
STATUTORY INSTRUMENTS

2013 No. 728

The Scotland Act 2012 (Consequential Provisions) Order 2013

Amendment of the Legal Aid (Scotland) Act 1986

- 2.—(1) The Legal Aid (Scotland) Act 1986(1) is amended as follows.
- (2) In section 21 (scope and nature of criminal legal aid), after subsection (1)(c)(2) insert—
- “(d) any reference, appeal or application for permission to appeal to the Supreme Court under section 288ZB or 288AA of the Criminal Procedure (Scotland) Act 1995(3)
- (3) For subsection (1) of section 25AB (legal aid in references, appeals or applications for special leave to appeal to the Supreme Court)(4) substitute—
- “(1) This section shall apply to criminal legal aid in connection with—
- (a) any reference, appeal or application for special leave to appeal to the Supreme Court under paragraph 11, 13(a) or 33 of Schedule 6 to the Scotland Act 1998; or
- (b) any reference, appeal or application for permission to appeal to the Supreme Court under section 288ZB or 288AA of the Criminal Procedure (Scotland) Act 1995.”.
- (4) In section 25AB(2) after “special leave” where it occurs in both places insert “or permission”.
- (5) In section 25AB(4)(5) after “the Scotland Act 1998” insert “or under section 288ZB of the Criminal Procedure (Scotland) Act 1995”.

(1) 1986 c.47.

(2) Paragraph (1)(c) of section 21 was inserted by S.I. 1999/1042 Schedule 1, paragraph 11(2).

(3) 1995 c.46. Section 288ZB and section 288AA were inserted by the Scotland Act 2012, sections 35 and 36.

(4) Section 25AB was inserted by S.I. 1999/1042, article 3 and Schedule 1, Part I, paragraph 11(4). Section 25AB(1) was amended by the Constitutional Reform Act 2005 (c.4), Schedule 9, paragraph 85(3) and the Legal Profession and Legal Aid (Scotland) Act 2007 asp 5, section 73(1)(a).

(5) Section 25AB(4) was amended by the Legal Profession and Legal Aid (Scotland) Act 2007 asp 5, sections 64(6) and 73(1)(b).