



Legal Profession and Legal Aid (Scotland) Act 2007

2007 asp 5

PART 5

GENERAL

77 Advice, services or activities to which Act does not apply

^{F1}

Textual Amendments

F1 S. 77 repealed (1.10.2008) by [Legal Services Act 2007 \(c. 29\)](#), ss. 195(4), 210, 211, Sch. 23 (with ss. 29, 192, 193); S.I. 2008/1436, [art. 3\(a\)\(c\)](#) (with transitional provisions in art. 4)

78 Ancillary provision

(1) The Scottish Ministers may by order make such incidental, supplemental, consequential, transitional, transitory or saving provision as they consider necessary or expedient for the purposes, or in consequence, of, or for giving full effect to, this Act or any provision of it.

[^{F2}(1A) The Scottish Ministers may [^{F3}by order] make such further provision as, having regard to the effect of the [Legal Services Act 2007](#) so far as concerning the subject matter of Parts 1 and 2 of this Act (and applying in Scotland), they consider necessary or expedient in connection with this Act or any related provisions of the 1980 Act.]

(2) An order under this section may—

- (a) make different provision for different purposes;
- (b) modify any enactment, instrument or document.

Changes to legislation: Legal Profession and Legal Aid (Scotland) Act 2007, Part 5 is up to date with all changes known to be in force on or before 26 May 2023. 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) View outstanding changes

Textual Amendments

- F2** S. 78(1A) inserted (1.4.2011) by [Legal Services \(Scotland\) Act 2010 \(asp 16\)](#), **ss. 145(1)**, 150(2); [S.S.I. 2011/180](#), art. 3, Sch.
- F3** Words in s. 78(1A) inserted (2.7.2012) by [The Legal Services \(Scotland\) Act 2010 \(Ancillary Provision\) Regulations 2012 \(S.S.I. 2012/212\)](#), regs. 1, **4(2)**

79 Regulations or orders

- (1) Any power conferred by this Act on the Scottish Ministers to make orders or regulations—
- (a) must be exercised by statutory instrument;
 - (b) may be exercised so as to make different provision for different purposes.
- (2) A statutory instrument containing an order or regulations made under this Act (except an order made under section 26(1) or 82(2)) is, subject to subsection (3), subject to annulment in pursuance of a resolution of the Parliament.
- (3) A statutory instrument containing—
- (a) an order under section 10(7) or 24(8);
 - (b) regulations under section 41(1);
 - (c) an order under—
 - (i) section 78(1)^{F4} or (1A) containing provisions which add to, replace or omit any part of the text of an Act;
 - (ii) paragraph 2(7) of schedule 1,
 is not to be made unless a draft of the instrument has been laid before, and approved by resolution of, the Parliament.

Textual Amendments

- F4** Words in s. 79(3)(c)(i) inserted (1.4.2011) by [Legal Services \(Scotland\) Act 2010 \(asp 16\)](#), **ss. 145(2)**, 150(2); [S.S.I. 2011/180](#), art. 3, Sch.

80 Interpretation

In this Act—

- “the 1980 Act” means the Solicitors (Scotland) Act 1980 (c. 46);
- “the 1986 Act” means the Legal Aid (Scotland) Act 1986 (c. 47);
- “the 1990 Act” means the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (c. 40).

81 Minor and consequential modifications

Schedule 5 makes—

- (a) minor modifications;
- (b) modifications consequential on the provisions of this Act.

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Commencement Information

- II** S. 81 wholly in force at 1.10.2008; s. 81 not in force at Royal Assent, see s. 82; s. 81 in force at 19.3.2007 for specified purposes by [S.S.I. 2007/140](#), **art. 2(d)**; s. 81 in force at 23.11.2007 for further specified purposes by [S.S.I. 2007/497](#), **art. 2(c)**; s. 81 in force so far as not already commenced by [S.S.I. 2008/311](#), **art. 2(f)**

82 Short title and commencement

- (1) This Act may be cited as the Legal Profession and Legal Aid (Scotland) Act 2007.
- (2) The provisions of this Act, except this section and sections 46, 79 and 80 come into force on such day as the Scottish Ministers may by order appoint.
- (3) Different days may be appointed under subsection (2) for different purposes.

Subordinate Legislation Made

- P1** S. 82 power exercised as follows:
- 8.2.2007 appointed for specified provisions by [{S.S.I. 2007/57}](#), art. 2;
 - 19.3.2007 appointed for specified provisions by [{S.S.I. 2007/140}](#), art. 2;
 - 30.7.2007 appointed for specified provisions by [{S.S.I. 2007/335}](#), art. 2;
 - 23.11.2007 appointed for specified provisions by [{S.S.I. 2007/497}](#), art. 2;
 - 1.10.2008 appointed for specified provisions by [{S.S.I. 2008/311}](#), art. 2;
 - 25.11.2010 appointed for specified provisions by [{S.S.I. 2010/376}](#), art. 2

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 1 para. 2(6)(ba) inserted by [2010 asp 16 s. 118\(4\)](#)