

1976 No. 60 (S.2)

LEGAL AID AND ADVICE, SCOTLAND

Act of Sederunt (Legal Aid Rules Amendment) 1976

Made - - - - 14th January 1976

Coming into Operation 11th February 1976

The Lords of Council and Session, under and by virtue of the powers conferred upon them by section 16 of the Legal Aid (Scotland) Act 1967(a), and of all other powers competent to them in that behalf, do hereby enact and declare:

1. For Rules 3 and 4 of the Act of Sederunt (Legal Aid Rules) 1964(b) there are substituted the following Rules:

“3. On an application being made, the Court shall either order the applicant to lodge a statement on oath of his grounds for claiming payment out of the legal aid fund of the whole or any part of the expenses incurred by him, together with an estimate of the probable amount of those expenses, or dismiss the application forthwith.

4. In the event of an applicant being ordered to lodge his grounds for claiming payment out of the legal aid fund of the whole or any part of the expenses incurred by him, together with an estimate of the probable amount of those expenses, the Court shall order intimation of the statement of grounds and of the estimate to be made by the applicant to the Law Society who shall be entitled to be represented at the hearing when the Court disposes of the application and to cite any party to the cause to attend that hearing”.

2. This Act of Sederunt may be cited as the Act of Sederunt (Legal Aid Rules Amendment) 1976, and shall come into operation on 11th February 1976.

And the Lords appoint this Act of Sederunt to be inserted in the Books of Sederunt.

G.C. Emslie,
I.P.D.

Edinburgh.
14th January 1976.

(a) 1967 c. 43.

(b) S.I. 1964/1622 (1964 III, p. 3594).

EXPLANATORY NOTE

(This Note is not part of the Act of Sederunt.)

This Act of Sederunt requires the Court considering an application for payment out of the legal aid fund of the whole or any part of the expenses incurred by a successful unassisted party either to order the applicant to lodge a statement on oath of his grounds for so claiming payment, together with an estimate of the probable amount of those expenses, or to dismiss the application, and gives the Law Society powers to cite a party to the cause to attend the hearing of the Court disposing of the application.

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