



Legal Aid (Scotland) Act 1986

1986 CHAPTER 47

PART III

CIVIL LEGAL AID

Expenses

17 Contributions, and payments out of property recovered

- (1) Legally assisted persons may be required by the Board to contribute to the Fund in accordance with this section in respect of any proceedings in connection with which they are granted civil legal aid.
- (2) A legally assisted person's contribution under this section shall be determined by the Board, and may include—
 - (a) if his disposable income exceeds £2,255 a year, a contribution in respect of income which shall not be more than one-quarter of the excess (or such other proportion of the excess, or such amount, as may be prescribed by regulations made under this section); and
 - (b) if his disposable capital exceeds £3,000, a contribution in respect of capital which shall not be more than the excess (or such proportion of the excess or such lesser amount as may be prescribed by regulations made under this section).
- (3) A legally assisted person may be required to make his contribution to the Fund in one sum or by instalments.
- (4) If the total contribution to the Fund made by a person in respect of any proceedings exceeds the net liability of the Fund on his account, the excess shall be repaid to him.
- (5) Except insofar as regulations made under this section otherwise provide—
 - (a) any sums remaining unpaid in respect of a person's contribution to the Fund in respect of any proceedings ; and

Status: This is the original version (as it was originally enacted).

- (b) any deficiency by reason of his total contribution being less than the net liability of the Fund on his account,
shall be paid, in priority to any other debts, out of any property (wherever situate) which is recovered or preserved for him—
- (i) in the proceedings ; or
 - (ii) under any settlement to avoid them or bring them to an end.
- (6) Nothing in subsection (5) above shall prejudice the power of the court to allow any damages or expenses to be set off.
- (7) In this section references to the net liability of the Fund on a legally assisted person's account are references to the aggregate amount of—
- (a) the sums paid or payable to a solicitor or counsel out of the Fund on his account, in respect of the proceedings in question; and
 - (b) any sums so paid or payable, for advice and assistance in connection with the proceedings in question or any matter to which those proceedings relate,
being sums not recouped by the Fund out of expenses in respect of those proceedings, or as a result of any right which he may have to be indemnified against such expenses.
- (8) Where the solicitor acting for a legally assisted person is employed by the Board for the purposes of Part V of this Act, references in subsection (7) above to sums payable out of the Fund include references to sums which would have been so payable had he not been so employed.