



Legal Aid (Scotland) Act 1986

1986 CHAPTER 47

PART VI

MISCELLANEOUS

Contempt of court

30 Legal aid in contempt proceedings

- (1) Where a person is liable to be dealt with for contempt of court during the course of or in connection with any proceedings, legal aid shall be available to him on an application being made to the court if it is satisfied—
 - (a) after consideration of the person's financial circumstances that the expenses of the proceedings for contempt of court cannot be met without undue hardship to him or his dependants; and
 - (b) that in all the circumstances of the case it is in the interests of justice that legal aid should be made available to him.
- (2) In making legal aid available under subsection (1) above, the court may order in any case that the legal aid shall consist of representation by counsel only or, in a court where solicitors have a right of audience, by a solicitor only ; and, notwithstanding section 31 of this Act, the court may assign for the purpose any counsel or solicitor who is within the precincts of the court at the time when the order is made.
- (3) Section 25 of this Act shall apply in relation to legal aid in connection with an appeal against a decision of a court in proceedings for contempt of court as it applies in relation to legal aid in connection with an appeal against conviction, sentence or acquittal in criminal proceedings, and in such application—
 - (a) for the reference in subsection (4) of that section to criminal legal aid having been made available under section 23 or 24 of this Act there shall be substituted a reference to legal aid having been made available under subsection (1) above; and

Status: This is the original version (as it was originally enacted).

- (b) in subsection (5) of that section the reference to the nobile officium of the High Court of Justiciary shall include a reference to the nobile officium of the Court of Session.
- (4) Subject to subsection (2) above legal aid made available under this section shall consist of representation by a solicitor and (so far as necessary) by counsel and shall include all such assistance as is usually given by a solicitor or counsel in the steps preliminary to or incidental to proceedings for contempt of court or, in the case of legal aid made available under subsection (3) above, any appeal in connection with such proceedings.