



Legal Aid (Scotland) Act 1986

1986 CHAPTER 47

PART IV

CRIMINAL LEGAL AID

21 Scope and nature of criminal legal aid.

- (1) This Part of this Act applies to legal aid in connection with—
- (a) criminal proceedings before any of the following—
 - (i) the High Court of Justiciary;
 - (ii) the sheriff;
 - (iii) the district court;
 - [^{F1}(aa) any case the referral of which is required, under section 2(6) of the Prisoners and Criminal Proceedings (Scotland) Act 1993, by a [^{F2}designated] life prisoner;]
- and,
- (b) any reference in connection with such proceedings under Article 177 of the EEC Treaty,
 - [^{F3}(c) any reference, appeal or application for special leave to appeal to the [^{F4}Supreme Court] under paragraph 11 or 13(a) of Schedule 6 to the Scotland Act 1998]
- and such legal aid is referred to in this Act as “criminal legal aid”.
- (2) The Secretary of State may, by regulations made under this section, prescribe by reference to such considerations as appear to him to be appropriate any class or stage of proceedings in connection with which criminal legal aid shall or, as the case may be, shall not be available.
- (3) Subject to regulations made under this section, and to sections 22 and 23 of this Act, criminal legal aid shall not be available in connection with summary criminal proceedings until the conclusion of the first diet at which the accused has tendered a plea of not guilty.

Status: Point in time view as at 01/05/2011. This version of this provision has been superseded.

Changes to legislation: Legal Aid (Scotland) Act 1986, Section 21 is up to date with all changes known to be in force on or before 05 August 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)

- (4) Criminal legal aid shall consist of representation, on terms provided for by this Act—
- (a) by a solicitor and [^{F5}, where appropriate,] by counsel;
 - (b) by a solicitor at any identification parade held, by or on behalf of the prosecutor (within the meaning of [^{F6}section 307 of the Criminal Procedure (Scotland) Act 1995]), in connection with or in contemplation of criminal proceedings against the person so represented,
- and shall include all such assistance as is usually given by a solicitor or counsel in the steps preliminary to or incidental to criminal proceedings.

Textual Amendments

- F1** S. 21(1)(aa) inserted (1.10.1993) by 1993 c. 9, s. 47(1), **Sch. 5 para. 4** (with Sch. 6 paras. 1, 2); S.I. 1993/2050, **art. 3(4)**.
- F2** Word in s. 21(1)(aa) substituted (20.10.1997) by 1997 c. 48, s. 62(1), **Sch. 1 para. 12(5)**; S.I. 1997/2323, **art. 3, Sch. 1**
- F3** S. 21(1)(c) inserted (6.5.1999) by S.I. 1999/1042, **art. 3, Sch. 1 Pt. I para. 11(2)**
- F4** Words in s. 21(1)(c) substituted (1.10.2009) by Constitutional Reform Act 2005 (c. 4), ss. 40(4), 148(1), **Sch. 9 para. 85(2)**; S.I. 2009/1604 {art. 2(d)}
- F5** Words in s. 21(4) substituted (30.9.1991) by Law Reform (Miscellaneous Provisions)(Scotland) Act 1990 (c. 40, SIF 76:2), s. 74(1)(2), Sch. 8 para. 36(10); S.I. 1991/2151, **art. 3, Sch.**
- F6** Words in s. 21(4) substituted (1.4.1996) by 1995 c. 40, ss. 5, 7(2), **Sch. 4 para. 63(2)**

Status:

Point in time view as at 01/05/2011. This version of this provision has been superseded.

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