



Legal Aid (Scotland) Act 1986

1986 CHAPTER 47

^{F1}[^{F1}PART 5A

CHILDREN'S LEGAL AID]

^{F1}28LA Power of Scottish Ministers to provide for children's legal aid to be available to other persons in relation to court proceedings

- (1) The Scottish Ministers may by regulations modify this Part so as to—
 - (a) provide that children's legal aid is to be available, in relation to a type of court proceedings under the 2011 Act, to a person to whom it is not available by virtue of section 28D, 28E or 28F,
 - (b) vary any availability provided by virtue of paragraph (a), or
 - (c) remove any availability provided by virtue of paragraph (a).
- (2) If regulations are made making children's legal aid available to a child, the regulations must include provision requiring the Board to be satisfied that the conditions in subsection (3) are met before children's legal aid is made available.
- (3) The conditions are—
 - (a) that it is in the best interests of the child that children's legal aid be made available,
 - (b) that it is reasonable in the particular circumstances of the case that the child should receive children's legal aid,
 - (c) that, after consideration of the disposable income and disposable capital of the child, the expenses of the case cannot be met without undue hardship to the child, and
 - (d) if the proceedings are an appeal to the [^{F2}Sheriff Appeal Court] or the Court of Session under Part 15 of the 2011 Act, that the child has substantial grounds for making or responding to the appeal.
- (4) If regulations are made making children's legal aid available to a person other than a child, the regulations must include provision requiring the Board to be satisfied that the conditions in subsection (5) are met before children's legal aid is made available.

Status: Point in time view as at 28/11/2016.

Changes to legislation: Legal Aid (Scotland) Act 1986, Section 28LA is up to date with all changes known to be in force on or before 06 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)

(5) The conditions are—

- (a) that it is reasonable in the particular circumstances of the case that the person should receive children's legal aid,
- (b) that, after consideration of the disposable income and disposable capital of the person, the expenses of the case cannot be met without undue hardship to the person or the dependants of the person, and
- (c) if the proceedings are an appeal to the [^{F3}Sheriff Appeal Court] or the Court of Session under Part 15 of the 2011 Act, that the person has substantial grounds for making or responding to the appeal.]

Textual Amendments

- F1** S. 28LA inserted (28.11.2016) by [Children and Young People \(Scotland\) Act 2014 \(asp 8\)](#), **ss. 92(3)**, 102(3); S.S.I. 2016/254, art. 3(2)(a)
- F2** Words in s. 28LA(3)(d) substituted (28.11.2016) by [The Courts Reform \(Scotland\) Act 2014 \(Relevant Officer and Consequential Provisions\) Order 2016 \(S.S.I. 2016/387\)](#), art. 1, **sch. 3 para. 1(5)(a)** (with art. 4(2))
- F3** Words in s. 28LA(5)(c) substituted (28.11.2016) by [The Courts Reform \(Scotland\) Act 2014 \(Relevant Officer and Consequential Provisions\) Order 2016 \(S.S.I. 2016/387\)](#), art. 1, **sch. 3 para. 1(5)(b)** (with art. 4(2))

Status:

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