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SCOTTISH STATUTORY INSTRUMENTS

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**2002 No. 335**

**The Late Payment of Commercial  
Debts (Scotland) Regulations 2002**

**Amendments of the Late Payment of Commercial Debts (Interest) Act 1998**

2.—(1) The Late Payment of Commercial Debts (Interest) Act 1998(1) shall be amended as follows:—

(2) Section 2(5)(c) and (6) (the Scottish Ministers' power to specify by order categories of contracts as excepted contracts) are repealed.

(3) After section 2, there shall be inserted—

**“Application of the Act to Advocates**

**2A.** The provisions of this Act apply to a transaction in respect of which fees are paid for professional services to a member of the Faculty of Advocates as they apply to a contract for the supply of services for the purpose of this Act.”

(4) Section 3(4) and (5) (debts not to carry statutory interest if specified in an order made by the Scottish Ministers) are repealed.

(5) After section 5, there shall be inserted—

**“Compensation arising out of late payment**

**5A.**—(1) Once statutory interest begins to run in relation to a qualifying debt, the supplier shall be entitled to a fixed sum (in addition to the statutory interest on the debt).

(2) That sum shall be—

- (a) for a debt less than £1000, the sum of £40;
- (b) for a debt of £1000 or more, but less than £10,000, the sum of £70;
- (c) for a debt of £10,000 or more, the sum of £100.

(3) The obligation to pay an additional fixed sum under this section in respect of a qualifying debt shall be treated as part of the term implied by section 1(1) in the contract creating the debt.”

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(1) 1998 c. 20; the functions of the Secretary of State transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.