



Solicitors (Scotland) Act 1980

1980 CHAPTER 46

PART VI

MISCELLANEOUS AND GENERAL

Miscellaneous

[^{F1}61A Solicitors fees.

- (1) Subject to the provisions of this section, and without prejudice to—
 - (a) section 32(1)(i) of the ^{M1}Sheriff Courts (Scotland) Act 1971; or
 - (b) section 5(h) of the ^{M2}Court of Session Act 1988,where a solicitor and his client have reached an agreement in writing as to the solicitor's fees in respect of any work done or to be done by him for his client it shall not be competent, in any litigation arising out of any dispute as to the amount due to be paid under any such agreement, for the court to remit the solicitor's account for taxation.
- (2) Subsection (1) is without prejudice to the court's power to remit a solicitor's account for taxation in a case where there has been no written agreement as to the fees to be charged.
- (3) A solicitor and his client may agree, in relation to a litigation undertaken on a speculative basis, that, in the event of the litigation being successful, the solicitor's fee shall be increased by such a percentage as may, subject to subsection (4), be agreed.
- (4) The percentage increase which may be agreed under subsection (3) shall not exceed such limit as the court may, after consultation with the Council, prescribe by act of sederunt.]

Textual Amendments

F1 [S. 61A](#) inserted (20.7.1992) by Law Reform (Miscellaneous Provisions)(Scotland) Act 1990 (c. 40, SIF 76:2), s. 36(3); [S.I. 1992/1599](#), art.4, [Sch. 2](#)

Changes to legislation: Solicitors (Scotland) Act 1980, Section 61A is up to date with all changes known to be in force on or before 22 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

Modifications etc. (not altering text)

C1 [S. 61A](#) applied (with modifications) (1.10.2004) by The Solicitors (Scotland) Act 1980 (Foreign Lawyers and Multi-national Practices) Regulations ([S.S.I. 2004/383](#)), {reg. 13}

Marginal Citations

M1 [1971 c.58\(36:3\)](#).

M2 [1988 c.36\(36:1\)](#).

Changes to legislation:

Solicitors (Scotland) Act 1980, Section 61A is up to date with all changes known to be in force on or before 22 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 12A(2)(ba) inserted by [2010 asp 16 s. 118\(3\)](#)
- s. 32(1)(d) and word inserted by [2010 asp 16 s. 118\(2\)\(a\)\(i\)](#)
- s. 32(2D) inserted by [2010 asp 16 s. 118\(2\)\(a\)\(iv\)](#)
- Sch. 4 para. 1A(b)(iia) inserted by [2010 asp 16 s. 118\(2\)\(b\)](#)