



Civil Litigation (Expenses and Group Proceedings) (Scotland) Act 2018

2018 asp 10

PART 1

SUCCESS FEE AGREEMENTS

1 Success fee agreements

(1) In this Part, a “success fee agreement” is an agreement between a person providing relevant services (the “provider”) and the recipient of those services (the “recipient”) under which the recipient—

- (a) is to make a payment (the “success fee”) to the provider in respect of the services if the recipient obtains a financial benefit in connection with a matter in relation to which the services are provided, but
- (b) is not to make any payment, or is to make a payment of a lower amount than the success fee, in respect of the services if no such benefit is obtained.

(2) In this section—

“claims management services” means services consisting of the provision of advice or services, other than legal services, in connection with the making of a claim for damages or other financial benefit, including—

- (a) advice or services in relation to—
 - (i) legal representation,
 - (ii) the payment or funding of costs associated with making the claim,
- (b) referring or introducing one person to another,
- (c) making inquiries,

“legal services” means services consisting of the provision of legal advice, assistance or representation,

“payment” includes a transfer of assets and any other transfer of money’s worth,

“relevant services” means legal services or claims management services provided in connection with a matter—

- (a) which is the subject of civil proceedings to which the recipient is a party before a Scottish court or tribunal, or

Status: This is the original version (as it was originally enacted).

(b) in relation to which such proceedings are in contemplation,
“Scottish court or tribunal” means a court or tribunal established under the law of Scotland.

(3) In this Part, the following terms, in relation to a success fee agreement, are to be construed in accordance with this section—

“payment”,
“provider”,
“recipient”,
“relevant services”,
“success fee”.