



Legal Profession and Legal Aid (Scotland) Act 2007

2007 asp 5

PART 4

LEGAL AID

76 Regulations under section 36 of the 1986 Act

- (1) Section 36 (regulations) of the 1986 Act is amended as follows.
- (2) After paragraph (c) of subsection (2) insert—
 - “(ca) make provision allowing the Board to determine—
 - (i) the matters which, subject to subsection (2A), are or are not to be treated as distinct matters for the purposes of advice and assistance;
 - (ii) on a case by case basis, matters which may be treated as if they were distinct matters for the purposes of advice and assistance;”.
- (3) After subsection (2) insert—
 - “(2A) Regulations made under this section which include provision as mentioned in subsection (2)(ca)(i) must include provision to the effect that—
 - (a) any determination by the Board as to the matters which are or are not to be so treated as distinct matters may only be made after consultation with the Law Society;
 - (b) where a matter has been determined by the Board to be so treated as a distinct matter, the Board may not determine that the matter is no longer to be so treated unless the Scottish Ministers consent.”.