



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

2018 asp 10

PART 2

EXPENSES IN CIVIL LITIGATION

10 Third party funding of civil litigation

- (1) This section applies where a party to civil proceedings receives financial assistance in respect of the proceedings from another person (whether directly or through an intermediary) who is not a party to the proceedings (“the funder”).
- (2) The party receiving financial assistance must disclose to the court—
 - (a) if known to the party, the identity of the funder and any intermediary, and
 - (b) the nature of the assistance being provided.
- (3) If the funder has a financial interest in respect of the outcome of the proceedings—
 - (a) the party receiving the assistance must disclose that interest to the court once the substantive issues in dispute in the proceedings have been decided or otherwise resolved, and
 - (b) the court may make an award of expenses against the funder and any intermediary.
- (4) Subsection (3) does not apply where the assistance is provided—
 - (a) under a success fee agreement (within the meaning of section 1),
 - (b) by a trade union or similar body which represents the interests of workers.
- (5) This section does not apply where the assistance is provided in respect of family proceedings by—
 - (a) the spouse or civil partner of the party receiving the assistance,
 - (b) a person living with the party as if they were married to each other,
 - (c) a parent of the party,
 - (d) a child of the party,
 - (e) a sibling of the party (whether of the full-blood or of the half-blood).

Status: This is the original version (as it was originally enacted).

- (6) For the purposes of this section—
“family proceedings” has the same meaning as in section 135 of the Courts Reform (Scotland) Act 2014,
“financial assistance” does not include a payment from the Scottish Legal Aid Fund.
- (7) This section is subject to an act of sederunt under section 103(1) or 104(1) of the Courts Reform (Scotland) Act 2014.