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SCOTTISH STATUTORY INSTRUMENTS

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**2013 No. 77**

**The Late Payment of Commercial  
Debts (Scotland) Regulations 2013**

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

**3.—**(1) Section 5A of the Late Payment of Commercial Debts (Interest) Act 1998 (compensation arising out of late payment) is amended as follows.

(2) After subsection (2) insert—

“(2A) If the reasonable costs of the supplier in recovering the debt are not met by the fixed sum, the supplier shall also be entitled to a sum equivalent to the difference between the fixed sum and those costs.”.

(3) In subsection (3), for “an additional fixed sum” substitute “a sum”.

(4) After subsection (3) insert—

“(4) Section 17(1)(b) of the Unfair Contract Terms Act 1977<sup>(1)</sup> (no reliance to be placed on certain contract terms) shall apply in cases where a contract term is not contained in written standard terms of the purchaser as well as in cases where the term is contained in such standard terms.

(5) In this section “contract term” means a term of the contract relating to a sum due to the supplier under this section.”.