
SCOTTISH STATUTORY INSTRUMENTS

2020 No. 110

The Civil Litigation (Expenses and Group Proceedings) (Scotland) Act 2018 (Success Fee Agreements) Regulations 2020

Success fee cap

2.—(1) Subject to section 4 (power to cap success fees) of the 2018 Act, a success fee agreement must not require the recipient of relevant services to pay to the provider a success fee which, including VAT, exceeds the maximum amount provided for by these Regulations (“the success fee cap”).

(2) The success fee cap is determined by reference to the financial benefit obtained by the recipient (“the financial benefit”).

(3) In a matter that is, or could become, a claim for damages for personal injuries⁽¹⁾ or the death of a person from personal injuries, the success fee cap is—

- (a) in respect of the first £100,000 of the financial benefit, 20%,
- (b) in respect of the amount of the financial benefit over £100,000 but not exceeding £500,000, 10%,
- (c) in respect of the amount of the financial benefit over £500,000, 2.5%.⁽²⁾

(4) In a matter that is, or could become, the subject of proceedings before an employment tribunal, the success fee cap is 35% of the financial benefit.

(5) In any other matter to which these Regulations apply, the success fee cap is 50% of the financial benefit.

(6) Where in connection with the same matter a recipient receives relevant services from more than one provider, whether under one or more success fee agreements, the success fee cap applies to the total amount payable by the recipient to those providers.

(1) In these Regulations, “personal injuries” has the same meaning as in section 6 (personal injury claims) of the 2018 Act.
(2) Section 6 (personal injury claims) of the 2018 Act makes provision for which damages may be included in the calculation of the financial benefit obtained.