



# 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 [<sup>F1</sup>£2,860] 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).

[<sup>F2</sup>(2A) Except in so far as regulations made under this section otherwise provide, any sum of money recovered under an award of or an agreement as to expenses in favour of any party in any proceedings in respect of which he is or has been in receipt of civil legal aid shall be paid to the Board.

(2B) Except in so far as regulations made under this section otherwise provide, where, in any proceedings, there is a net liability of the Fund on the account of any party, the amount of that liability shall be paid to the Board by that party, in priority to any other debts, out of any property (wherever situate) which is recovered or preserved for him—

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*Status: Point in time view as at 30/09/1991. This version of this provision has been superseded.*

*Changes to legislation: Legal Aid (Scotland) Act 1986, Section 17 is up to date with all changes known to be in force on or before 17 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)*

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- (a) in the proceedings; or
- (b) under any settlement to avoid them to bring them to an end.]

<sup>F3</sup>(3) .....

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#### **Textual Amendments**

- F1** In s. 17(2) the sum of £2,860 substituted by virtue of S.I. 1991/1094, **reg. 2** (which regulation was revoked (01.07.1992) by S.I. 1992/1586, **reg. 5**).
- F2** S. 17(2A)(2B) inserted (30.9.1991) by Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (c. 40, SIF 76:2), s. 74(1), **Sch. 8 para.36(6)**; S.I. 1991/1903, **art. 3**, Sch.
- F3** S. 17(3)-(8) repealed (1.4.1989) by Legal Aid Act 1988 (c. 34, SIF 77:1), ss. 44, 45(2), Sch. 4 para. 3(b), **Sch. 6**; S.I. 1989/288, **art. 2**
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#### **Modifications etc. (not altering text)**

- C1** S. 17 excluded by S.I. 1987/381, **regs. 46(2)(a)**, 47(2)(a)

**Status:**

Point in time view as at 30/09/1991. This version of this provision has been superseded.

**Changes to legislation:**

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