



Legal Profession and Legal Aid (Scotland) Act 2007

2007 asp 5

PART 4

LEGAL AID

69 Financial limit: advice and assistance

- (1) Section 10 (financial limit) of the 1986 Act is amended as follows.
- (2) In subsection (1)(b)—
 - (a) after “except” insert “, subject to subsection (4),”;
 - (b) at the end insert “or in the circumstances set out in subsection (1A)”.
- (3) After subsection (1) insert—

“(1A) The circumstances are that—

 - (a) the advice and assistance requires to be given urgently; and
 - (b) it is not possible to seek the approval of the Board before the advice and assistance requires to be given,

and following which an application may be made under subsection (1B) for the Board’s approval.
- (1B) If the Board is satisfied that the circumstances set out in subsection (1A) were present it may, on application by the solicitor or adviser concerned, give its approval to the limit having been exceeded.”.
- (4) After subsection (3) insert—

“(4) In the circumstances set out in subsection (5), no application may be made for the Board’s approval for the cost of giving the advice and assistance—

 - (a) to exceed the limit applicable under this section; or
 - (b) to that limit having been exceeded.
- (5) The circumstances are that the matter with which the advice and assistance is concerned is not—

Status: This is the original version (as it was originally enacted).

- (a) specified as a distinct matter for the purposes of advice and assistance by virtue of regulations made under this Act; or
- (b) being treated as if it were a distinct matter by virtue of such regulations.”.