

Status: Point in time view as at 01/08/1995.

Changes to legislation: Legal Aid (Scotland) Act 1986, SCHEDULE 2 is up to date with all changes known to be in force on or before 05 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)

SCHEDULES

SCHEDULE 2

PART I

COURTS IN WHICH CIVIL LEGAL AID IS AVAILABLE

- 1 Civil legal aid shall be available in relation to civil proceedings in—
the House of Lords, in appeals from the Court of Session;
the Court of Session;
the Lands Valuation Appeal Court;
the Scottish Land Court;
the sheriff court,
and in relation to proceedings—
before any person to whom a case is referred in whole or in part by a court mentioned above;
in the Restrictive Practices Court under Part III of the ^{M1}Fair Trading Act 1973 (including any proceedings in that court in consequence of an offer made or undertaking given to the court under that Part of that Act);
in the Lands Tribunal for Scotland;
in the Employment Appeal Tribunal.

Marginal Citations

M1 1973 c. 41.

- 2 For the purposes of section 13 of this Act, proceedings in the European Court of Justice on a reference, under Article 177 of the EEC Treaty, made by a court mentioned in paragraph 1 above are part of the proceedings in the court making the reference.

PART II

EXCEPTED PROCEEDINGS

- 1 Subject to paragraph 2 below, civil legal aid shall not be available in proceedings which are wholly or partly concerned with defamation or verbal injury.

Status: Point in time view as at 01/08/1995.

Changes to legislation: Legal Aid (Scotland) Act 1986, SCHEDULE 2 is up to date with all changes known to be in force on or before 05 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)

2 The making of a counterclaim for defamation or verbal injury in any proceedings shall not of itself affect the availability of legal aid to the other party, and legal aid may be granted for the purposes of defending such a counterclaim.

[^{F1}3 Civil legal aid shall not be available in relation to —

- (a) election petitions under the Representation of the People Act 1983 ^{M2};
- (b) simplified divorce applications under the Rules of Procedure of the Court of Session or the sheriff court;
- (c) small claims processes at first instance under section 35(2) of the Sheriff Courts (Scotland) Act 1971 ^{M3} summary causes); and
- (d) petitions by a debtor for the sequestration of his estate under section 5(2) (a) of the Bankruptcy (Scotland) Act 1985 ^{M4}.]

Textual Amendments

F1 Sch. 2 Pt. II para. 3 substituted (1.4.1993) by [S.I. 1993/969, reg. 2](#)

Marginal Citations

M2 1983 c. 2

M3 1971 c. 58; section 35(2) was substituted by section 18(1) of the [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1985 \(c. 73\)](#).

M4 Section 5(2)(a) amended by section 3(2) of the [Bankruptcy \(Scotland\) Act 1993 \(c. 6\)](#).

[^{F2}4 Subject to paragraph 5 below, civil legal aid shall not be available in relation to proceedings at first instance under the Debtors (Scotland) Act ^{M5}1987, other than proceedings in connection with an application under section 1(1) or 3(1) of that Act to a Lord Ordinary or to the sheriff in an ordinary cause.]

Textual Amendments

F2 Sch. 2 Pt. II paras. 4, 5 added by [Debtors \(Scotland\) Act 1987 \(c. 18, SIF 45:2\)](#), ss. 98, 108(2), [Sch. 1 para. 5](#)

Marginal Citations

M5 1987 c.18 (45:2).

5 Nothing in paragraph 4 above shall preclude any third party to proceedings under the Debtors (Scotland) Act ^{M6}1987 from obtaining legal aid in connection with those proceedings.

Marginal Citations

M6 1987 c.18 (45:2).

Status:

Point in time view as at 01/08/1995.

Changes to legislation:

Legal Aid (Scotland) Act 1986, SCHEDULE 2 is up to date with all changes known to be in force on or before 05 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.