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SPICe Briefing

Pàipear-ullachaidh SPICe

# Legal advice - where to go and how to pay

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This briefing contains information about sources of legal help and advice, and how these can be paid for.



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# Summary

This briefing lists information about sources of legal help and advice in Scotland, and how it can be paid for. It includes information on:

- [finding legal help](#)
- [self-representation](#)
- [paying for legal advice](#)
- [organisations that support specific legal issues.](#)

Legal help or advice should be given by a suitably qualified person.

# Finding legal help

There is an important difference between general advice or information, and legal advice.

A provider of information explains the law and the legal system in general terms. The information that they provide is not tailored to a specific case.

Legal advice applies the law, including legislation, case law and legal principles, to a particular situation. It provides recommendations about what course of action would best suit the facts of the case and what the person wants to achieve.

Legal help or advice should be given by a suitably qualified person. This section of the briefing lists possible sources of legal advice in Scotland. These are:

- [solicitors](#)
- [law centres](#)
- [trade unions](#)
- [university law clinics](#)
- [finding legal help abroad](#).

## Solicitors

Solicitors represent and defend clients' legal interests and provide advice. As well as representing clients in court, they can also be involved in the buying of homes, drafting of wills, and other areas of legal work.

The [Law Society of Scotland](#) has a [searchable database](#) to find contact details of law firms throughout Scotland. It allows you to search by areas of law as well as location, and also has an option to list only firms that are registered to provide [legal aid](#).

## Law Centres

Law Centres offer free and independent legal advice either to local communities or to specific groups of people. There are a number of law centres around Scotland including:

- [Castlemilk Law & Money Advice Centre](#)
- [Clan Childlaw](#) (law centre for children and young people)
- [Disability Law Centre](#)
- [Drumchapel Money Advice Centre](#)
- [Dundee Law Centre](#)
- [Ethnic Minorities Law Centre](#)

- [Fife Law Centre](#)
- [Govan Law Centre](#) (includes the Education Law Unit)
- [Legal Services Agency](#) (main areas of work: housing, mental health, employment, benefits and criminal injuries compensation)
- [Scottish Child Law Centre](#)
- [Just Right Scotland](#) (runs four legal centres that focus on [women](#), [refugees and migrants](#), [anti-trafficking](#) and the Just Law Centre).

## Trade Unions

Trade unions can usually provide access to legal advice on employment issues for their members. Some trade unions also provide free legal help on non-work issues as part of their membership benefits. Information about the help individual unions provide is often available from their websites.

## University law clinics

Some universities in Scotland provide free legal advice through law clinics. For information on the type of help being offered, visit the website of the individual university:

- [Edinburgh Napier University](#)
- [Glasgow Caledonian University](#)
- [Robert Gordon University](#)
- [University of Aberdeen](#)
- [University of Dundee](#)
- [University of Edinburgh](#)
- [University of Strathclyde](#).

## Finding legal help abroad

There are lists of English speaking lawyers in other countries on the [GOV.UK website](#). These lists have been compiled by British Embassies, High Commissions and Consulates abroad. The Foreign and Commonwealth Office states that the lists should not be considered 'recommendations' and as such they do not take legal responsibility for individuals who use the lists to find a local lawyer.

# Self-representation

Individuals generally have the right to act on their own behalf in legal matters, including representing themselves in legal proceedings such as in court. You can find out more about representing yourself by contacting [your local Sheriff Court](#).

An individual who is involved in civil court proceedings without representation from a solicitor is referred to as a party litigant. A party litigant can ask the court for permission to bring in someone to help them during the hearing. There are two types of non-solicitor assistance that can be requested:

- someone who can speak on your behalf is called a Lay Representative
- someone who cannot speak on your behalf but can give you help, advice and moral support is called a Courtroom Supporter (sometimes also referred to as a Lay Supporter or 'Mckenzie Friend').

More information is available on the [Scottish Courts and Tribunals Service website](#).

While it will usually be possible for someone to represent themselves, it will not always be advisable. Some proceedings - such as tribunals or simple procedure claims in the sheriff court - are designed to be easy to use. However, other court proceedings require a detailed understanding of the law and court rules. A party litigant may be unlikely to do a good job of representing themselves in more complex procedures.

# Paying for legal advice

The fees charged by solicitors are a private matter between the solicitor and their client. This means that there is little publicly available information on the costs of taking different legal actions.

The Law Society of Scotland published [Price Transparency Guidance](#) in 2020 following a consultation process, however law practices do not have to follow this guidance. A 2020 research report from the Competition and Markets Authority on [Legal Services in Scotland](#) suggested that there is not enough incentive for practices to follow it (paragraph 17).

Solicitors can charge in a range of different ways - for example, an hourly rate or a fixed fee for a piece of work. They can also work on a "no win, no fee" basis.

## No win, no fee

Many solicitors will offer to take some types of cases on a "no win, no fee" basis. This means that the client will not usually pay anything if they lose a case, but will pay an uplift in the solicitor's standard fees if they win. Such an arrangement minimises the financial barriers to taking legal action. However, it will also reduce the amount of compensation a client who is successful in their claim gets.

Not all no win, no fee agreements are the same. Sometimes a client may be expected to pay "outlays" (costs other than a solicitor's fees, such as the costs of obtaining an expert report). Sometimes solicitors will take their success fee partly out of legal expenses paid by the losing side and only partly out of compensation awarded to the client. But sometimes it will all come from the client's compensation. So it is important to check the details.

The most common type of no win, no fee claim is in relation to compensation for personal injuries. There are some specific requirements in relation to how these agreements operate. In particular, they must be genuinely no fee if the claim is unsuccessful, so a client cannot be charged for outlays. There are also caps on the proportion of compensation which can be claimed in the event of success:

- 20% of compensation of £100,000 or less
- 10% of compensation above £100,000 up to £500,000
- 2.5% of compensation over £500,000.

## Costs when losing a case

It is also worth noting that if you lose a civil case, including in cases where you have been provided with free legal advice or engaged a solicitor on a no win no fee basis, it is possible that you will be liable for the legal expenses of the other side. This depends on the decision of the court.

Legal expenses are the costs of taking legal action, such as paying for a solicitor, court fees and witness expenses. There are different legal rules on the payment of the winning side's legal expenses, depending on the forum. For example, in most tribunal cases, parties are responsible for their own expenses. In simple procedure cases there are caps

on the expenses the other side can claim. However, in most civil court proceedings, the losing party will usually be required to pay the winning party's legal expenses, using rates set in legislation.

## Legal Aid

Legal aid provides financial assistance to enable people who may not otherwise be able to afford it to access legal services.

Legal aid is funded by the Scottish Government and administered by the [Scottish Legal Aid Board](#)(SLAB). SLAB also directly employs solicitors to give advice to people who qualify for legal aid and provides grant funding to various advice services (including services not provided by solicitors).

SLAB have a [searchable directory of solicitors](#) who are registered to provide legal aid on their website.

There are several different types of legal aid and there is a financial eligibility test for each service. There may be further eligibility criteria to qualify for some types of legal aid. The following figure summarises the main types of legal aid and what they are used for.



**Figure 1: Overview of the different types of legal aid**

Type of legal aid	What it covers	Examples	Financial eligibility test	Other tests
Advice & Assistance	For advice but not representation in court on an issue of Scots Law	<p>Criminal Advice and Assistance could cover advice on whether to accept a fiscal fine</p> <p>Civil Advice and Assistance could cover advice on options for dealing with a problem neighbour</p> <p>Children's Advice and Assistance could cover advice on participation in a Children's Hearing</p>		
Assistance By Way of Representation (ABWOR)	For representation in certain, specified legal forums	<p>Criminal ABWOR covers those who plead guilty in summary criminal proceedings. It also covers other specific situations</p> <p>Civil ABWOR covers representation in certain specified legal forums, eg. immigration and employment tribunals</p> <p>Children's ABWOR covers representation at Children's Hearings and some related sheriff court proceedings</p>	 In most circumstances	 Various depending on forum
Criminal Legal Aid	For representation in court on criminal issues.	Criminal Legal Aid covers those facing solemn criminal proceedings or those who plead not guilty in summary proceedings	 (except for automatic Criminal Legal Aid)	 In summary proceedings only
Civil Legal Aid	For representation in court on civil issues.	Civil Legal Aid covers most forms of court action in Scotland's civil courts		<p>There is a plausible legal basis for the case</p> <p>It is reasonable in the particular circumstances of the case to provide legal aid</p>
Children's Legal Aid	For representation in court in proceedings which relate to Children's Hearings	Children's Legal Aid covers most Children's Hearing-related actions in the civil courts	 (except for automatic Children's Legal Aid)	Different tests depending on whether a child or adult is applying

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SLAB have an [eligibility calculator on their website](#) which can be used to determine financial eligibility for the different types of legal aid listed above.

SPICe have a detailed briefing on [legal aid - how it works](#) that provides further information

on this topic and goes into detail regarding the types of legal aid available in Scotland.

## Other sources of free advice

Some of the organisations listed in the section of this briefing on [finding legal help](#) may offer their services for free, including: [trade unions](#), [law centres](#) and [university law clinics](#).

Being a member of some motoring organisations such as the AA and RAC comes with free or subsidised legal advice.

There are different types of legal expenses insurance that can cover legal matters. Some home insurance policies also include an element of legal expenses insurance. The areas of legal support covered will differ depending upon the exact details of each insurance policy.

[Citizens Advice Bureaux](#) can provide a variety of advice, although what is available can differ by location.

Crowdfunding is an option that has been used to fund the legal costs of individuals. This generally involves setting up a campaign on a crowd funding website and sharing the link as widely as possible, asking others for donations towards legal costs.

Some solicitors will give up to half an hour of legal advice free or at a fixed rate. This can be useful if you want to get an idea of whether you have a case which is worth defending or pursuing.

While only solicitors can initiate court proceedings, there are other professionals that supply specific legal advice in their field. This includes accountants who can provide advice on tax and company law. Advice may also be available from housing advice centres or money advice units.

# Organisations that support specific legal issues

A number of organisations provide help and advice in connection with specific legal issues. Some examples are provided below under broad categories. This list is not exhaustive and other options will be available.

## General advice

**Citizens Advice Bureaux:** These provide face to face advice services across a wide range of topics in most of Scotland's communities. They are particularly known for providing advice on money and debt issues, social security benefits, consumer and employment issues.

You can [access online advice and resources to resolve various issues](#) from the Citizens Advice service. A [Scotland-wide telephone advice service](#) is also available.

[Advice.scot](#) provides general advice via webchat, telephone and email. It also [provides online advice and self-help resources](#) covering benefits, employment, housing, neighbourhood and family and relationship issues. It provides more specialist services covering:

- [consumer advice](#)
- [money and debt issues](#)
- [energy advice](#)
- [advice on Royal Mail postal services](#).

Independent advice agencies: there are local authority-run and independent advice services in lots of places. The [advicelocal](#) website can help you find advice service in your local area.

## Children

**Clan Childlaw:** Scotland's law centre for children and young people. They aim to protect and strengthen children's rights and improve their lives. Their lawyers regularly represent children and young people in court, at [Children's Hearings](#), and in important meetings.

**Scottish Child Law Centre:** a free confidential legal advice service is provided via telephone and email, on all aspects of Scots law relating to children and young people. All calls and emails are answered by fully qualified solicitors.

**Young Scot LawLine:** young people between the ages of 11 and 25 can get free, confidential advice on legal issues, 24 hours a day

## Consumer rights

[Citizens Advice Bureaux](#): These provide face to face advice services across a wide range of topics, including consumer rights.

[Consumer Scotland](#): an independent statutory body established to support consumer interests.

## Employment

[Citizens Advice Bureaux](#): These provide face to face advice services across a wide range of topics, including employment issues.

[Advisory, Conciliation and Arbitration Service \(Acas\)](#): provides free and impartial advice to employers, employees and their representatives on:

- employment rights
- best practice and policies
- resolving workplace conflict.

They also provide advice to those who experience workplace-based issues and concerns.

## Environment

[Environmental Rights Centre for Scotland](#): Their purpose is to increase the capacity and opportunity of individuals, community groups and organisations to promote environmental justice at neighbourhood, local authority and national levels.

They [offer free advice](#) to individuals, community groups and organisations on environmental and related planning law.

## Equality and human rights

[Citizens Advice Bureaux](#): These provide face to face advice services across a wide range of topics, including housing issues.

[Equality Advisory and Support Service](#): The Helpline advises and assists individuals on issues relating to equality and human rights, across England, Scotland and Wales.

[Scottish Just Law Centre](#): aims to reduce discrimination and disadvantage in Scotland by helping people use equalities and human rights law as an effective tool for social change.

Many of the [law centres](#) discussed earlier in the briefing support legal issues relating to housing.

## Housing

[Shelter Scotland](#): provides advice, support and legal services to people struggling with bad housing or homelessness.

[Under One Roof](#): provides free and impartial information to the more than half a million tenement flat owners, and housing professionals, on issues related to tenement maintenance, common repair management, and retrofit.

## Immigration

[Ethnic Minorities Law Centre](#): provides legal advice on the topics of immigration, asylum, discrimination and human rights

[KIND UK](#): provides legal advice and representation to undocumented children on immigration and nationality issues.

[Scottish Anti-Trafficking & Exploitation Centre](#): the only specialist legal project in Scotland that provides direct legal advice and representation to child and adult survivors of trafficking and exploitation in Scotland regardless of nationality, gender, type of exploitation and geographical location.

[Scottish Refugee and Migrant Centre](#): delivers legal advice targeting 4 key areas of work as well as hosting Ukraine Advice Scotland and a second-tier immigration and asylum advice line.

In Scotland, asylum seekers, refugees and migrants can also access [legal aid](#) for immigration advice, so any solicitor with expertise may be able to help. Legal Aid is not excluded for those with no recourse to public funds.

[Ukraine Advice Project UK](#): immigration advice for Ukraine war refugees.

## Money

[The National Debtline](#): provides a free and confidential helpline offering independent advice on how to deal with debt problems.

[Christians Against Poverty \(CAP\)](#): provides free professional debt help through local churches across the UK.

[Step Change](#): provides free debt advice and practical help with debt issues.

[Citizens Advice Bureaux](#): These provide face to face advice services across a wide range of topics, including debt and money advice.

[Money Helper](#): provides a search facility for local debt and money advice organisations.

Your local council: Many local councils have welfare rights advisers who can help you with money, debt and benefits issues.

## Social security benefits

[Citizens Advice Bureaux](#): These provide face to face advice services across a wide range of topics, including social security benefits.

You can [access online advice and resources](#) from the Citizens Advice service. A [Scotland-wide telephone advice service](#) is also available.

[Social Security Scotland](#): can help fill in application forms and can answer questions about benefits. Does not provide legal advice.

[Advice.scot](#) provides general advice via webchat, telephone and email. It also [provides online advice and self-help resources](#) covering benefits.

Independent advice agencies: there are local authority-run and independent advice services in lots of places. The [advice.local](#) website can help you find advice service in your local area.

## Women

[Scottish Women's Rights Centre \(SWRC\)](#): a collaboration between Rape Crisis Scotland, the University of Strathclyde Law Clinic and JustRight Scotland. All legal advice and representation provided through the SWRC is by the solicitors of JustRight Scotland. They specialise in services for women affected by violence and abuse, including women who are migrants.

## Other

[Action against Medical Accidents](#): provides free and impartial advice for people affected by medical accidents.

[Age Scotland](#): provides advice and information on its website and through its advice line about a range of issues relevant to older people.

At some sheriff courts, there are free advice services on civil law issues such as rent arrears, repossession and debt. This could help you resolve your case before any court action begins. Contact your [local court](#) to see what court advice services are available.

[Pro Bono Week](#): a Scottish guide to free legal advice is published annually on the Pro Bono Week website. The Scottish guide is written by the Faculty of Advocates' Free Legal Services Unit (FLSU), the Law Society of Scotland and legal services charity JustRight Scotland.

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