



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

2018 asp 10

PART 2

EXPENSES IN CIVIL LITIGATION

PROSPECTIVE

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).

Status: This version of this provision is prospective.

Changes to legislation: There are currently no known outstanding effects for the Civil Litigation (Expenses and Group Proceedings) (Scotland) Act 2018, Section 9. (See end of Document for details)

(7) In this section, “free of charge” means otherwise than for or in expectation of a fee, gain or reward.

Status:

This version of this provision is prospective.

Changes to legislation:

There are currently no known outstanding effects for the Civil Litigation (Expenses and Group Proceedings) (Scotland) Act 2018, Section 9.