



# Legal Aid (Scotland) Act 1986

## 1986 CHAPTER 47

### PART VI

#### MISCELLANEOUS

##### *Information*

#### **34 Confidentiality of information**

(1) Subject to subsection (2) below, no information furnished for the purposes of this Act to the Board or to any person acting on its behalf shall be disclosed—

- (a) in the case of such information furnished by, or by any person acting for, a person seeking or receiving legal aid or advice and assistance, without the consent of the person seeking or receiving legal aid or advice and assistance; or
- (b) in the case of such information furnished otherwise than as mentioned in paragraph (a) above, without the consent of the person who furnished it,

and any person who, in contravention of this subsection, discloses any information obtained by him when employed by, or acting on behalf of, the Board shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 4 on the standard scale.

(2) Subsection (1) above shall not apply to the disclosure of information—

- (a) for the purpose of the proper performance or facilitating the proper performance by the Secretary of State, the Board, any court or tribunal or by any other person or body of duties or functions under this Act;
- (b) for the purpose of investigating, prosecuting or determining any complaint of professional misconduct—
  - (i) against a solicitor, by the Law Society or the Scottish Solicitors' Discipline Tribunal;
  - (ii) against an advocate, by the Faculty of Advocates ;

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*Status: This is the original version (as it was originally enacted).*

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- (c) for the purpose of investigating or prosecuting any offence or for the report of any proceedings in relation to such an offence.
- (3) For the purposes of this section, information furnished to any person in his capacity as counsel or a solicitor by or on behalf of a person seeking or receiving legal aid or advice and assistance is not information furnished to the Board or to a person acting on its behalf.

### **35 False information, etc.**

- (1) If any person seeking or receiving legal aid or advice and assistance—
- (a) wilfully fails to comply with any regulations as to the information to be furnished by him ; or
  - (b) for the purpose of obtaining legal aid or advice and assistance knowingly makes any false statement or false representation,
- he shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 4 on the standard scale or to imprisonment for a term not exceeding 60 days or to both.
- (2) Notwithstanding section 331 of the Criminal Procedure (Scotland) Act 1975, proceedings for an offence under subsection (1) above may be commenced at any time within 2 years from the date of the commission of the offence or within 6 months from the date when evidence sufficient in the opinion of the Lord Advocate to justify proceedings comes to his knowledge, whichever period is the shorter; and for the purposes of this subsection a certificate by the Lord Advocate as to the date on which such evidence came to his knowledge shall be conclusive evidence of that fact.