



Legal Aid (Scotland) Act 1986

1986 CHAPTER 47

PART III

CIVIL LEGAL AID

Expenses

19 Expenses out of the Fund.

- (1) In any proceedings [^{F1}to which a legally assisted person is party and which are finally decided in favour of an unassisted party], subject to subsections (2) and (3) below, the court may make an award out of the Fund to an unassisted party of the whole or any part of any expenses incurred by him (so far as attributable to any part of the proceedings in connection with which another party was a legally assisted person).
- (2) Before making an order under this section, the court shall consider making an award of expenses against the legally assisted person.
- (3) An order under this section may be made only if—
 - (a) an order for expenses might be made in the proceedings, apart from this Act; and
 - (b) in the case of expenses of proceedings in a court of first instance, those proceedings were instituted by the legally assisted person, and the court is satisfied that the unassisted party will suffer severe financial hardship unless the order is made; and
 - (c) in any case, the court is satisfied that it is just and equitable in all the circumstances that the award should be paid out of public funds.
- (4) The provisions of subsection (3)(b) above regarding financial hardship may be modified, in their application to persons who are concerned in proceedings only in a fiduciary, representative or official capacity, by regulations made under this section.
- (5) No appeal may be made against an order made under this section, or against a refusal to make such an order, except on a point of law.

Status: Point in time view as at 01/02/1991. This version of this provision has been superseded.

Changes to legislation: *Legal Aid (Scotland) Act 1986, Section 19 is up to date with all changes known to be in force on or before 23 September 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)*

(6) In this section, “expenses” means expenses as between party and party, and includes the expenses of applying for an order under this section.

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Textual Amendments

F1 Words substituted by [Legal Aid Act 1988 \(c. 34, SIF 77:1\)](#), s. 44, **Sch. 4 Pt. II para. 8**

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Modifications etc. (not altering text)

C1 S. 19(3)(b) modified by [S.I. 1987/381](#), **reg. 37**

Status:

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