



Convention Rights (Compliance) (Scotland) Act 2001

2001 asp 7

PART 3

LEGAL AID

6 Extension of advice and assistance and civil legal aid under Legal Aid (Scotland) Act 1986

- (1) In section 6(2) (definitions for purposes of Part II — advice and assistance) of the Legal Aid (Scotland) Act 1986 (c. 47) (the “1986 Act”) after the definition of “tribunal” there is added—

“and references to a court, tribunal or statutory inquiry include references to any court, tribunal or statutory inquiry which is established by law for purposes which are or include those of determining persons' civil rights and obligations and to any person who or group of persons or body or procedure which (however described) is appointed or established by law for such purposes.”

- (2) In section 13 (meaning of “civil legal aid”) of the 1986 Act—

- (a) subsection (5) is repealed; and
(b) at the end there is added—

“(6) In subsection (4) above, the reference to a court or tribunal includes a reference to a court or tribunal which is established by law for purposes which are or include those of determining persons' civil rights and obligations and to any person who or group of persons, body, statutory inquiry or other procedure which (however described) is appointed or established by law for such purposes.”

- (3) In section 14 (availability of civil legal aid) of the 1986 Act, after subsection (1), there is inserted—

“(1A) In the case of proceedings in such courts or tribunals as may be specified in regulations under this Act, civil legal aid shall be available to a person only if, in addition to the requirements which have to be met under subsection (1)

Status: This is the original version (as it was originally enacted).

above and section 15 of this Act, such criteria as may be prescribed in those regulations are met.

(1B) In subsection (1A) above, the reference to courts or tribunals shall be construed in accordance with section 13(6) of this Act.”.

(4) In section 16 (which includes provision that, in sections 17 to 20, “court” includes tribunal) of the 1986 Act, in subsection (2), at the end of the definition of “court”, there is added “and references to either shall be construed in accordance with section 13(6) of this Act”.

(5) In section 38 (which, amongst other things, enables the Court of Session to regulate the procedure of the civil courts in relation to legal aid) of the 1986 Act, after subsection (1), there is inserted—

“(1A) In subsection (1)(a) above, the reference to any court or tribunal shall be construed, except in relation to criminal proceedings, in accordance with section 13(6) of this Act.”.