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SCOTTISH STATUTORY INSTRUMENTS

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**2020 No. 23 (C. 2)**

**COURT OF SESSION  
SHERIFF APPEAL COURT  
SHERIFF COURT  
SCOTTISH COURTS AND TRIBUNALS SERVICE**

The Civil Litigation (Expenses and Group Proceedings)  
(Scotland) Act 2018 (Commencement No. 2  
and Transitional Provision) Regulations 2020

*Made* - - - - 6th February 2020  
*Laid before the Scottish  
Parliament* - - - - 10th February 2020  
*Coming into force* - - 27th April 2020

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 27(3) and (4) of the Civil Litigation (Expenses and Group Proceedings) (Scotland) Act 2018<sup>(1)</sup>.

**Citation and commencement**

1. These Regulations may be cited as the Civil Litigation (Expenses and Group Proceedings) (Scotland) Act 2018 (Commencement No. 2 and Transitional Provision) Regulations 2020 and come into force on 27 April 2020.

**Appointed day**

2. 27 April 2020 is the day appointed for the coming into force of the following provisions of the Civil Litigation (Expenses and Group Proceedings) (Scotland) Act 2018—

- (a) section 1 (success fee agreements),
- (b) section 2 (enforceability of success fee agreements),
- (c) section 3 (expenses in the event of success),
- (d) section 4(3) to (5) (cap on success fees),

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(1) 2018 asp 10.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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- (e) section 6(1) to (7), (9) and (10) (personal injury claims), and
- (f) section 7(1) and (2) (form and content of success fee agreements).

**Transitional Provision**

**3.** The provisions listed in regulation 2 of these Regulations apply to success fee agreements entered into on or after 27 April 2020.

St Andrew's House,  
Edinburgh  
6th February 2020

*ASH DENHAM*  
Authorised to sign by the Scottish Ministers

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

Regulation 2 of these Regulations brings into force certain provisions of the Civil Litigation (Expenses and Group Proceedings) (Scotland) Act 2018 (“the 2018 Act”).

Sections 1, 2, 3, 4(3) to (5), 6(1) to (7), (9), (10), 7(1) and (2) relate to success fee agreements and come into force on 27 April 2020.

Regulation 3 is a transitional provision which disapplies the above provisions to agreements entered into before 27 April 2020.

The Bill for the 2018 Act received Royal Assent on 5 June 2018. Sections 24 to 28 came into force on the following day and section 23 came into force on 5 August 2018.

## NOTE AS TO EARLIER COMMENCEMENT REGULATIONS

*(This note is not part of the Regulations)*

The following provisions of the Civil Litigation (Expenses and Group Proceedings) (Scotland) Act 2018 have been brought into force by commencement regulations made before the date of these Regulations.

<i>Provision</i>	<i>Date of Commencement</i>	<i>Instrument No.</i>
Section 4(1) and (2)	30 January 2019	<a href="#">S.S.I. 2018/368</a>
Section 5	30 January 2019	<a href="#">S.S.I. 2018/368</a>
Section 6(8)	30 January 2019	<a href="#">S.S.I. 2018/368</a>
Section 7(3) and (4)	30 January 2019	<a href="#">S.S.I. 2018/368</a>
Section 12(1), (3) and (4)	30 January 2019	<a href="#">S.S.I. 2018/368</a>
Section 14	30 January 2019	<a href="#">S.S.I. 2018/368</a>
Section 15	30 January 2019	<a href="#">S.S.I. 2018/368</a>
Section 16	30 January 2019	<a href="#">S.S.I. 2018/368</a>
Section 17	30 January 2019	<a href="#">S.S.I. 2018/368</a>
Section 18	30 January 2019	<a href="#">S.S.I. 2018/368</a>
Section 19	30 January 2019	<a href="#">S.S.I. 2018/368</a>
Section 20(7) and (8)	30 January 2019	<a href="#">S.S.I. 2018/368</a>
Section 21	30 January 2019	<a href="#">S.S.I. 2018/368</a>
Section 22	30 January 2019	<a href="#">S.S.I. 2018/368</a>
The schedule	30 January 2019	<a href="#">S.S.I. 2018/368</a>