Public Petitions Committee
Thursday 5 November 2026
5th Meeting, 2026 (Session 7)

PE2241: Introduce Legal Services Payment Orders to improve access to justice in Scottish family law

Introduction

Petitioner	Dr Jurgita Koechlin
Petition Summary	Calling on the Scottish Parliament to urge the Scottish Government to consult on and introduce legislation creating Legal Services Payment Orders in Scottish family law, so courts can stop financial control or economic abuse from preventing fair access to legal advice, representation, and justice.
Website	https://petitions.parliament.scot/petitions/PE2241

1. This is a new petition that was published on 4 August 2026.

2. A full summary of this petition and its aims can be found at **Annexe A**.

3. Every petition collects signatures while it remains under consideration. At the time of writing, 252 signatures have been received on this petition.

4. A SPICe briefing has been prepared to inform the Committee's consideration of the petition and can be found at **Annexe B**.

5. The Committee seeks views from the Scottish Government on all new petitions before they are formally considered.

6. The Committee has received submissions from the Scottish Government and the Petitioner which are set out in **Annexe C** of this paper.

Action

7. The Committee is invited to consider what action it wishes to take.

Clerks to the Committee
November 2026

Annexe A: Summary of petition

PE2241: Introduce Legal Services Payment Orders to improve access to justice in Scottish family law

Petitioner:

Dr Jurgita Koechlin

Date published:

4 August 2026

Petition summary:

Calling on the Scottish Parliament to urge the Scottish Government to consult on and introduce legislation creating Legal Services Payment Orders in Scottish family law, so courts can stop financial control or economic abuse from preventing fair access to legal advice, representation, and justice.

Background information:

Economic abuse can continue after separation when one party controls money, assets, disclosure, housing, or legal funding. In family proceedings, this can prevent the other party from getting advice, challenging non-disclosure, seeking protection, or negotiating a fair settlement.

UK evidence shows 1 in 7 women has experienced economic abuse from a current or former partner, and specialist evidence reports economic abuse in around 95% of domestic abuse survivor cases. Laws alone are not enough if financial control prevents survivors from accessing justice.

Legal aid may not provide a practical route to representation, and public funds should not be the default where family resources exist but are controlled by one party. A Legal Services Payment Order, as is used in England and Wales, would give courts a discretionary, evidence-based and proportionate tool to prevent financial control from blocking justice, while protecting children, families, courts and publicly funded legal support.

Annexe B: SPICe Briefing

Scottish Parliament Information Centre
Ionad Fiosrachaidh Pàrlamaid na h-Alba

Briefing for the Public Petitions Committee on petition PE2241: Introduce Legal Services Payment Orders to improve access to justice in Scottish family law, lodged by Dr Jurgita Koechlin

Brief overview of issues raised by the petition

- The petitioner is concerned about access to legal representation for victims of economic abuse when they face family law proceedings. These include things like divorce or child contact disputes. Where someone is in – or has been in – an economically abusive relationship, they may not have access to their financial assets. They may not even have information about what financial assets exist.

- The charity Surviving Economic Abuse has a definition of economic abuse:

  > "Economic abuse can include exerting control over income, spending, bank accounts, bills and borrowing. It can also include controlling access to and use of things like transport and technology, which allow us to work and stay connected, as well as property and daily essentials like food and clothing. It can include destroying items and refusing to contribute to household costs.
  >
  > "This type of abuse is a form of coercive and controlling behaviour. It can continue long after leaving and can have lifelong effects."

- Session 6's Social Justice and Social Security Committee carried out an inquiry into financial considerations when leaving an abusive relationship. This specifically considered access to legal representation for victims of abuse as well as how legal proceedings could be manipulated as a form of controlling behaviour.

- Legal aid is the primary tool available to people in Scotland who cannot afford legal advice or representation themselves. Civil Legal Aid – for representation in court – has more generous financial eligibility requirements. However, people seeking initial advice may need to access Advice and Assistance (for legal advice only), which has more restrictive financial eligibility criteria. The SPICe briefing Legal aid – how it works explains how legal aid operates in more detail.

- The Financial Considerations inquiry heard that the Scottish Legal Aid Board can apply financial eligibility criteria flexibly in situations involving domestic – including economic – abuse. However, there appeared to be little awareness of this flexibility among solicitors.

- There are also well-documented concerns about being able to access legal aid on a practical level. It has been suggested that fewer solicitors are prepared to offer legal aid, especially for complex or urgent cases. Session 6's Equalities, Human Rights and Civil Justice Committee's inquiry into civil legal assistance explored this issue and concluded that there were "legal aid deserts" based on subject matter or geography in Scotland.

- In addition, the petitioner raises the question of whether public funds should be used to support legal representation when assets do exist to cover the costs privately but are being controlled by an abusive partner.

- Legal Services Payment Orders (LSPOs) are a type of court order available in England and Wales. They direct one party to a marriage or civil partnership to make payments to the other party so they can access legal advice and representation. LSPOs are only available in relation to disputes about the end of a relationship or related financial proceedings.

- The courts must take a range of factors into account when deciding whether to make an order. These include the financial circumstances of the other party, whether they have legal representation and the wider financial circumstances of the relationship. The court will not make an order unless the party seeking it would not be able to access legal services otherwise. This includes consideration of whether they can take out a loan or mortgage to pay for this. The charity Rights of Women provides detailed information about applying for a Legal Services Payment Order.

- It is possible to apply for interim financial assistance from the other party during proceedings for divorce in Scotland. This could result in one party making payments to the other to provide financial support. In a recent case, an application was made – and granted by the courts – which specifically included a sum to cover legal representation. However, the law in this area is still being developed. An article in Scottish Legal News discusses the opportunities this may present to people without access to assets at the end of a relationship.

Key Organisations and relevant links

- Scottish Government
- Scottish Legal Aid Board
- Scottish Women's Aid
- Family Law Association
- The Financial considerations when leaving an abusive relationship inquiry heard from a range of organisations with expertise in economic abuse.

Abigail Bremner
Senior Researcher
23 September 2026

The purpose of this briefing is to provide a brief overview of issues raised by the petition. SPICe research specialists are not able to discuss the content of petition briefings with petitioners or other members of the public. However, if you have any comments on any petition briefing you can email us at spice@parliament.scot

Every effort is made to ensure that the information contained in petition briefings is correct at the time of publication. Readers should be aware however that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.

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Annexe C: Written Submissions

PE2241/A: Introduce Legal Services Payment Orders to improve access to justice in Scottish family law

Scottish Government written submission, 9 September 2026

Does the Scottish Government consider the specific ask[s] of the petition to be practical or achievable? If not, please explain why.

The Scottish Government understands that the introduction of Legal Services Payment Orders (LSPOs) in 2013 followed the coming into force of the Legal Aid, Sentencing and Punishment of Offenders Act 2012. This Act removed most private law disputes from the scope of legal aid in England & Wales, and were designed as a measure to fill the gap that the removal of legal aid provision left behind.

An LSPO is an order for one person to pay money to the other person's solicitors for their legal costs. The purpose of an LSPO is to create a level playing field, whereby the divorcing party with little or no money is able to instruct a solicitor to represent them in a divorce case against the party with most or all of the money. There are however strict criteria before LSPOs can be made – the paying person has to be able to afford it, and the receiving person has to demonstrate that they have no other sources of funds available.

Unlike in England & Wales, legal aid in Scotland remains available for the vast majority of divorce cases, with the exception of simplified divorce applications. The Scottish Legal Aid Board are aware of the difficulties that can occur where financial control is involved, and previously provided evidence to the Parliament's Social Justice and Social Security Committee as part of the latter's inquiry into Financial Considerations when leaving an abusive relationship.

In any situation where a relationship is breaking down, or where there are ongoing problems as the result of a relationship breakdown, SLAB know there may be practical barriers to applicants giving their solicitors information about the relevant finances to seek financial orders. For example, when a coercive or controlling relationship has been involved the victim of abuse may not know much about the relevant finances.

When SLAB assess the merits and financial eligibility tests, it is their policy to take into account the difficult practical circumstances in which women who have experienced domestic abuse find themselves in. They will consider the application based on the applicant's understanding of the position, taking into account any supporting material they can provide, but not always requiring evidence of all financial assets and liabilities. SLAB's guidance for solicitors, and communications with applicants, currently make it clear that they can explain why information may be missing from an application.

Where someone has been in an abusive relationship and as a result has accumulated a number of debts, SLAB will consider these when calculating what their available disposable income is. For example, if there are debts such as loans, credit cards, store cards etc. they will make an allowance for whatever the monthly

payment is towards these debts. This however is not unique to cases involving domestic abuse.

What, if any, action is the Scottish Government currently taking to address the issues raised by this petition, and is any further action being considered that will achieve the ask[s] of this petition?

The Scottish Government has no specific plans to address the issue raised by this petition. That notwithstanding, we are actively engaged in a programme of Legal Aid Reform in line with the principles of the 2025 Legal Aid Reform Discussion Paper in order to ensure that we have an adaptable, flexible, affordable and sustainable legal aid system that supports people who are facing challenging issues and problems.

The most recent phase of this work is the publication of a public consultation on Legal Aid reform. The consultation seeks views on how the legal aid system could be more responsive, user-centred and accountable, while continuing to deliver effective access to justice.

The consultation will provide an important opportunity for service users, legal professionals and stakeholders to help shape the future of legal aid in Scotland. Responses will inform the development of the Legal Aid (Scotland) Bill and future policy decisions.

Reform to legal aid is being considered to ensure we have an adaptable, flexible, affordable and sustainable legal aid system in Scotland that supports people who are facing challenging issues and problems.

The Scottish Government encourages all those with an interest in Legal Aid to engage with this consultation and share their views.

Is there any further information the Scottish Government wish to bring to the Committee's attention, which would assist it in considering this petition?

SLAB fund two projects, the purpose of which is to assist women facing violence and domestic abuse. The Edinburgh Women's Aid Legal Services Project is run by Scottish Women's Aid in partnership with Edinburgh Women's Aid and Baker Gostelow Family Law Ltd and provides an early intervention service providing legal advice, intervention services to women and children impacted by domestic abuse.

The Scottish Women's Rights Centre Legal Project, run by Rape Crisis Scotland and JustRight Scotland, is a service that provides free legal information, advice and representation to women affected by violence and abuse.

Further information on these can be found on the SLAB website here.

The Regulation of Legal Services (Scotland) Act received Royal Assent on 27 June 2025, after being passed by the Scottish Parliament on 20 May 2025. Once commenced this Act will increase access to justice by introducing provisions to widen access to legal services. It will enable innovative service delivery models, including liberalising alternative business structures enabling competition which will benefit the sector and clients. This change will help ensure that legal services are available in a

way that meets the needs of a modern, diverse society. The Act also removes restrictions on third sector bodies, to allow them to employ solicitors, and represent some of the most vulnerable in society, including those fleeing domestic abuse.

Legal Aid Policy Team
Civil Law & Legal Services Division

PE2241/B: Introduce Legal Services Payment Orders to improve access to justice in Scottish family law

Petitioner written submission, 23 October 2026

This submission responds to the Scottish Government's submission on PE2241 and the SPICe briefing. Both recognise that economic abuse can prevent victims from identifying or accessing family finances. However, neither provides a reliable remedy where private resources are controlled, concealed or withheld, leaving one party unable to obtain legal advice and representation needed for safety, children's interests and existing rights. PE2241 asks the Government to address that gap through a targeted, proportionate and court-supervised mechanism.

Civil legal aid is the primary existing mechanism. In domestic and economic abuse cases, the Scottish Legal Aid Board may assess eligibility flexibly by considering the applicant's understanding of the finances, explanations for missing information and relevant debts. This flexibility is welcome, but it does not guarantee that the applicant will satisfy the financial and merits tests or receive legal aid, and the SPICe briefing notes there is limited awareness of it among solicitors. Legal-aid eligibility is also not equivalent to a court power requiring a financially stronger party to contribute to reasonable legal costs where family assets are inaccessible.

Even where legal aid is approved, representation may not be available in practice. The SPICe briefing records well-documented difficulties finding solicitors willing or able to undertake legal-aid work and identifies subject-based and geographic "legal aid deserts" in Scotland. An applicant may therefore obtain legal aid yet remain unable to secure or sustain representation when urgent advice, protective steps, disclosure applications or negotiation are required.

These problems are acute in litigation involving substantial assets, non-disclosure, company or trust structures, cross-border issues, protective orders or prolonged proceedings. Such cases require financial analysis, sustained correspondence and advocacy. This is not a criticism of legal-aid solicitors, but recognition that the work may exceed the capacity and specialist resources available within current legal-aid provision.

There is also an important public-funds issue. Where private family assets exist, publicly funded legal aid and specialist services should not automatically become the default funding route. A court-supervised LSPO could require a fair and proportionate contribution from those private resources, preserving limited public funds for people with no viable private funding route and reducing avoidable pressure on government-funded services. This is especially important where economic abuse leaves a person without access to assets that may be available within the relationship.

The SPICe briefing notes that a recent Scottish decision allowed interim financial assistance to include legal representation costs. Although the decision confirms that this may be legally competent in exceptional circumstances, the availability and scope of this route remain uncertain. It is not a general or predictable substitute for an LSPO. Requiring a victim to reach acute financial vulnerability, pursue a contested application and establish exceptional circumstances creates a serious barrier to safety and equality of arms. There is a serious risk that people experiencing economic abuse will be unable to sustain that process and will abandon representation, protective steps or their claim before assistance is available. A statutory LSPO mechanism would permit earlier, structured and proportionate intervention instead of making legal funding depend on exceptional circumstances.

The Edinburgh Women's Aid Legal Services Project and Scottish Women's Rights Centre Legal Project are valuable specialist services, but not a general court-based mechanism available throughout Scotland. The Government submission does not show that they can secure sustained representation in every complex or urgent case, or answer the public-funds concern where private resources exist but are controlled by one party. They should complement, not substitute for, an LSPO equivalent.

The Regulation of Legal Services (Scotland) Act 2025 may widen access through new service models and greater third-sector involvement. However, it does not create a judicial power to direct payment from controlled private family resources or ensure that a financially excluded party can fund representation. It therefore addresses a different issue from PE2241.

LSPOs in England and Wales demonstrate that a targeted and safeguarded LSPO model is established and viable. Courts consider the parties' financial circumstances, representation and wider relationship finances. An order is available only where the applicant cannot reasonably obtain legal services by another route, including borrowing against assets, and where the paying party can afford it. A Scottish model could likewise be discretionary, evidence-based, proportionate, limited to reasonable costs and appropriate stages, reviewable if circumstances change and subject to judicial oversight.

The evidence therefore supports further examination of the petition. Economic abuse can continue after separation; victims may lack access to, or knowledge of, financial assets; legal proceedings may be manipulated as a form of control; and practical access to legal aid remains uneven. Domestic and economic abuse can affect anyone, but women are disproportionately affected. A Scottish LSPO mechanism would therefore support the aims of Equally Safe by promoting gender equality, enabling earlier and more effective intervention, improving the safety and wellbeing of women and children, and strengthening the justice response where financial control obstructs legal representation. Developing Scottish case law should inform, rather than replace, consultation on a clear statutory power that complements legal aid and other remedies.

For these reasons, I ask the Public Petitions Committee to continue its consideration of PE2241 and to seek a substantive response from the Scottish Government on: how legal-aid reform will overcome limited awareness of financial flexibility and practical legal-aid deserts; whether the two funded specialist projects close the

identified gap in access to sustained representation; how existing reforms address cases where private assets are controlled by one party; whether using those private resources through a safeguarded LSPO could deliver better value for public money and preserve publicly funded services for those with no alternative; what clear remedy exists where assets are inaccessible or undisclosed; whether developing interim-assistance case law is sufficiently accessible and predictable; and why a Scottish LSPO model should not be consulted upon. Consultation should also consider whether orders should be confined to divorce and related financial proceedings or extend, where justified, to child-related or protective family proceedings involving economic abuse or coercive control.