



Legal Services Act 2007

2007 CHAPTER 29

PART 8

MISCELLANEOUS PROVISIONS ABOUT LAWYERS ETC

Pro bono representation

194 Payments in respect of pro bono representation

- (1) This section applies to proceedings in a civil court in which—
 - (a) a party to the proceedings (“P”) is or was represented by a legal representative (“R”), and
 - (b) R's representation of P is or was provided free of charge, in whole or in part.
- (2) This section applies to such proceedings even if P is or was also represented by a legal representative not acting free of charge.
- (3) The court may order any person to make a payment to the prescribed charity in respect of R's representation of P (or, if only part of R's representation of P was provided free of charge, in respect of that part).
- (4) In considering whether to make such an order and the terms of such an order, the court must have regard to—
 - (a) whether, had R's representation of P not been provided free of charge, it would have ordered the person to make a payment to P in respect of the costs payable to R by P in respect of that representation, and
 - (b) if it would, what the terms of the order would have been.
- (5) The court may not make an order under subsection (3) against a person represented in the proceedings if the person's representation was at all times within subsection (6).
- (6) Representation is within this subsection if it is—
 - (a) provided by a legal representative acting free of charge, or

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Changes to legislation: There are currently no known outstanding effects for the Legal Services Act 2007, Cross Heading: Pro bono representation. (See end of Document for details)

- (b) funded by the Legal Services Commission as part of [^{F1}the European Union]Legal Service.
- (7) Rules of court may make further provision as to the making of orders under subsection (3), and may in particular—
- (a) provide that such orders may not be made in civil proceedings of a description specified in the rules;
 - (b) make provision about the procedure to be followed in relation to such orders;
 - (c) specify matters (in addition to those mentioned in subsection (4)) to which the court must have regard in deciding whether to make such an order, and the terms of any order.
- (8) “The prescribed charity” means the charity prescribed by order made by the Lord Chancellor.
- (9) An order under subsection (8) may only prescribe a charity which—
- (a) is registered in accordance with section 3A of the Charities Act 1993 (c. 10), and
 - (b) provides financial support to persons who provide, or organise or facilitate the provision of, legal advice or assistance (by way of representation or otherwise) which is free of charge.
- (10) In this section—
- “legal representative”, in relation to a party to proceedings, means a person exercising a right of audience or conducting litigation on the party's behalf;
- “civil court” means the civil division of the Court of Appeal, the High Court, or any county court;
- “free of charge” means otherwise than for or in expectation of fee, gain or reward.
- (11) The court may not make an order under subsection (3) in respect of representation if (or to the extent that) it is provided before this section comes into force.

Textual Amendments

- F1** Words in Act substituted (22.4.2011) by [The Treaty of Lisbon \(Changes in Terminology\) Order 2011 \(S.I. 2011/1043\)](#) , arts. 2 , 3 , 4 (with art. 3(2)(3)4(2)6(4)(5))

Modifications etc. (not altering text)

- C1** S. 194(9)(a) modified (temp.) (31.7.2008) by [The Legal Services Act 2007 \(Transitory Provision\) Order 2008 \(S.I. 2008/1799\)](#) , art. 2

Commencement Information

- II** S. 194 wholly in force at 1.10.2008; s. 194 not in force at Royal assent see. s. 211; s. 194(8)(9) in force and s. 194(10) in force for certain purposes at 30.6.2008 and s. 194 in force at 1.10.2008 in so far as not already in force by [S.I. 2008/1436](#) , arts. 2(a) , 3(a)

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