

*Status: Point in time view as at 01/05/2011.*

*Changes to legislation: Legal Aid (Scotland) Act 1986, Part I is up to date with all changes known to be in force on or before 29 May 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—
- [<sup>F1</sup>the [<sup>F2</sup>Supreme Court], in references, appeals and applications for special leave to appeal under paragraphs 10, 12 [<sup>F3</sup>, 13(b), 32 and 33] of Schedule 6 to the Scotland Act 1998;]
  - the [<sup>F4</sup>Supreme Court], 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;
  - <sup>F5</sup> .....
  - in the Lands Tribunal for Scotland;
  - in the Employment Appeal Tribunal[<sup>F6</sup>;
  - before the Proscribed Organisations Appeal Commission;]
  - [<sup>F7</sup>comprising an appeal to the Social Security Commissioners;
  - <sup>F8</sup> .....
  - [<sup>F9</sup>before the Upper Tribunal of the type described in paragraph 3].

#### Textual Amendments

- F1** Sch. 2 Pt. 1 para. 1: entry inserted (6.5.1999) by [The Scotland Act 1998 \(Consequential Modifications\) \(No.1\) Order 1999 \(S.I. 1999/1042\)](#), art. 3, **Sch. 1 para. 11(5)**
- F2** Words in Sch. 2 Pt. 1 para. 1 substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 5\)](#), ss. 40, 148(1), **Sch. 9** {para. 85(4)}; [S.I. 2009/1604](#), **art. 2(d)**
- F3** Words in Sch. 2 Pt. 1 para. 1 substituted (8.2.2007) by [Legal Profession and Legal Aid \(Scotland\) Act 2007 \(asp 5\)](#), ss. **73(2)**, 82(2) (with s. 77); [S.S.I. 2007/57](#), **art. 2(c)**
- F4** Words in Sch. 2 Pt. 1 para. 1 substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 40(4), 148(1), **Sch. 9 para. 45**; [S.I. 2009/1604](#), **art. 2(d)**
- F5** Sch. 2 Pt. I para. 1: entry omitted (19.2.2001) by virtue of [S.S.I. 2001/42](#), **regs. 2, 3(a)**
- F6** Sch. 2 Pt. I para. 1: entry added (19.2.2001) by [S.S.I. 2001/42](#), **regs. 2, 3(b)**
- F7** Sch. 2 Pt. I para. 1: entries inserted (1.12.2002) by [The Legal Aid \(Scotland\) Act 1986 Amendment Regulations 2002 \(S.I. 2002/532\)](#), **reg. 2**

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- F8** Sch. 2 Pt. 1 para. 1: entry omitted (9.6.2010) by virtue of [The Advice and Assistance and Civil Legal Aid \(Transfer of Tribunal Functions\) \(No. 2\) \(Scotland\) Regulations 2010 \(S.S.I. 2010/239\)](#), [reg. 3\(2\)](#) (with [reg. 2](#))
- F9** Sch. 2 Pt. 1 para. 1: entry inserted (9.6.2010) by [The Advice and Assistance and Civil Legal Aid \(Transfer of Tribunal Functions\) \(No. 2\) \(Scotland\) Regulations 2010 \(S.S.I. 2010/239\)](#), {[reg. 3\(3\)](#)}

- 2 For the purposes of section 13 of this Act, proceedings in the European Court of Justice on a reference, under Article [<sup>F10</sup>234] of the EEC Treaty, made by a court mentioned in paragraph 1 above are part of the proceedings in the court making the reference.

#### Textual Amendments

- F10** Words in [Sch. 2 Pt. 1 para. 2](#) substituted (19.2.2001) by [S.S.I. 2001/42](#), [regs. 2, 4](#)

#### *Proceedings for judicial review before the Upper Tribunal*

- [<sup>F11</sup>3 The proceedings before the Upper Tribunal mentioned in paragraph 1 are those arising from an application to the supervisory jurisdiction of the Court of Session that has been transferred under section 20 of the [Tribunals, Courts and Enforcement Act 2007](#).]

#### Textual Amendments

- F11** [Sch. 2 Pt. 1 para. 3](#) inserted (9.6.2010) by [The Advice and Assistance and Civil Legal Aid \(Transfer of Tribunal Functions\) \(No. 2\) \(Scotland\) Regulations 2010 \(S.S.I. 2010/239\)](#), [reg. 3\(4\)](#)

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