



Legal Aid (Scotland) Act 1986

1986 CHAPTER 47

^{F1}^{F1}PART 5B

CHILDREN'S LEGAL ASSISTANCE

^{F1}28M Register of solicitors and firms eligible to provide children's legal assistance

- (1) The Board must establish and maintain a register of—
 - (a) solicitors who are eligible to provide children's legal assistance, and
 - (b) the firms with which such solicitors are connected.
- (2) A sole solicitor who wishes to provide children's legal assistance must be included in the register maintained under this section both as a solicitor and as a firm.
- (3) Only those solicitors who are included in the register maintained under this section may provide children's legal assistance.
- (4) Subject to subsection (5), a solicitor may provide children's legal assistance only when working in the course of a connection with a firm included in the register maintained under this section.
- (5) Where the Board employs a solicitor under sections 26 and 27 to provide children's legal assistance—
 - (a) the Board may only employ a solicitor who is included in the register maintained under this section,
 - (b) the entry in the register relating to the solicitor's name must include a note that the solicitor is so employed,
 - (c) the Board is not to be regarded as a firm for the purposes of this section and is not required to be included in the register.
- (6) The Scottish Ministers may by regulations make provision about qualifications to be held by persons who may be included in the register maintained under this section.

Changes to legislation: *Legal Aid (Scotland) Act 1986, Section 28M is up to date with all changes known to be in force on or before 20 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*

- (7) Subsections (5) to (15) of section 25A apply in relation to the register maintained under this section as they apply in relation to the Register subject to the modifications mentioned in subsection (8).
- (8) Those modifications are—
- (a) subsections (8) and (9) are to be read as if references to the code were references to the code of practice under section 28N for the time being in force, and
 - (b) subsection (9) is to be read as if the reference to criminal legal assistance were a reference to children's legal assistance.]

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.

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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](#)