



Legal Aid (Scotland) Act 1986

1986 CHAPTER 47

[^{F1} PART IVA

CRIMINAL LEGAL ASSISTANCE]

^{F1}Registration

Textual Amendments

- F1** Pt. IVA (ss. 25A-25F) inserted (1.10.1997 for specified purposes, 1.4.1998 for further specified purposes and otherwise 1.10.1998) by [1997 c. 48, s.49](#); [S.I. 1997/2323, art. 6 Sch.3](#)

^{F2}25A Criminal Legal Assistance Register.

- (1) The Board shall, in accordance with the provisions of this section, establish and maintain a Criminal Legal Assistance Register (“the Register”) of—
 - (a) solicitors who are eligible to provide criminal legal assistance; and
 - (b) subject to subsection (4) below, the firms with which the solicitors mentioned in paragraph (a) above are connected.
 - (2) A sole solicitor who wishes to provide criminal legal assistance shall require to be registered both as a solicitor and as a firm.
 - (3) Only those solicitors whose names appear on the Register may provide criminal legal assistance; and, subject to subsection (4) below, a solicitor may provide criminal legal assistance only when working in the course of a connection with a registered firm.
- [^{F3}(3A) A solicitor employed by the Board under sections 26 and 27 of this Act to provide criminal legal assistance shall require to be registered, and the entry relating to his name on the Register shall include a note that he is so employed; but the Board shall not be regarded as a firm for the purposes of this section, and shall not itself require to be registered.]

Status: Point in time view as at 04/07/2011.

Changes to legislation: Legal Aid (Scotland) Act 1986, Cross Heading: Registration is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (4) A solicitor employed by the Board under section 28A of this Act shall require to be registered, and the entry relating to his name on the Register shall include a note that he is so employed; but the Board shall not be regarded as a firm for the purposes of this section, and shall not itself require to be registered.
- (5) An application for entry on the Register shall be made in such form as the Board may determine, and shall be accompanied by such documents as the Board may specify, which shall include, in the case of a solicitor, a copy of his practising certificate.
- (6) Before making any decisions as to the matters mentioned in subsection (5) above the Board shall—
 - (a) send to the Law Society and to such other persons and bodies as it considers appropriate a draft of its proposals in that regard, inviting their comments on those proposals within such period, being not less than 8 weeks from the date on which the draft is sent, as it may specify; and
 - (b) consider any such comments timeously received by it,but, where it amends those proposals in the light of any such comments, it shall not be required to re-intimate the amended proposals to any of those who were invited to comment.
- (7) Subject to subsection (15) below, where a solicitor is connected with a firm the Board shall not consider his application unless the firm—
 - (a) is already registered; or
 - (b) has also applied for registration.
- (8) On receipt of an application the Board shall make such enquiries as it thinks appropriate for the purpose of determining whether the applicant complies with the relevant provisions of the code; and it may for that purpose use the powers conferred on it by section 35A of this Act.
- (9) Subject to subsection (10) below, where the Board is satisfied that an applicant complies with the code and, in the case of a solicitor, is not otherwise disqualified from providing criminal legal assistance, it shall make the appropriate entry on the Register.
- (10) Subject to subsection (15) below, where a solicitor is connected with a firm, the Board shall not enter his name on the Register unless the firm's name is already entered on the Register.
- (11) Where a solicitor is connected with a firm or firms, the name or names of which appear on the Register, the entry relating to that solicitor shall include the name of that firm or those firms.
- (12) Where the Board decides to refuse an application it shall forthwith intimate that decision to the applicant, and shall as soon as practicable thereafter send him or them, by recorded delivery, a written note of its reasons.
- (13) An applicant aggrieved by a decision of the Board to refuse registration may, within 21 days of the receipt of the notification of the Board's reasons under subsection (12) above, appeal to the Court of Session against that decision.
- (14) An appeal under subsection (13) above may be on questions of both fact and law and the court, after hearing such evidence and representations as it considers appropriate, may make such order as it thinks fit.

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- (15) Where a solicitor who is seeking registration, or is registered, is connected with more than one firm the requirements of subsections (7) and (10) above shall be satisfied if one of those firms has applied for registration or, as the case may be, is registered.

Textual Amendments

- F2** Pt. IVA (ss. 25A-25F) inserted (1.10.1997 for specified purposes, 1.4.1998 for further specified purposes and otherwise 1.10.1998) by 1997 c. 48, s. 49; S.I. 1997/2323, art. 6 Sch. 3
- F3** S. 25A(3A) inserted (6.7.2001) by 2001 asp 7, ss. 9(4), 15(3)

Status:

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