



Legal Aid (Scotland) Act 1986

CHAPTER 47

LEGAL AID (SCOTLAND) ACT 1986

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SCHEDULES

SCHEDULE 1 — The Scottish Legal Aid Board

Incorporation and Status

- 1 The Board shall be a body corporate with a common...
- 2 (1) The Board is not an emanation of the Crown...

Tenure of Members

- 3 Subject to paragraphs 4 and 5 below any member of...
- 4 (1) The chairman or a member may resign office by...
- 5 The Secretary of State may terminate the appointment of a...

Remuneration of members

- 6 (1) The Board may— (a) pay to its members such...

Staff

- 7 (1) The Board shall, after consultation with, and subject to...
- 8 (1) Subject to paragraph 9 below, the Board may appoint,...
- 9 (1) The Board shall, not later than such date as...
- 10 (1) Where a person becomes an employee of the Board...
- 11 (1) Any dispute as to whether an offer under sub-paragraph...

Proceedings

- 12 (1) Subject to anything in regulations made by the Secretary...

Allowances

- 13 The Board may pay to each of its members and...

Instruments

- 14

Board not dominus litis

- 15 Nothing done by the Board for the purpose of securing...

SCHEDULE 1A — Further provision in relation to the Register of Advice organisations

Register of advice organisations

- 1 (1) An organisation which satisfies the Board that it complies...

Applications

- 2 (1) An application for entry on the register of advice...

Further provision on applications

- 3 (1) In determining any application for entry on the register...

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Adviser code

- 4 (1) The Board shall prepare a code of practice (an...

Monitoring

- 5 The Board is to monitor— (a) the provision of advice...

Removal of name from the register of advice organisations

- 6 (1) Where it appears to the Board (whether or not...

Appeals

- 7 (1) A decision by the Board to refuse an application...

SCHEDULE 2 —

Part I — COURTS IN WHICH CIVIL LEGAL AID IS AVAILABLE

- 1 Civil legal aid shall be available in relation to civil...
 2 For the purposes of section 13 of this Act, proceedings...
 2A Proceedings before the First-tier Tribunal for Scotland
 3 Proceedings for judicial review before the Upper Tribunal

Part II — EXCEPTED PROCEEDINGS

- 1 Subject to section 14(1C) and paragraph 2 below, civil legal...
 2 The making of a counterclaim for defamation or verbal injury...
 3 Civil legal aid shall not be available in relation to...
 3A Civil legal aid shall not be available in relation to...
 3B In paragraph 3A— (a) “ actions for personal injury ”...
 4 Subject to paragraph 5 below, civil legal aid shall not...
 5 Nothing in paragraph 4 above shall preclude any third party...

SCHEDULE 3 — Minor and Consequential Amendments

The Maintenance Orders (Reciprocal Enforcement) Act 1972 (c.18)

- 1 (1) In section 31(1) of the Maintenance Orders (Reciprocal Enforcement)...
 2 (1) Section 43A of that Act shall be amended as...

The House of Commons Disqualification Act 1975 (c.24)

- 3 In Part III of Schedule 1 to the House of...

The Northern Ireland Assembly Disqualification Act 1975 (c.25)

- 4 In Part III of Schedule 1 to the Northern Ireland...

The Sex Discrimination Act 1975 (c.65)

- 5 In section 75(4) of the Sex Discrimination Act 1975 for...

The Race Relations Act 1976 (c.74)

- 6 In section 66(6) of the Race Relations Act 1976 for...

The Solicitors (Scotland) Act 1980 (c.46)

- 7 In section 35(4) of the Solicitors (Scotland) Act 1980 for...

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8 (1) Section 51 of that Act shall be amended as...

The Tenants' Rights, Etc. (Scotland) Act 1980 (c.52)

9 In section 9B(4) of the Tenants' Rights, Etc. (Scotland) Act...

SCHEDULE 4 — Transitional Provisions and Savings

The Legal Aid (Scotland) fund

1 (1) On the appointed day the Legal Aid (Scotland) Fund...

Rights, obligations and property

2 Subject to paragraph 1 above, on the appointed day all...

Legal aid and advice and assistance

3 (1) Nothing in this Act shall affect any legal aid...

4 (1) Any application for legal aid duly made under the...

Pensions

5 Any arrangements made by the Law Society under section 12...

General

6 (1) In this Schedule “the appointed day” means the day...

Schedule 5 — Repeals

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Changes and effects yet to be applied to :

- s. 4(3)(a) repealed by 1990 c. 40 Sch. 8 para. 36(1)(a) Sch. 9
- s. 4(3)(b) words repealed by 1990 c. 40 Sch. 9
- s. 4(3)(c) words inserted by 1990 c. 40 Sch. 8 para. 36(1)(b)
- s. 8(b) words repealed by 2012 c. 5 Sch. 14 Pt. 1
- s. 10(1)(b) words inserted by 2007 asp 5 s. 69(2)(b)
- s. 11(2)(b) words repealed by 2012 c. 5 Sch. 14 Pt. 1
- s. 17(1) words substituted by 1988 c. 34 Sch. 4 para. 3(a)
- s. 17(2)(a) words substituted by S.S.I. 2011/217 reg. 5
- s. 17(3)-(5) repealed by 1990 c. 40 Sch. 8 para. 36(7) Sch. 9 (This amendment not applied to legislation.gov.uk. S. 17(3)-(8) repealed (1.4.1989) by 1988 c. 34, Sch. 6; S.I. 1989/288, art. 2)
- s. 17(6) words substituted by 1990 c. 40 Sch. 8 para. 36(8) (This amendment not applied to legislation.gov.uk. S. 17(3)-(8) repealed (1.4.1989) by 1988 c. 34, Sch. 6; S.I. 1989/288, art. 2)
- s. 17(8) words substituted by 1990 c. 40 Sch. 8 para. 36(9) (This amendment not applied to legislation.gov.uk. S. 17(3)-(8) repealed (1.4.1989) by 1988 c. 34, Sch. 6; S.I. 1989/288, art. 2)
- s. 17(9)-(12) added by 1988 c. 34 Sch. 4 para. 3(c) (This amendment not applied to legislation.gov.uk. Sch. 4 para. 3(c) repealed (26.8.1991) without ever being in force by Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (c. 40, SIF 76), ss. 74(2), Sch. 9; S.I. 1991/1903, art. 3, Sch.)
- s. 33(1) words substituted by 1988 c. 34 Sch. 4 para. 5
- s. 33(3)(c) words repealed by 1990 c. 40 Sch. 9
- s. 33(3)(d) words repealed by 1990 c. 40 Sch. 9
- s. 33(6) added by 1990 c. 40 s. 36(4)

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):

- s. 4(2)(aba)(abb) inserted by 2007 asp 5 s. 75(2)
- s. 4(2)(aba) word substituted by S.S.I. 2011/235 art. 5(2)(a) (This amendment comes into force immediately after the commencement of the Legal Profession and Legal Aid (Scotland) Act 2007 (asp 5), s. 75, see art. 2(2). That provision is still prospective.)
- s. 4(2)(abb) word substituted by S.S.I. 2011/235 art. 5(2)(b) (This amendment comes into force immediately after the commencement of the Legal Profession and Legal Aid (Scotland) Act 2007 (asp 5), s. 75, see art. 2(2). That provision is still prospective.)
- s. 4(2)(ba) inserted by 2007 asp 5 s. 70(1)
- s. 4(3)(ca)(cb) inserted by 2007 asp 5 s. 75(3)
- s. 9A9B inserted by 2013 asp 3 s. 18(2)
- s. 10(1A)(1B) inserted by 2007 asp 5 s. 69(3)
- s. 12C and cross-heading inserted by 2007 asp 5 s. 70(2)
- s. 17(2C)-(2I) inserted by 2007 asp 5 s. 75(4)
- s. 17(2DA)(2DB) s. 17(2C)(2D) renumbered as s. 17(2DA)(2DB) by S.S.I. 2011/235 art. 5(3) (This amendment comes into force immediately after the commencement of the Legal Profession and Legal Aid (Scotland) Act 2007 (asp 5), s. 75, see art. 2(2). That provision is still prospective.)

- s. 25AA(5)-(9) inserted by [2013 asp 3 s. 21](#)
- s. 25AC25AD inserted by [2013 asp 3 s. 20](#)