

# Litigation Funding Agreements (Enforceability) Bill [HL]

MARSHALLED  
LIST OF AMENDMENTS  
TO BE MOVED  
IN GRAND COMMITTEE

[Amendments marked ★ are new or have been altered]

Amendment  
No.

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Clause 1

LORD STEWART OF DIRLETON

- 1 Clause 1, page 1, line 14, at end insert –  
“(ia) where the litigant is a litigant in person, expenses incurred by that litigant, or”

***Member's explanatory statement***

*This amendment ensures that the definition of litigation funding agreements includes agreements under which a funder agrees to fund expenses incurred by a litigant in person.*

LORD STEWART OF DIRLETON

- 2 Clause 1, page 1, line 16, after “order” insert “, an arbitration award or a settlement agreement”

***Member's explanatory statement***

*This amendment ensures that the definition of litigation funding agreement includes agreements under which a funder agrees to pay costs relating to litigation that arise by virtue of an arbitration award or a settlement agreement, as well as by virtue of a costs order.*

**After Clause 1**

LORD MARKS OF HENLEY-ON-THAMES

**3★** After Clause 1, insert the following new Clause—**“Review: enforceability of litigation funding agreements**

- (1) The Lord Chancellor must establish an independent review of the impact of provisions in this Act about the enforceability of litigation funding agreements in England and Wales on—
  - (a) safeguards available for claimants,
  - (b) regulation of the third-party litigation funding sector,
  - (c) the level of returns made to funders,
  - (d) available alternatives to litigation funding agreements, and
  - (e) any other matters that are considered relevant.
- (3) The review must be completed by 31 August 2025.
- (4) Within three months of receiving the review, the Lord Chancellor must lay a response before Parliament.”

***Member's explanatory statement***

*This probing amendment aims to establish a review of the impact of provisions in this Act about the enforceability of litigation funding agreements and explore the scope of such a review.*



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*25 April 2024*

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