



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

2018 asp 10

PART 1

SUCCESS FEE AGREEMENTS

4 Power to cap success fees

- (1) The Scottish Ministers may by regulations make provision for or about the maximum amounts of success fees that may be provided for under success fee agreements.
- (2) Regulations under subsection (1) may specify maximum amounts or provide for them to be determined in accordance with the regulations.
- (3) Subsection (4) applies where the maximum amount of the success fee that may be provided for under a success fee agreement is restricted—
 - (a) by provision made in regulations under subsection (1), and
 - (b) by, or in accordance with, another enactment.
- (4) The maximum amount of the success fee that may be paid under the agreement is the lower of the amounts allowed for by, or in accordance with, the enactments mentioned in subsection (3)(a) and (b).
- (5) A success fee agreement is unenforceable to the extent that it provides for a success fee of an amount that is higher than the maximum amount allowed for by virtue of this section.