



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

2018 asp 10

PART 2

EXPENSES IN CIVIL LITIGATION

9 Representation free of charge

- (1) This section applies in civil proceedings where—
 - (a) a party to the proceedings is represented by a legal representative, and
 - (b) some (or all) of that representation is provided free of charge.
- (2) The party must disclose to the court the fact that some (or all) of the representation is provided free of charge.
- (3) The court may order a person to make a payment to the charity designated under subsection (5) in respect of the representation which was provided free of charge.
- (4) In considering whether to make an order under subsection (3) and the terms of such an order, the court must have regard to—
 - (a) whether, had the representation not been provided free of charge, the court would have awarded expenses in respect of the representation, and
 - (b) if so, what the terms of the award would have been.
- (5) For the purposes of subsection (3), the Lord President of the Court of Session must designate a charity which—
 - (a) is registered in the Scottish Charity Register, and
 - (b) has a charitable purpose (however described) of improving access to justice in respect of civil proceedings in Scotland.
- (6) Subsection (3) does not apply in relation to representation provided under section 28 of the Equality Act 2006 (legal assistance).
- (7) In this section, “free of charge” means otherwise than for or in expectation of a fee, gain or reward.