



Legal Aid (Scotland) Act 1986

1986 CHAPTER 47

PART IV

CRIMINAL LEGAL AID

[^{F1}25AB Legal aid in references, appeals or applications for special leave to appeal to the ^{F2}Supreme Court]

- [^{F3}(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.]
- (2) Subject to regulations made under section 21(2) of this Act criminal legal aid to which this section applies shall be available on an application made to the Board if—
- (a) the Board is satisfied after consideration of the financial circumstances of the applicant that the expenses of the reference, appeal or application for special leave [^{F4}or permission] to appeal cannot be met without undue hardship to the applicant or his dependants; and
 - (b) in the case of an application for special leave [^{F4}or permission] to appeal, the Board is satisfied in all the circumstances of the case that it is in the interests of justice that the applicant should receive legal aid.

[Legal aid made available to a person under subsection (2) may be subject to such
^{F5}(2A) conditions as the Board considers expedient; and such conditions may be imposed at any time.]

- (3) The Board may require a person receiving criminal legal aid under this section to comply with such conditions as it considers expedient to enable it to satisfy itself from time to time that it is reasonable for him to continue to receive criminal legal aid.

Changes to legislation: *Legal Aid (Scotland) Act 1986, Section 25AB is up to date with all changes known to be in force on or before 22 February 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*

- [The Board shall establish a procedure under which any person whose application for ^{F6}(3A) criminal legal aid under subsection (2) has been refused may apply to the Board for a review of his application.
- (3B) The Board shall establish a procedure under which any person receiving criminal legal aid under this section which is subject to conditions by virtue of subsection (2A) may apply to the Board for a review of any such condition.]
- (4) Criminal legal aid shall not be available under this section in connection with a reference under paragraph 11 [^{F7} or 33] of Schedule 6 to the Scotland Act 1998 [^{F8} or under section 288ZB of the Criminal Procedure (Scotland) Act 1995] where criminal legal aid was made available under section 23 [^{F9}, 23A], 24 or 25 of this Act in connection with the proceedings in which the reference is made.]

Textual Amendments

- F1** S. 25AB inserted (6.5.1999) by [S.I. 1999/1042, art. 3, Sch. 1 Pt. I para. 11\(4\)](#)
- F2** Words in s. 25AB sidenote and s. 25AB(1) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), ss. 40\(4\), 148\(1\), Sch. 9 para. 85\(3\); S.I. 2009/1604, art. 2\(d\)](#)
- F3** S. 25AB(1) substituted (22.4.2013) by [The Scotland Act 2012 \(Consequential Provisions\) Order 2013 \(S.I. 2013/728\), arts. 1, 2\(3\)](#)
- F4** Words in s. 25AB(2) inserted (22.4.2013) by [The Scotland Act 2012 \(Consequential Provisions\) Order 2013 \(S.I. 2013/728\), arts. 1, 2\(4\)](#)
- F5** S. 25AB(2A) inserted (25.11.2010) by [Legal Profession and Legal Aid \(Scotland\) Act 2007 \(asp 5\), ss. 65\(11\), 82\(2\) \(with s. 77\); S.S.I. 2010/376, art. 2](#)
- F6** S. 25AB(3A)(3B) inserted (25.11.2010) by [Legal Profession and Legal Aid \(Scotland\) Act 2007 \(asp 5\), ss. 65\(12\), 82\(2\) \(with s. 77\); S.S.I. 2010/376, art. 2](#)
- F7** Words in s. 25AB(4) inserted (8.2.2007) by [Legal Profession and Legal Aid \(Scotland\) Act 2007 \(asp 5\), ss. 73\(1\)\(b\), 82\(2\) \(with s. 77\); S.S.I. 2007/57, art. 2\(c\)](#)
- F8** Words in s. 25AB(4) inserted (22.4.2013) by [The Scotland Act 2012 \(Consequential Provisions\) Order 2013 \(S.I. 2013/728\), arts. 1, 2\(5\)](#)
- F9** Words in s. 25AB(4) inserted (25.11.2010) by [Legal Profession and Legal Aid \(Scotland\) Act 2007 \(asp 5\), ss. 64\(6\), 82\(2\) \(with s. 77\); S.S.I. 2010/376, art. 2](#)

Changes to legislation:

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[View outstanding changes](#)

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](#)