

- (ii) make orders in relation to costs that may include an order that the claimant pay the defendant's costs of defending those proceedings.

SECTION III: THE PRE-ACTION PROTOCOLS FOR LOW VALUE PERSONAL INJURY CLAIMS IN ROAD TRAFFIC ACCIDENTS AND LOW VALUE PERSONAL INJURY (EMPLOYERS' LIABILITY AND PUBLIC LIABILITY) CLAIMS

45.16 Scope and interpretation

- (1) This Section applies to claims that have been or should have been started under Part 8 in accordance with Practice Direction 8B ("the Stage 3 Procedure").
- (2) Where a party has not complied with the relevant Protocol rule 45.24 will apply. The "relevant Protocol" means—
- the Pre-Action Protocol for Personal Injury Claims in Road Traffic Accidents ("the RTA Protocol"); or
 - the Pre-action Protocol for Low Value Personal Injury Claims (Employers' Liability and Public Liability) Claims ("the EL/PL Protocol").
- (3) A reference to "Claim Notification Form" or Court Proceedings Pack is a reference to the form used in the relevant Protocol.

45.17 Application of fixed costs, and disbursements

The only costs allowed are—

- fixed costs in rule 45.18; and
- disbursements in accordance with rule 45.19; and
- where applicable, fixed costs in accordance with rule 45.23A or 45.23B.

45.18 Amount of fixed costs

- (1) Subject to paragraph (4), the amount of fixed costs is set out in Tables 6 and 6A.
- (2) In Tables 6 and 6A—
- "Type A fixed costs" means the legal representative's costs;
- "Type B fixed costs" means the advocate's costs; and
- "Type C fixed costs" means the costs for the advice on the amount of damages where the claimant is a child.
- (3) "Advocate" has the same meaning as in rule 45.37(2)(a).
- (4) Subject to rule 45.24(2) the court will not award more or less than the amounts shown in Tables 6 and 6A.
- (5) Where the claimant—
- lives or works in an area set out in Practice Direction 45; and
 - instructs a legal representative who practises in that area,
- the fixed costs will include, in addition to the costs set out in Tables 6 and 6A, an amount equal to 12.5% of the Stage 1 and 2 and Stage 3 Type A fixed costs.
- (6) Where appropriate, VAT may be recovered in addition to the amount of fixed costs and any reference in this Section to fixed costs is a reference to those costs net of any such VAT.

Table 6

Fixed costs in relation to the RTA Protocol					
Where the value of the claim for damages is not more than £10,000			Where the value of the claim for damages is more than £10,000		
Stage 1 fixed costs		£200	Stage 1 fixed costs		£200
Stage 2 fixed costs		£300	Stage 2 fixed costs		£600
Stage 3	Type A fixed costs	£250	Stage 3	Type A fixed costs	£250
	Type B fixed costs	£250		Type B fixed costs	£250
	Type C fixed costs	£150		Type C fixed costs	£150

Table 6A

Fixed costs in relation to the EL/PL Protocol					
Where the value of the claim for damages is not more than £10,000			Where the value of the claim for damages is more than £10,000		
Stage 1 fixed costs		£300	Stage 1 fixed costs		£300
Stage 2 fixed costs		£600	Stage 2 fixed costs		£1300
Stage 3	Type A fixed costs	£250	Stage 3	Type A fixed costs	£250
	Type B fixed costs	£250		Type B fixed costs	£250
	Type C fixed costs	£150		Type C fixed costs	£150

The reduction in Stage 1 and 2 Fixed Costs from £400 to £200 and £800 to £300 in the Table above apply only to a claim where the Claim Notification Form is sent in accordance with the Pre-Action Protocol for Low Value Personal Injury Claims in Road Traffic Accidents on or after 30th April 2013.

45.19 Disbursements

- (1) Subject to paragraphs (2A) to (2E), the court—
- (a) may allow a claim for a disbursement of a type mentioned in paragraphs (2) or (3); but
 - (b) will not allow a claim for any other type of disbursement.
- (2) In a claim to which either the RTA Protocol or EL/PL Protocol applies, the disbursements referred to in paragraph (1) are—
- (a) the cost of obtaining—
 - (i) medical records;
 - (ii) a medical report or reports or non-medical expert reports as provided for in the relevant Protocol;
 - (b) court fees as a result of Part 21 being applicable;
 - (c) court fees payable where proceedings are started as a result of a limitation period that is about to expire;
 - (d) court fees in respect of the Stage 3 Procedure;
 - (e) any other disbursement that has arisen due to a particular feature of the dispute.
- (2A) In a soft tissue injury claim to which the RTA Protocol applies, the only sums (exclusive of VAT) that are recoverable in respect of the cost of obtaining a fixed cost medical report or medical records are as follows—
- (a) obtaining the first report from an accredited medical expert selected via the MedCo Portal: £180;
 - (b) obtaining a further report where justified from an expert from one of the following disciplines—
 - (i) Consultant Orthopaedic Surgeon (inclusive of a review of medical records where applicable): £420;
 - (ii) Consultant in Accident and Emergency Medicine: £360;
 - (iii) General Practitioner registered with the General Medical Council: £180; or
 - (iv) Physiotherapist registered with the Health and Care Professions Council: £180;
 - (c) obtaining medical records: no more than £30 plus the direct cost from the holder of the records, and limited to £80 in total for each set of records required. Where relevant records are required from more than one holder of records, the fixed fee applies to each set of records required;
 - (d) addendum report on medical records (except by Consultant Orthopaedic Surgeon): £50; and
 - (e) answer to questions under Part 35: £80.
- (2B) Save in exceptional circumstances, no fee may be allowed for the cost of obtaining a report to which paragraph (2A) applies where the medical expert—
- (a) has provided treatment to the claimant;
 - (b) is associated with any person who has provided treatment; or
 - (c) proposes or recommends treatment that they or an associate then provide.