



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 [^{F1}: civil courts in England and Wales]

- (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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- [^{F2}(b) provided under arrangements made for the purposes of Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012.]
- (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 [^{F3}under section 194C].
- ^{F4}(9)
- (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;
 - [^{F5} “civil court” means—
 - a ^{F6} ...
 - b the civil division of the Court of Appeal,
 - c the High Court,
 - ca [^{F7}the family court,] or
 - d [^{F8}the county] court;
 - ^{F9} ...
 - “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 s. 194 heading inserted (28.6.2022) by [Judicial Review and Courts Act 2022 \(c. 35\)](#), **ss. 48(1)(a)**, 51(3)
- F2** S. 194(6)(b) substituted (1.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), **Sch. 5 para. 68**; S.I. 2013/453, art. 3(h) (with savings and transitional provisions in S.I. 2013/534, art. 6)
- F3** Words in s. 194(8) substituted (28.6.2022) by [Judicial Review and Courts Act 2022 \(c. 35\)](#), **ss. 48(1)(b)**, 51(3)
- F4** S. 194(9) omitted (28.6.2022) by virtue of [Judicial Review and Courts Act 2022 \(c. 35\)](#), **ss. 48(1)(c)**, 51(3)
- F5** Words in s. 194(10) substituted (1.10.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), **ss. 61(1)**, 151(1) (with s. 61(2)); S.I. 2012/2412, art. 2(c)
- F6** Words in s. 194(10) omitted (28.6.2022) by virtue of [Judicial Review and Courts Act 2022 \(c. 35\)](#), **ss. 48(1)(d)(i)**, 51(3)
- F7** Words in s. 194(10) inserted (22.4.2014) by [The Crime and Courts Act 2013 \(Family Court: Consequential Provision\) Order 2014 \(S.I. 2014/605\)](#), arts. 1, **25**
- F8** Words in s. 194(10) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), **Sch. 9 para. 101**; S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

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- F9** Words in [s. 194\(10\)](#) omitted (28.6.2022) by virtue of [Judicial Review and Courts Act 2022 \(c. 35\)](#), [ss. 48\(1\)\(d\)\(ii\)](#), [51\(3\)](#)

Commencement Information

- I1** 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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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 5A inserted by [2023 c. 56 s. 210\(2\)](#)
- s. 1(1)(i) inserted by [2023 c. 56 s. 209\(2\)](#)
- s. 1(5) inserted by [2023 c. 56 s. 209\(3\)](#)
- s. 111(2)(c)(ca) substituted for s. 111(2)(c) by [S.I. 2019/375 Sch. para. 13\(2\)\(a\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2019/375 revoked (24.11.2020) before it comes into force by S.I. 2020/1342, regs. 1(2), 3(c))
- s. 206(4)(na) inserted by [2023 c. 56 s. 210\(3\)](#)
- Sch. 12 para. 110 repealed by [S.I. 2019/269 Sch. 5 para. 6](#) (This amendment not applied to legislation.gov.uk. Amending words substituted immediately before IP completion day by S.I. 2020/1050, regs.1(2), 12)