



Legal Aid (Scotland) Act 1986

1986 CHAPTER 47

^{F1}[^{F1}PART 5A

CHILDREN'S LEGAL AID

^{F1}28B Children's legal aid

- (1) This Part applies to children's legal aid.
- (2) In this Act, “children's legal aid” means representation by a solicitor and, where appropriate, by counsel in proceedings mentioned in [^{F2}subsections (3) and (3A)], on the terms provided for in this Act, and includes all such assistance as is usually given by a solicitor or counsel in the steps preliminary to or incidental to those proceedings.
- (3) The proceedings are—
 - (a) proceedings before the sheriff in relation to an application under section 48 of the 2011 Act (application for variation or termination of child protection order),
 - (b) proceedings before a children's hearing arranged by virtue of section 45 or 46 of the 2011 Act (children's hearing following making of child protection order),
 - (c) proceedings before a children's hearing or a pre-hearing panel if the children's hearing or the panel considers that it might be necessary to make a compulsory supervision order including a secure accommodation authorisation in relation to the child to whom the proceedings relate,
 - (d) proceedings before a children's hearing to which section 69(3) of the 2011 Act applies (children's hearing following arrest of child and detention in place of safety),
 - (e) proceedings under Part 10 or 15 of the 2011 Act.

[The proceedings are, where regulations under section 28LB are made, proceedings ^{F3}(3A) before the sheriff and appeals from the sheriff under Part 4 of the Age of Criminal Responsibility (Scotland) Act 2019.]

- (4) In this Part—

Changes to legislation: *Legal Aid (Scotland) Act 1986, Section 28B is up to date with all changes known to be in force on or before 11 April 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*

“compulsory supervision order” has the meaning given by section 83 of that Act,

“pre-hearing panel” has the meaning given by section 79 of that Act,

“secure accommodation authorisation” has the meaning given by section 85 of that Act.]

Textual Amendments

- F1** Pts. 5A, 5B inserted (31.1.2012 for s. 28B(2), s. 28M(7) for specified purposes and s. 28N) by [Children’s Hearings \(Scotland\) Act 2011 \(asp 1\)](#), **ss. 191**, 206(2) (with s. 186); S.S.I. 2012/1, art. 2(1), sch.
- F2** Words in s. 28B(2) substituted (31.3.2020) by [Age of Criminal Responsibility \(Scotland\) Act 2019 \(asp 7\)](#), **ss. 73(2)(a)**, 84(2); S.S.I. 2020/74, reg. 2, sch.
- F3** S. 28B(3A) inserted (31.3.2020) by [Age of Criminal Responsibility \(Scotland\) Act 2019 \(asp 7\)](#), **ss. 73(2)(b)**, 84(2); S.S.I. 2020/74, reg. 2, sch.

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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):

- 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](#)