	
1. Witness statements.....	
(a) Form of witness statements.....	[29.1]
CPR 32.8 – Form of witness statement.....	[29.1]
Practice Direction 32, paragraphs 17 to 20, 22 and 25.....	[29.1]
(b) Exchange of witness statements	[29.2]
CPR 32.4 – Requirement to serve witness statements for use at trial.....	[29.6]
(c) How the evidence of witnesses is to be given	[29.7]
CPR 32.2 – Evidence of witnesses – general rule	[29.7]
(d) Use of witness statements at trial	[29.9]
CPR 32.5 – Use at trial of witness statements which have been served	[29.9]
CPR 32.10 – Permission required to rely upon witness statement served late	[29.9]
(e) Cross-examination of witnesses.....	[29.22]
CPR 32.7 – Order for cross-examination at a hearing other than the trial.....	[29.22]
CPR 32.11 – Cross-examination on a witness statement...	[29.23]
2. Witness summaries.....	[29.24]
CPR 32.9 – Witness summaries	[29.24]
3. Witness summonses.....	[29.25]
(a) What is a witness summons?	[29.25]
CPR 34.2 – Witness summonses	[29.25]
(b) Issuing	[29.26]
CPR 34.3 – Issue of a witness summons.....	[29.26]
(c) Time	[29.27]
CPR 34.5 – Time for serving a witness summons	[29.27]
(d) Serving.....	[29.28]
CPR 34.6 – Who is to serve a witness summons	[29.28]
(e) Travel expenses.....	[29.29]
CPR 34.7 – Right of witness to travel expenses	[29.29]
(f) Setting aside a witness summons	[29.30]
Chapter 30 Evidence and Admissibility	
1. The court's general power to control evidence	[30.1]
CPR 32.1 – Power of court to control evidence	[30.1]
(a) Power must be exercised in accordance with the overriding objective	[30.2]
(b) Issues of admissibility should be considered at an early stage	[30.16]

2. Notices to admit	[30.17]
(a) Fact	[30.17]
CPR 32.18 – Notice to admit facts	[30.17]
(b) Documents	[30.18]
CPR 32.19 – Notice to admit or produce documents	[30.18]
3. Surveillance evidence.....	[30.20]
(a) Video/DVD footage is a 'document'	[30.20]
(b) Infringement of human rights not determinative of admissibility of surveillance evidence	[30.33]
4. Hearsay	[30.34]
(a) Meaning of hearsay	[30.34]
Civil Evidence Act 1995, s 1.....	[30.34]
CPR 33.1 – Introductory	[30.35]
(b) Notice required to rely upon hearsay evidence	[30.36]
Civil Evidence Act 1995, s 2.....	[30.36]
CPR 33.2 – Notice of intention to rely on hearsay evidence.	[30.37]
CPR 33.3 – Circumstances in which notice of intention to rely on hearsay evidence is not required	[30.38]
(c) Calling a witness for cross-examination on hearsay evidence	[30.41]
Civil Evidence Act 1995, s 3.....	[30.41]
CPR 33.4 – Power to call witness for cross-examination on hearsay evidence	[30.42]
(d) The weight (if any) to be given to hearsay evidence.....	[30.45]
Civil Evidence Act 1995, s 4.....	[30.45]
(e) Credibility of hearsay evidence.....	[30.47]
Civil Evidence Act 1995, s 5.....	[30.47]
CPR 33.5 – Credibility	[30.48]
(f) Previous statements of witnesses	[30.49]
Civil Evidence Act 1995, s 6.....	[30.49]
(g) Admissibility of certain published works, public documents, records and other documents	[30.50]
Civil Evidence Act 1995, s 7.....	[30.50]
Civil Evidence Act 1995, s 9.....	[30.51]
CPR 33.6 – Use of plans, photographs and models as evidence	[30.52]
(h) Admissibility of evidence of character.....	[30.53]
Civil Evidence Act 1995, s 7(3).....	[30.53]
(i) Proof of statements contained in documents	[30.54]
Civil Evidence Act 1995, s 8.....	[30.54]
5. Convictions	[30.56]
Admissibility in civil proceedings	[30.56]
Civil Evidence Act 1968, s 11	[30.56]

Chapter 31 Expert Evidence

1. Protocol for the Instruction of Experts to give Evidence in Civil Claims	[31.1]
(a) Introduction	[31.1]
(b) Civil Justice Council's guidance for the instruction of experts.....	[31.2]
2. Instructing experts under the Personal Injury Pre-Action	

Protocol	[31.3]
(a) Text of the Protocol relevant to instructing experts	[31.3]
(b) Status of experts nominated under the Pre-Action Protocol.	[31.4]
3. Instruction of experts after proceedings	[31.5]
(a) The expert's overriding duty to the court.....	[31.5]
CPR 35.3 – Expert's overriding duty to the court.....	[31.5]
Duties and responsibilities of expert witnesses	[31.6]
Independence.....	[31.8]
Examples of the courts dealing with experts exhibiting inappropriate behaviour	[31.13]
(b) Restricting expert evidence	[31.15]
CPR 35.1 – Duty to restrict expert evidence	[31.15]
CPR 35.4 – Court's power to restrict expert evidence.....	[31.16]
Accident reconstruction evidence in straightforward motor claims.....	[31.17]
Proportionality	[31.19]
Appropriateness.....	[31.21]
Party dissatisfied with own report – whether permission to rely upon second expert will be given, and if so, the conditions likely to be attached to such permission	[31.25]
Use of expert evidence disclosed by another party in separate proceedings	[31.31]
(c) The single joint expert.....	[31.32]
CPR 35.7 – Court's power to direct that evidence is to be given by a single joint expert	[31.32]
When a single joint expert is appropriate, and when not ..	[31.33]
CPR 35.8 – Instructions to a single joint expert	[31.37]
Single joint experts attending meetings	[31.39]
Dissatisfaction with the report of a single joint expert.....	[31.42]
4. The expert's report	[31.46]
CPR 35.5 – General requirement for expert evidence to be given in a written report.....	[31.46]
CPR 35.10 – Contents of report	[31.47]
(a) Expert's report must set out the 'substance of all material instructions'	[31.48]
5. Questions to experts	[31.51]
CPR 35.6 – Written questions to experts	[31.51]
6. Discussions between experts	[31.53]
CPR 35.12 – Discussions between experts	[31.53]
(a) Expert's meetings privileged, resulting report not privileged	[31.55]
(b) Joint statement ordered by judge is not a privileged document	[31.56]
7. The weight to be given to expert evidence	[31.57]
(a) Claimant intending to call an expert to give non-expert evidence	[31.61]
8. Access to medical records	[31.62]
(a) Access to medical records in cases with a value of less than £10,000	[31.62]
(b) Disputes as to relevance	[31.63]
(c) Procedure for obtaining records	[31.64]

9. Witness Immunity	[31.66]
(a) Expert witness is immune from suit	[31.66]
Chapter 32 Applications	
1. Applications generally	[32.1]
(a) How to make an application	[32.1]
CPR 23.1 – Meaning of 'application notice' and 'respondent'	[32.1]
CPR 23.2 – Where to make an application	[32.2]
CPR 23.3 – Application notice to be filed.....	[32.3]
CPR 23.5 – Time when an application is made	[32.4]
CPR 23.6 – What an application notice must include	[32.5]
(b) Notice and service of an application.....	[32.6]
CPR 23.4 – Notice of an application.....	[32.6]
CPR 23.7 – Service of a copy of an application notice.....	[32.8]
(c) Without notice applications	[32.9]
CPR 23.8 – Applications which may be dealt with without a hearing.....	[32.9]
CPR 23.9 – Service of application where application made without notice	[32.12]
CPR 23.10 – Application to set aside or vary order made without notice	[32.13]
(d) Failure of party to attend application	[32.15]
CPR 23.11 – Power of the court to proceed in the absence of a party	[32.15]
(e) Hearings to be on the telephone where practicable	[32.18]
Telephone hearings	[32.18]
Video conferencing	[32.19]
(f) Evidence at applications	[32.21]
CPR 32.6 – Evidence in proceedings other than at trial ...	[32.21]
2. Requests for further information.....	[32.22]
CPR 18.1 – Obtaining further information	[32.22]
CPR 18.2 – Restriction on the use of further information...	[32.23]
3. Unless orders.....	[32.24]
4. Relief from sanctions post-1 April 2013	[32.24]
5. Interim remedies	[32.47]
(a) The interim remedies relevant to motor claims.....	[32.47]
CPR 25.1 – Orders for interim remedies.....	[32.47]
(b) Applying for an interim remedy	[32.48]
CPR 25.2 – Time when an order for an interim remedy may be made	[32.48]
CPR 25.3 – How to apply for an interim remedy	[32.49]
(c) Interim payments	[32.50]
CPR 25.6 – Interim payments – General procedure	[32.50]
CPR 25.7 – Interim payments – Conditions to be satisfied and matters to be taken into account	[32.51]
CPR 25.8 – Powers of court where it has made an order for interim payment	[32.53]
CPR 25.9 – Restriction on disclosure of an interim payment.....	[32.55]
Practice Direction 25B – Interim payments	[32.56]

Offer and acceptance	[32.57]
Motor Insurers' Bureau	[32.58]
Interim payments not suitable where factual issues are complicated	[32.59]
6. Security for costs	[32.60]
CPR 25.12 – Security for costs	[32.60]
CPR 25.13 – Conditions to be satisfied	[32.61]
7. Amending statements of case	[32.62]
(a) When permission for an amendment is required.....	[32.62]
CPR 17.1 – Amendments to statement of case	[32.62]
CPR 17.2 – Power of court to disallow amendments made without permission	[32.63]
CPR 17.3 – Amendments to statements of case with the permission of the court	[32.64]
Presumption in favour of amendments, subject to the overriding objective.....	[32.65]
Likelihood of amendments being permitted dependent upon the stage at which permission is sought.....	[32.67]
(b) Amendments and limitation.....	[32.73]
CPR 17.4 – Amendments to statements of case after the end of a relevant limitation period	[32.74]
Test to be applied: Amendments must arise 'out of the same or substantially the same facts'	[32.86]
Party misnamed or substitution of a new party	[32.88]
Altering the capacity in which a party claims.....	[32.89]
8. Striking out statement of case as abuse of process	[32.92]
9. Addition and substitution of parties	[32.92]
(a) Generally	[32.92]
CPR 19.1 – Parties – General	[32.93]
CPR 19.2 – Change of parties – General	[32.94]
(b) Procedure.....	[32.94]
CPR 19.4 – Procedure for adding and substituting parties	[32.95]
CPR 19.5 – Special provisions about adding or substituting parties after the end of a relevant limitation period.....	[32.95]

Chapter 33 Part 36 Offers

1. Part 36 offers generally	[33.1]
(a) Introduction	[33.1]
(b) Making offers other than in accordance with CPR Pt 36 ..	[33.2]
(c) Court's discretion and circumstances to be taken into account when exercising its discretion as to costs	[33.3]
(d) Form and content of a Part 36 offer	[33.5]
(e) Definitions.....	[33.6]
(f) Part 36 offers – general provisions	[33.7]
(g) Offer and acceptance	[33.12]
(h) Terms which cannot be included in a Part 36 offer	[33.15]
(i) Is the offer a realistic attempt to settle or a tactical step to secure the advantages of CPR Pt 36?	[33.18]
(j) Clarification of a Part 36 offer.....	[33.20]
(k) Interim payments and Part 36 offers	[33.21]
(l) Parties must give full disclosure	[33.22]

(m) What constitutes 'clarification'?	[33.23]
(n) Withdrawing or changing the terms of a Part 36 offer generally	[33.25]
(o) Acceptance of a Part 36 offer	[33.31]
(p) The effect of acceptance of a Part 36 offer	[33.34]
(q) Acceptance of a Part 36 offer which relates to only part of the claim	[33.36]
(r) Acceptance of a Part 36 offer made by one or more, but not all, defendants	[33.37]
2. Part 36 offers not to be disclosed to trial judge	[33.38]
(a) Non-disclosure of Part 36 offers to an appeal judge	[33.41]
(b) Part 36 offers in relation to the trial of a preliminary issue.	[33.42]
(c) Test to be applied if offer disclosed to trial judge	[33.43]
3. Costs consequences of a Part 36 offer	[33.44]
(a) Determining costs consequences	[33.46]
(b) Acceptance and failure to use the Protocol	[33.61]
(c) Costs consequences extend to failure to participate in ADR.	[33.62]
(d) Claimant advancing alternative cases, only successful on one	[33.66]
(e) Claimant advancing more than one claim, only successful on one	[33.67]
(f) Multiple defendants – assessing whether the claimant has done better than his offer	[33.68]
(g) Date to be used when assessing whether an offer has been bettered	[33.69]
(h) Late acceptance of a Part 36 offer, no deemed order as to costs	[33.71]
(i) Late acceptance by a claimant of a defendant's Part 36 offer	[33.72]
(j) Late acceptance by a defendant of a claimant's Part 36 offer	[33.77]
(k) Unaccepted offers	[33.82]
4. Consequences of not making a Part 36 offer.....	[33.84]
5. Deduction of benefits	[33.86]
(a) Guidance on how to deduct benefits.....	[33.87]
6. Part 36 offers and appeals	[33.89]
7. RTA Protocol and EL/PL Protocol offers to settle	[33.93]
(a) Scope	[33.93]
(b) Form and content of a Protocol offer	[33.94]
(c) Time when a Protocol offer is made	[33.95]
(d) General provisions	[33.96]
(e) Restrictions on disclosure of a Protocol offer	[33.97]
(f) Costs consequences following judgment.....	[33.98]
(g) Deduction of benefits	[33.100]

Chapter 34 Trial

1. Preliminary matters concerning trial	[34.1]
(a) Listing.....	[34.1]
(b) Trial to be in public	[34.2]
CPR 39.2 – General rule – hearing to be in public	[34.2]
(c) Consequences of failure to attend trial	[34.3]

CPR 39.3 – Failure to attend trial	[34.3]
Applicant must show a ‘good reason’ for failing to attend .	[34.4]
Applicant must establish that he had a ‘reasonable prospect of success’ at trial	[34.6]
Attendance at trial through legal representative.....	[34.11]
CPR 39.6 – Representation at trial of companies or other corporations	[34.12]
2. Conduct of the trial	[34.14]
CPR 39.4 – Timetable for trial	[34.14]
CPR 39.5 – Trial bundles	[34.15]
CPR 32.3 – Evidence by video link or other means	[34.16]
3. The role of the judge	[34.17]
(a) Judge must balance the evidence	[34.17]
(b) Judge must give reasons	[34.18]
(c) Sufficiency of the evidence	[34.21]
(d) Bias	[34.23]

Chapter 35 Appeals

1. Preliminary matters	[35.1]
(a) Grounds of appeal	[35.1]
CPR 52.21 – Hearing of appeals	[35.1]
Appeal limited to a review of the decision of the lower court.....	[35.2]
Court will not receive evidence which was not before the lower court	[35.5]
Appeal court may draw inferences of fact.....	[35.9]
Basis for allowing an appeal	[35.10]
(b) Routes of appeal.....	[35.11]
Practice Direction 52A, paragraphs 3.3, 3.5 and 4.6	[35.11]
(c) Permission.....	[35.13]
CPR 52.3 – Permission	[35.13]
Practice Direction 52A, paragraphs 4.A1 to 4.5	[35.15]
Practice Direction 52C, paragraph 15	[35.18]
Practice Direction 52C, paragraphs 16 to 18	[35.20]
2. The appellant	[35.21]
(a) The appellant’s notice	[35.21]
Filing and service of the appellant’s notice	[35.21]
CPR 52.12 – Appellant’s notice	[35.21]
Practice Direction 52B, Section IV (paras 4.1 to 4.3) – Initiating an appeal	[35.22]
Practice Direction 52C, paragraph 3 – Filing the appellant’s notice and accompanying documents	[35.23]
Practice Direction 52B, Section III (paras 3.1 to 3.3) – Extending time in which to appeal	[35.24]
Practice Direction 52C, paragraph 4 – Extension of time for filing appellant’s notice	[35.25]
(b) Documents to be filed	[35.30]
Practice Direction 52B, paragraph 6.4 – Documents relevant to the appeal	[35.30]
Practice Direction 52C, paragraph 27 – Bundle of documents	[35.31]

Practice Direction 52B, paragraph 8.3 – Skeleton arguments	[35.32]
Practice Direction 52C, paragraphs 31 and 32 – Skeleton arguments	[35.33]
3. The respondent	[35.34]
(a) The respondent’s notice	[35.34]
Filing and service of the respondent’s notice	[35.34]
CPR 52.13 – Respondent’s notice	[35.34]
Practice Direction 52C, paragraph 8	[35.35]
(b) Documents	[35.36]
Practice Direction 52C, paragraphs 9 to 11 and 13	[35.36]
4. Powers of the appeal court	[35.37]
(a) CPR 52.15 – Variation of time	[35.37]
(b) CPR 52.16 – Stay	[35.38]
(c) CPR 52.17 – Amendment of appeal notice	[35.39]
(d) CPR 52.18 – Striking out appeal notices and setting aside or imposing conditions on permission to appeal	[35.40]
(e) CPR 52.20 – Appeal court’s powers	[35.41]
5. Appeals to a county court judge and appeals to the High Court.	[35.42]
(a) Practice Direction 52B, paragraph 1.1	[35.42]
6. The Court of Appeal	[35.43]
(a) Permission of the Court of Appeal required for second appeals.....	[35.43]
CPR 52.7 – Permission to appeal test – second appeals	[35.43]
(b) ‘Leapfrog’ appeals.....	[35.44]
CPR 52.23 – Assignment of appeals to the Court of Appeal.	[35.44]
(c) Miscellaneous matters	[35.45]
Practice Direction 52C, paragraphs 23 and 24	[35.45]
7. Appeals to the Supreme Court	[35.46]
The Supreme Court Rules	[35.47]
8. Disposing of applications or appeals by consent	[35.48]
(a) Practice Direction 52A, paragraphs 6.1 to 6.4	[35.48]
9. Reopening appeals	[35.49]
CPR 52.30 – Reopening of final appeals	[35.49]
(a) The appellant must demonstrate a ‘corruptive process’ of injustice	[35.50]
Chapter 36 Accidents Abroad	
1. Jurisdiction	[36.1]
(a) The Brussels I Regulation – original and recast	[36.1]
General rule	[36.2]
(b) Special jurisdiction	[36.3]
(c) Jurisdiction in matters relating to insurance	[36.4]
2. Applicable law	[36.12]
(a) The Rome II Regulation	[36.12]
(b) The general rule for designating applicable law	[36.13]
(c) Scope of the applicable law	[36.14]
(d) Further provisions and application inside the United Kingdom	[36.16]
(e) Transitional arrangements	[36.17]
3. Withdrawal from the European Union	[36.36]

(a) Applicable law.....	[36.37]
(b) Jurisdiction.....	[36.38]
(c) Post-transition arrangements.....	[36.39]
(d) Possibility of the UK leaving the EU without an agreement.	[36.40]

Part 4 Quantum and Costs

Chapter 37 General Principles of Quantum

1. Foreseeability.....	[37.1]
(a) Introduction	[37.1]
(b) Type of accident	[37.5]
(c) Type of injury.....	[37.11]
(d) Second incident.....	[37.17]
(e) Contract and tort contrasted	[37.21]
2. Causation of damage	[37.26]
3. Novus actus interveniens	[37.27]
4. Economic loss.....	[37.28]
(a) Negligent conduct.....	[37.29]
(b) Physical damage to property.....	[37.36]
(c) Special relationship	[37.40]
(c) Absence of actionable injury	[37.44]
5. Mitigation	[37.45]
(a) The rule	[37.45]
(b) Value of repairs	[37.47]
(c) Loss of profit claims.....	[37.51]
(d) Hire of replacement vehicle	[37.52]
(e) Loss of earnings.....	[37.53]
(f) Refusal to undergo operation/treatment.....	[37.58]
6. Malingering.....	[37.64]
7. Illegality	[37.72]
8. Appeals on amount.....	[37.78]
(a) The rule	[37.78]
(b) Court of Appeal examining injury.....	[37.81]
(c) New or mistaken evidence.....	[37.83]

Chapter 38 Quantification of Damages

1. Introduction to quantification of damages	[38.1]
2. Who can recover?	[38.6]
3. Damages for pain, suffering and loss of amenity	[38.8]
(a) Epilepsy	[38.11]
(b) Personality change	[38.15]
(c) Criminal acts	[38.18]
(d) Psychiatric illness	[38.21]
(e) Inconvenience, distress and discomfort	[38.48]
(f) Multiple injuries	[38.62]
4. Loss of congenital employment	[38.63]
5. Loss of earnings and the multiplier	[38.72]
(a) The cases	[38.72]
(b) Damages Act 1996, s 1	[38.85]

(c) The Ogden Tables.....	[38.87]
Case law on the sixth edition of the Ogden Tables	[38.90]
6. Loss of earning capacity	[38.97]
(a) Adult	[38.98]
(b) Child	[38.106]
7. Loss of prospective earnings	[38.108]
8. Loss of pension.....	[38.117]
(a) Workplace pensions	[38.118]
9. Care and nursing	[38.119]
(a) Gratuitous care.....	[38.119]
(b) Discount for non-commercial care.....	[38.128]
(c) Professional/paid care.....	[38.130]
(d) Offset of statutory funding	[38.137]
NHS care	[38.137]
Local authority	[38.138]
Recoupment	[38.139]
Top-up payments	[38.144]
10. Other future losses.....	[38.150]
(a) Board and lodging	[38.150]
(b) Accommodation costs	[38.151]
(c) DIY and housekeeping	[38.154]
(d) Cost of investment and management advice.....	[38.157]
11. Betterment	[38.158]
12. Loss of use	[38.166]
13. Miscellaneous special damages.....	[38.175]
(a) Loss of no claims bonus	[38.175]
(b) Loss of premium.....	[38.177]
(c) Loss of road fund tax	[38.178]
14. Damages for reduced marriage prospects	[38.180]
15. Income tax	[38.183]
(a) Damages in foreign currency	[38.185]
16. Exemplary and aggravated damages	[38.190]
17. Deductions from damages	[38.193]
(a) Charitable or voluntary payments	[38.194]
(b) Permanent health insurance	[38.199]
(c) Income tax	[38.200]
Gourley's case.....	[38.200]
(d) Pension	[38.206]
(e) Redundancy payments.....	[38.212]
(f) Living expenses.....	[38.213]
(g) Section 5 of the Administration of Justice Act 1982	[38.215]
18. Social security benefits.....	[38.216]
(a) The principle	[38.216]
(b) Social Security (Recovery of Benefits) Act 1997	[38.217]
(c) Damages not included/exempt payments.....	[38.222]
(d) Benefits not listed in the 1997 Act	[38.223]
(e) Contributory negligence	[38.224]
(f) Interest and benefits	[38.225]
(g) Payment into court	[38.227]
(h) Challenging the recoverability of benefits.....	[38.229]
Review of certificate.....	[38.229]

Contents

Appeal against certificates.....	[38.232]
Procedure.....	[38.233]
Case law	[38.234]
(i) Universal Credit.....	[38.238]
19. Recovery of NHS charges.....	[38.239]
(a) Introduction	[38.239]
(b) Charges.....	[38.240]
(c) Emergency treatment fees	[38.241]
(d) Motor Insurers' Bureau (MIB)	[38.242]
(e) Fatalities	[38.243]
(f) Revised procedures	[38.244]
(g) Payment of NHS charges.....	[38.245]
(h) Exempt payments	[38.246]
(i) Appeals..... The Welfare Reform Act 2012.....	[38.247]-[38.249]
20. Interest.....	[38.249]
(a) The rule	[38.250]
Personal injury cases	[38.262]
(b) Interest on damages	[38.268]
(c) Pleading interest	[38.269]
(d) Interest and payments into court/Part 36 offers.....	[38.270]
(e) Interest on increased damages on appeal	[38.272]
(f) Adjournment and delay	[38.276]
(g) Rate of interest	[38.278]
(h) Income tax and interest	[38.279]
21. Infant damages	[38.281]
(a) Injuries to unborn children	[38.285]
22. Provisional damages.....	[38.285]
(a) The statutory framework..... Senior Courts Act 1981, s 32A; County Courts Act 1984, s 51	[38.289]
Damages Act 1996, s 3	[38.290]
(b) Types of claim where provisional damages are typically considered..... Post-traumatic neurosis	[38.291]
Epilepsy	[38.293]
Syringomyelia	[38.295]
Osteoarthritis	[38.296]
Serious deterioration	[38.297]
(c) Costs	[38.300]
(d) The cases	[38.303]
23. Periodical payments	[38.303]
(a) The rule	[38.304]
(b) Background	[38.305]
(c) Power to order periodical payments	[38.306]
(d) Factors to be considered.....	[38.307]
(e) Indexation.....	[38.308]
(f) Taxation	[38.309]
(g) Assignment.....	[38.310]
(h) CPR Pt 36.....	[38.311]
(i) Consent orders	

(j) Variation	[38.312]
(k) Proof of life.....	[38.313]
(l) Cases	[38.315]
(m) Contributory negligence	[38.325]

Chapter 39 Damages in Fatal Cases

1. Background to damages in fatal cases	[39.1]
(a) Fatal Accidents Act 1976	[39.3]
2. Who has the right of action?	[39.10]
(a) Liability to the deceased	[39.10]
(b) An individual right.....	[39.15]
(c) One action only.....	[39.18]
(d) Adopted children	[39.20]
(e) Unborn child	[39.22]
(f) Illegitimate child dependant.....	[39.26]
(g) Acceleration of date of death.....	[39.28]
3. Damages recoverable.....	[39.29]
(a) Bereavement	[39.29]
(b) Dependency	[39.33]
Generally	[39.33]
Multiplier and multiplicand	[39.39]
Wife's income	[39.45]
Future financial prospects	[39.49]
Marriage breakdown.....	[39.54]
Other factors affecting dependency	[39.59]
(c) Funeral and other expenses.....	[39.64]
(d) Child killed – parent's claim	[39.73]
(e) Parents killed – child's claim	[39.79]
(f) Damages for loss of services	[39.83]
Wife.....	[39.85]
Mother	[39.90]
4. Deductions	[39.97]
(a) Benefits to be disregarded (section 4).....	[39.97]
5. Remarriage.....	[39.111]
6. Law Reform Act claims	[39.113]

Chapter 40 Credit Hire

1. Enforceability	[40.1]
(a) Champerty	[40.1]
(b) Consumer Credit Act 1974.....	[40.2]
(c) Contractual arguments	[40.6]
(d) Others.....	[40.10]
(e) Cancellation of Contracts made in the Consumer's Home or Place of Work etc Regulations 2008, SI 2008/1816 – for contracts made before 13 June 2014	[40.12]
2. Need.....	[40.18]
(a) General principles	[40.18]
(b) Failure to use fully comprehensive insurance.....	[40.20]
(c) Lease cars.....	[40.22]
(d) Offer of a replacement vehicle	[40.25]

(e) Hire by a commercial enterprise where the vehicle can be replaced through its own resources	[40.27]
3. Period	[40.29]
(a) General principles	[40.29]
(b) Part 20/contribution claims	[40.30]
(c) Failure to mitigate losses: using own resources.....	[40.32]
(d) Other.....	[40.35]
4. Rate.....	[40.36]
(a) Recoverable rate	[40.36]
(b) Assessment of rate evidence	[40.44]
5. Like for like	[40.51]
6. General failure to mitigate.....	[40.52]
(a) Hire charges disproportionate to vehicle value	[40.52]
(b) Hire charges for lengthy period of hire.....	[40.54]
7. Public policy.....	[40.55]
8. Interest.....	[40.57]
9. Other.....	[40.57]
 Chapter 41 Costs	
1. After the event (ATE) insurance premiums.....	[41.1]
(a) Investigations into alternative methods of funding.....	[41.2]
(b) Level of ATE insurance	[41.5]
2. Conditional fee agreements (CFAs).....	[41.15]
(a) Formality requirements	[41.15]
(b) Entering into CFAs	[41.17]
(c) Assignment of CFAs.....	[41.23]
(d) Backdating of CFAs	[41.30]
(e) Rectification of CFAs	[41.33]
(f) Definition of 'win' under a CFA.....	[41.35]
(g) Termination of CFAs.....	[41.36]
(h) Cancellation of Contracts made in a Consumer's Home or Place of Work etc Regulations 2008, SI 2008/1816	[41.39]
(i) The provision of legal services	[41.42]
(j) Wrong named party	[41.43]
3. Costs capping	[41.46]
4. Costs management	[41.50]
(a) Budget Discussion Report.....	[41.51]
(b) Late filing of a costs budget.....	[41.52]
(c) Revising a costs budget	[41.59]
(d) Costs management in high value cases.....	[41.62]
(e) The 'good reason' test	[41.64]
5. Detailed assessment proceedings	[41.71]
(a) Delay	[41.72]
(b) Directions.....	[41.74]
(c) Disclosure	[41.75]
(d) Extensions of time	[41.78]
6. Estimates of costs	[41.79]
7. Fixed costs – small claim	[41.82]
8. Fixed recoverable costs.....	[41.90]
9. Hourly rates	[41.110]
10. Indemnity costs under CPR Pt 44	[41.116]

11. Interim payments on account of costs.....	[41.122]
12. Inquests	[41.126]
13. Interest on costs under CPR Pt 44	[41.128]
14. Limitation	[41.135]
15. Litigants in person	[41.138]
16. Mediation/ADR.....	[41.148]
17. Medical agencies.....	[41.160]
18. Misconduct	[41.164]
19. Multiple defendants	[41.183]
20. Part 8 proceedings	[41.187]
21. Partial success.....	[41.190]
22. Pre-Action Protocol costs	[41.201]
23. Proportionality	[41.209]
24. Qualified one-way costs shifting (QOCS).....	[41.218]
25. Relief from sanctions	[41.234]
26. Retainers.....	[41.244]
27. Security for costs	[41.246]
28. Summary assessment	[41.254]
29. Success fees	[41.257]
(a) Success fees in road traffic accidents occurring before 6 October 2003	[41.258]
(b) Fixed recoverable success fees in road traffic accidents occurring on or after 6 October 2003 but before 1 April 2013	[41.259]
(c) Success fee taken from damages post-1 April 2013.....	[41.268]
30. Third-party costs orders	[41.269]
(a) General	[41.270]
(b) Legal expenses insurers	[41.275]
(c) Liability insurers	[41.276]
(d) Pure funders	[41.279]
(e) Professional funders	[41.281]
(f) Directors	[41.284]
(g) Solicitors	[41.289]
(h) Claims management companies.....	[41.294]
(i) Hire companies.....	[41.296]