



Legal Aid (Scotland) Act 1986

1986 CHAPTER 47

PART IV

CRIMINAL LEGAL AID

[^{F1}25AB Legal aid in references, appeals or applications for special leave to appeal to the ^{F2}Supreme Court]

- (1) This section shall apply to criminal legal aid in connection with any reference, appeal or application for special leave to appeal to the [^{F2}Supreme Court] under paragraph 11 [^{F3}, 13(a) or 33] of Schedule 6 to the Scotland Act 1998.
- (2) Subject to regulations made under section 21(2) of this Act criminal legal aid to which this section applies shall be available on an application made to the Board if—
 - (a) the Board is satisfied after consideration of the financial circumstances of the applicant that the expenses of the reference, appeal or application for special leave to appeal cannot be met without undue hardship to the applicant or his dependants; and
 - (b) in the case of an application for special leave to appeal, the Board is satisfied in all the circumstances of the case that it is in the interests of justice that the applicant should receive legal aid.

[Legal aid made available to a person under subsection (2) may be subject to such
^{F4}(2A) conditions as the Board considers expedient; and such conditions may be imposed at any time.]

- (3) The Board may require a person receiving criminal legal aid under this section to comply with such conditions as it considers expedient to enable it to satisfy itself from time to time that it is reasonable for him to continue to receive criminal legal aid.

[The Board shall establish a procedure under which any person whose application for
^{F5}(3A) criminal legal aid under subsection (2) has been refused may apply to the Board for a review of his application.

Status: Point in time view as at 11/04/2011. This version of this provision has been superseded.

Changes to legislation: *Legal Aid (Scotland) Act 1986, Section 25AB is up to date with all changes known to be in force on or before 16 July 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)*

- (3B) The Board shall establish a procedure under which any person receiving criminal legal aid under this section which is subject to conditions by virtue of subsection (2A) may apply to the Board for a review of any such condition.]
- (4) Criminal legal aid shall not be available under this section in connection with a reference under paragraph 11 [^{F6}or 33] of Schedule 6 to the Scotland Act 1998 where criminal legal aid was made available under section 23 [^{F7}, 23A], 24 or 25 of this Act in connection with the proceedings in which the reference is made.]

Textual Amendments

- F1** S. 25AB inserted (6.5.1999) by S.I. 1999/1042, art. 3, **Sch. 1 Pt. 1 para. 11(4)**
- F2** Words in s. 25AB sidenote and s. 25AB(1) substituted (1.10.2009) by Constitutional Reform Act 2005 (c. 4), ss. 40(4), 148(1), **Sch. 9 para. 85(3)**; S.I. 2009/1604, **art. 2(d)**
- F3** Words in s. 25AB(1) substituted (8.2.2007) by Legal Profession and Legal Aid (Scotland) Act 2007 (asp 5), **ss. 73(1)(a), 82(2)** (with s. 77); S.S.I. 2007/57, **art. 2(c)**
- F4** S. 25AB(2A) inserted (25.11.2010) by Legal Profession and Legal Aid (Scotland) Act 2007 (asp 5), **ss. 65(11), 82(2)** (with s. 77); S.S.I. 2010/376, **art. 2**
- F5** S. 25AB(3A)(3B) inserted (25.11.2010) by Legal Profession and Legal Aid (Scotland) Act 2007 (asp 5), **ss. 65(12), 82(2)** (with s. 77); S.S.I. 2010/376, **art. 2**
- F6** Words in s. 25AB(4) inserted (8.2.2007) by Legal Profession and Legal Aid (Scotland) Act 2007 (asp 5), **ss. 73(1)(b), 82(2)** (with s. 77); S.S.I. 2007/57, **art. 2(c)**
- F7** Words in s. 25AB(4) inserted (25.11.2010) by Legal Profession and Legal Aid (Scotland) Act 2007 (asp 5), **ss. 64(6), 82(2)** (with s. 77); S.S.I. 2010/376, **art. 2**

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