

## FACT SHEET

### Legal Advice Services

PhonepayPlus Fact Sheets are intended to advise the premium rate services industry on how the Board interprets or applies provisions in the **Eleventh Edition** of the PhonepayPlus Code of Practice. Service providers seeking clarity about the application of any Code provision to a particular service are strongly advised to contact the Executive **before** starting to operate the service.

### Legal Advice Services

Under paragraph 5.1 of the Code of Practice, certain live services require prior permission. PhonepayPlus is likely to grant prior permission to a live legal advice service if the following conditions are met:

#### 1) Qualifications

##### a) Services staffed by solicitors

(For the avoidance of doubt, these provisions do not relate to services staffed by barristers, trainee solicitors or legal executives.)

If a service is promoted as specialising in a particular area of the law (for example, employment or housing law), there is no requirement relating to the level or length of experience required of solicitors taking calls. However, solicitors of less than three years qualified experience must be supervised by solicitors of at least three years qualified experience.

If legal advice of a more general nature is offered, operators should be solicitors with a minimum of three years' previous qualified experience.

##### b) Services staffed by operators other than solicitors

If the service is aimed at members of the public, the service provider or information provider must be in possession of the Community Legal Service Quality Assurance Mark covering the areas of practice to which the service relates.

The Board is prepared to consider granting prior permission to legal advice unambiguously disclosed in promotional material. Please note that the term "lawyer" is unacceptable as it is insufficiently precise.

The Board is willing to consider applications to operate legal advice lines that concern very specialist areas of the law, staffed by non-solicitors, depending on the merits of the individual service and provided that the service is not aimed at vulnerable consumers. The qualifications or experience of the operators must be unambiguously disclosed in promotional material.

#### 2) Other requirements

Evidence of Professional Liability Insurance covering the proposed service must be available. A preface to the service should, where relevant, explain to callers that it might be possible to obtain free legal advice rather than paying to use the premium rate service.

#### 3) Advice Concerning Barristers

The Bar Council states that, unless they are employed by a firm of solicitors, practising barristers are *not* permitted to operate legal services aimed directly at the public.

The Bar Council does not regulate non-practising barristers. However, in its opinion, non-practising barristers are either unqualified (i.e. they have not completed the appropriate legal training), aim to offer advice directly at the public, or do not practise with the appropriate bodies.

The Bar Council does not prevent non-practising barristers providing advice. However, it does object to the use of the term 'barrister' to describe such an individual's status. Paragraph 7.1 of the Code of Practice sets out the requirements for the promotional material for such services and the requirements on connection, including the confirmation of the qualifications and experience of operators. Service providers are therefore asked to note that the Board does not consider the use of the term 'lawyer' to describe a non-practising barrister to be sufficient to meet the requirements of the Code of Practice.

Service providers who wish to employ barristers to staff legal advice lines aimed at the general public or to industry are therefore strongly advised to seek advice from the Bar Council, as it is likely that any barrister staffing such a legal advice line may be operating in breach of barristers' professional rules.

#### How To Contact PhonepayPlus

##### Contacting the Executive:

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