



Legal Aid (Scotland) Act 1986

1986 CHAPTER 47

PART II

ADVICE AND ASSISTANCE

11 ^[F1]Clients' contributions: general

(1) A client shall not be required to pay any fees or outlays in respect of advice and assistance received by him in pursuance of this Part of this Act except in accordance with subsection (2) ^[F2]or ^[F3], (2A) ^[F4]... below ^[F5]or, where applicable, section 11A].

(2) Where—

- (a) a client's disposable income exceeds ^[F6]£105] a week; and
- (b) he is not (directly or indirectly) in receipt of ^[F7]universal credit under Part 1 of the Welfare Reform Act 2012, ^[F8]income support or ^[F9], an income-based jobseeker's allowance (payable under the Jobseekers Act 1995) or an income-related allowance under Part 1 of the Welfare Reform Act 2007 (employment and support allowance), ^[F10]

he shall be liable to pay, in respect of the advice and assistance, fees or outlays up to, but not in aggregate exceeding, such amount as may be prescribed by regulations made under this section, and such regulations may prescribe different maximum payments for different amounts of disposable income and for different cases or classes of case.

^[F10](2A) A client to whom paragraphs (a) and (b) of subsection (2) above apply and to whom ^[F11]advice and assistance (other than assistance by way of representation to which section 9A applies) ^[F12]has been provided by a solicitor employed by the Board under sections 26 and 27 ^[F12]or section 28A] of this Act shall pay to the Board such contribution in that respect as the Board may, subject to subsection (3A) below, determine.]

^[F13](3)

^[F10](3A) The amount determined by the Board under subsection (2A) above shall not exceed the amount which would be charged by a solicitor who is not employed by the Board under sections 26 and 27 ^[F14]or section 28A] of this Act.]

Changes to legislation: Legal Aid (Scotland) Act 1986, Section 11 is up to date with all changes known to be in force on or before 01 January 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

F13(4)

Textual Amendments

- F1** S. 11 title substituted (11.10.2013) by [Scottish Civil Justice Council and Criminal Legal Assistance Act 2013 \(asp 3\)](#), [ss. 19\(2\)](#), 25(2); S.S.I. 2013/262, art. 2
- F2** Word in s. 11(1) inserted (11.10.2013) by [Scottish Civil Justice Council and Criminal Legal Assistance Act 2013 \(asp 3\)](#), [ss. 23\(6\)\(a\)\(i\)](#), 25(2); S.S.I. 2013/262, art. 2
- F3** Words in s. 11(1) inserted (6.7.2001) by 2001 asp 7, [ss. 9\(2\)\(a\)](#), 15(3)
- F4** Words in s. 11(1) repealed (11.10.2013) by [Scottish Civil Justice Council and Criminal Legal Assistance Act 2013 \(asp 3\)](#), [ss. 23\(6\)\(a\)\(ii\)](#), 25(2); S.S.I. 2013/262, art. 2
- F5** Words in s. 11(1) inserted (11.10.2013) by [Scottish Civil Justice Council and Criminal Legal Assistance Act 2013 \(asp 3\)](#), [ss. 19\(1\)](#), 25(2); S.S.I. 2013/262, art. 2
- F6** Word in s. 11(2)(a) substituted (11.4.2011) by [The Advice and Assistance and Civil Legal Aid \(Financial Conditions and Contributions\) \(Scotland\) Regulations 2011 \(S.S.I. 2011/217\)](#), regs. 1, [4\(4\)](#) (with reg. 3)
- F7** Words in s. 11(2)(b) inserted (29.4.2013) by [The Welfare Reform \(Consequential Amendments\) \(Scotland\) \(No. 2\) Regulations 2013 \(S.S.I. 2013/137\)](#), regs. 1, [3\(3\)](#)
- F8** Words in s. 11(2)(b) substituted (8.4.2003) by [Tax Credits Act 2002 \(c. 21\)](#), ss. 47, 61, [Sch. 3 para. 12](#); S.I. 2003/962, [art. 2\(4\)\(d\)](#)
- F9** Words in s. 11(2)(b) substituted (27.10.2008) by [Welfare Reform Act 2007 \(c. 5\)](#), ss. 28(1), 70(2), [Sch. 3 para. 4\(3\)](#); S.I. 2008/787, [art. 2\(4\)\(f\)](#)
- F10** S. 11(2A)(3A) inserted (6.7.2001) by 2001 asp 7, [ss. 9\(2\)\(b\)](#), 15(3)
- F11** Words in s. 11(2A) substituted (11.10.2013) by [Scottish Civil Justice Council and Criminal Legal Assistance Act 2013 \(asp 3\)](#), [ss. 23\(6\)\(b\)\(i\)](#), 25(2); S.S.I. 2013/262, art. 2
- F12** Words in s. 11(2A) inserted (11.10.2013) by [Scottish Civil Justice Council and Criminal Legal Assistance Act 2013 \(asp 3\)](#), [ss. 23\(6\)\(b\)\(ii\)](#), 25(2); S.S.I. 2013/262, art. 2
- F13** S. 11(3)(4) repealed (11.10.2013) by [Scottish Civil Justice Council and Criminal Legal Assistance Act 2013 \(asp 3\)](#), [ss. 23\(6\)\(d\)](#), 25(2); S.S.I. 2013/262, art. 2
- F14** Words in s. 11(3A) inserted (11.10.2013) by [Scottish Civil Justice Council and Criminal Legal Assistance Act 2013 \(asp 3\)](#), [ss. 23\(6\)\(c\)](#), 25(2); S.S.I. 2013/262, art. 2

Modifications etc. (not altering text)

- C1** Pt. II (ss. 6-12) applied by [S.I. 1988/2290](#), [reg. 3](#)
- C2** S. 11 modified (7.10.1996) by [S.I. 1996/2447](#), [reg. 5\(1\)\(b\)](#)
- C3** S. 11(2) excluded (24.3.2003) by [The Advice and Assistance \(Assistance by Way of Representation\) \(Scotland\) Regulations 2003 \(S.S.I. 2003/1789\)](#), [reg. 9](#)
- C4** S. 11(2) excluded by S.S.I. 2011/217, reg. 8A (as inserted (with application in accordance with reg. 2 of the amending S.S.I.) by [The Advice and Assistance and Civil Legal Aid \(Financial Conditions and Contributions\) \(Scotland\) Amendment Regulations 2016 \(S.S.I. 2016/136\)](#), regs. 1, [3](#))

Changes to legislation:

Legal Aid (Scotland) Act 1986, Section 11 is up to date with all changes known to be in force on or before 01 January 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.

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Changes and effects yet to be applied to :

- s. 11(2)(b) words repealed by [2012 c. 5 Sch. 14 Pt. 1](#)

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):

- s. 4(2)(aba)(abb) inserted by [2007 asp 5 s. 75\(2\)](#)
- s. 4(2)(aba) word substituted by [S.S.I. 2011/235 art. 5\(2\)\(a\)](#) (This amendment comes into force immediately after the commencement of the Legal Profession and Legal Aid (Scotland) Act 2007 (asp 5), s. 75, see art. 2(2). That provision is still prospective.)
- s. 4(2)(abb) word substituted by [S.S.I. 2011/235 art. 5\(2\)\(b\)](#) (This amendment comes into force immediately after the commencement of the Legal Profession and Legal Aid (Scotland) Act 2007 (asp 5), s. 75, see art. 2(2). That provision is still prospective.)
- s. 4(2)(ba) inserted by [2007 asp 5 s. 70\(1\)](#)
- s. 4(3)(ca)(cb) inserted by [2007 asp 5 s. 75\(3\)](#)
- s. 9A9B inserted by [2013 asp 3 s. 18\(2\)](#)
- s. 10(1A)(1B) inserted by [2007 asp 5 s. 69\(3\)](#)
- s. 12C and cross-heading inserted by [2007 asp 5 s. 70\(2\)](#)
- s. 17(2C)-(2I) inserted by [2007 asp 5 s. 75\(4\)](#)
- s. 17(2DA)(2DB) s. 17(2C)(2D) renumbered as s. 17(2DA)(2DB) by [S.S.I. 2011/235 art. 5\(3\)](#) (This amendment comes into force immediately after the commencement of the Legal Profession and Legal Aid (Scotland) Act 2007 (asp 5), s. 75, see art. 2(2). That provision is still prospective.)
- s. 25AA(5)-(9) inserted by [2013 asp 3 s. 21](#)
- s. 25AC25AD inserted by [2013 asp 3 s. 20](#)