



Legal Aid (Scotland) Act 1986

1986 CHAPTER 47

PART I

SCOTTISH LEGAL AID BOARD

The Fund

4 Scottish Legal Aid Fund.

- (1) The Board shall establish and maintain a fund to be known as the Scottish Legal Aid Fund (in this Act referred to as “the Fund”).
- (2) There shall be paid out of the Fund—
 - (a) [^{F1}subject to [^{F2}sections 4A(13) and 33(6)],] such sums as are, by virtue of this Act or any regulations made thereunder, due [^{F3}out of the Fund] to any solicitor or counsel [^{F4}or registered organisation] in respect of fees and outlays properly incurred [^{F5}or in respect of payments made in accordance with regulations made under section 33(3A) of this Act], in connection with the provision, in accordance with this Act, of legal aid or advice and assistance;
 - [^{F6}(aza) any expenses incurred by the Board in connection with the provision by solicitors employed by it by virtue of section 27(1) of this Act of—
 - (i) advice and assistance in relation to civil matters;
 - (ii) civil legal aid;
[children's legal assistance;]
 - ^{F7}(ia) (iii) any services as are mentioned in section 26(2) of this Act;]
 - [^{F8}(azb) any sums payable by the Board under contracts made by virtue of section 33B;]
 - [^{F9}(aa) any expenses incurred by the Board in connection with the provision of criminal legal assistance by solicitors employed by it by virtue of section 28A of this Act;

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- (ab) any sums payable by the Board under contracts made by virtue of section 33A of this Act;]
 - [^{F10}[^{F11}(abc)] any sums payable by the Board under section 17(2D) of this Act;]
 - [^{F12}(ac) such sums as are, by virtue of section 4A, due out of the Fund to any person;]
 - [^{F13}(ad) such sums as are, by virtue of section 33ZB of this Act, due out of the Fund to a solicitor or counsel in connection with the provision of legal aid or advice and assistance;]
 - (b) expenses awarded to any person under section 19 of this Act; and
 - (c) such other payments ^{F14} . . . as the Secretary of State may ^{F15} . . . determine.
- (3) There shall be paid into the Fund—
- (a) any contribution payable to the Fund by any person in pursuance of section 17 of this Act;
 - [^{F16}(aa) any contribution payable to the Board by any person in pursuance of section 11 [^{F17}, 11A, 25AA or 25AC] of this Act;
 - [^{F18}(aaa) any award of expenses made by a criminal court to a person to whom criminal legal assistance has been provided by a solicitor employed by the Board under sections 26 and 27 of this Act;]
 - (ab) any award of expenses made by a criminal court to a person to whom criminal legal assistance has been provided by a solicitor employed by the Board by virtue of section 28A of this Act;]
 - [^{F19}(ac) any sums recovered from a person who is receiving or has been in receipt of advice and assistance, civil legal aid or criminal legal aid under section 24, but who has available to him rights and facilities making it unnecessary for him to take advantage of the provisions of this Act.]
 - [^{F20}(ad) any sums recovered from a person in connection with a grant made by the Board in accordance with section 4A;]
 - [^{F21}(ae) any sums payable to the Board by a solicitor or counsel by virtue of [section 33ZC](#) of this Act;]
 - (b) any sum recovered under an award of a court or an agreement as to expenses in any proceedings in favour of any party who is in receipt of civil legal aid;
 - (c) any sum which is to be paid in accordance with section 17 of this Act out of property recovered or preserved for any party to any proceedings who is in receipt of civil legal aid;
 - [^{F22}(cc) any contribution payable to the Board by any person in pursuance of section 28K of this Act;]
 - (d) the sums to be paid by the Secretary of State in pursuance of section 40(1) (a) of this Act; and
 - (e) such other receipts of the Board as the Secretary of State may, ^{F15} . . . determine.

Textual Amendments

- F1** Words in s. 4(2)(a) inserted (30.7.2007) by [Legal Profession and Legal Aid \(Scotland\) Act 2007 \(asp 5\)](#), **ss. 68(2)(a)**, 82(2) (with s. 77); S.S.I. 2007/335, **art. 2(b)**
- F2** Words in s. 4(2)(a) substituted (1.10.2022) by [Coronavirus \(Recovery and Reform\) \(Scotland\) Act 2022 \(asp 8\)](#), **ss. 35(2)(a)(i)**, 59(1) (with s. 48(1)(c)(2)(c)(3)(b))
- F3** Words inserted by [Legal Aid Act 1988 \(c. 34, SIF 77:1\)](#), s. 44, **Sch. 4 Pt. I para. 1(a)**
- F4** Words in s. 4(2)(a) inserted (30.7.2007) by [Legal Profession and Legal Aid \(Scotland\) Act 2007 \(asp 5\)](#), **ss. 67(2)**, 82(2) (with s. 77); S.S.I. 2007/335, **art. 2(a)**

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- F5** Words in s. 4(2)(a) substituted (1.10.1997) by 1997 c. 48, s. 62(1), **Sch. 1 para. 12(2)(a)(i)**; S.I. 1997/2323, **art. 6(2)**
- F6** S. 4(2)(aza) inserted (30.7.2007) by Legal Profession and Legal Aid (Scotland) Act 2007 (asp 5), **ss. 74(1), 82(2)** (with s. 77); S.S.I. 2007/335, **art. 2(c)**
- F7** S. 4(2)(aza)(ia) inserted (24.6.2013) by Children’s Hearings (Scotland) Act 2011 (asp 1), s. 206(2), **sch. 5 para. 1(2)(a)(i)** (with s. 186); S.S.I. 2013/195, arts. 2, 3
- F8** S. 4(2)(azb) inserted (24.6.2013) by Children’s Hearings (Scotland) Act 2011 (asp 1), s. 206(2), **sch. 5 para. 1(2)(a)(ii)** (with s. 186); S.S.I. 2013/195, arts. 2, 3
- F9** S. 4(2)(aa)(ab) inserted (1.10.1997) by 1997 c. 48, s. 62(1), **Sch. 1 para. 12(2)(a)(ii)**; S.I. 1997/2323, **art. 6(2)**
- F10** S. 4(2)(ac) inserted (1.10.2007) by Equality Act 2006 (c. 3), ss. 40, 93(1), **Sch. 3 para. 39(2)** (with s. 92); S.I. 2007/2603, **art. 2(d)**
- F11** S. 4(2)(ac) renumbered as s. 4(2)(abc) (23.3.2011) by The Legal Profession and Legal Aid (Scotland) Act 2007 (Modification and Consequential Provisions) Order 2011 (S.S.I. 2011/235), arts. 2(1), **4**
- F12** S. 4(2)(ac) inserted (30.7.2007) by Legal Profession and Legal Aid (Scotland) Act 2007 (asp 5), **ss. 68(2)(b), 82(2)** (with s. 77); S.S.I. 2007/335, **art. 2(b)**
- F13** S. 4(2)(ad) inserted (1.10.2022) by Coronavirus (Recovery and Reform) (Scotland) Act 2022 (asp 8), **ss. 35(2)(a)(ii), 59(1)** (with s. 48(1)(c)(2)(c)(3)(b))
- F14** Words repealed by Legal Aid Act 1988 (c. 34, SIF 77:1), ss. 44, 45(2), Sch. 4 Pt. I para. 1(b), **Sch. 6**
- F15** Words in s. 4(2)(c)(3)(e) repealed (1.7.1999) by 1999/1820, arts. 1(2), 4, Sch. 2 Pt I para. 86(2), Pt. IV
- F16** S. 4(3)(aa)(ab) inserted (1.10.1997) by 1997 c. 48, s. 62(1), **Sch. 1 para. 12(2)(b)**; S.I. 1997/2323, **art. 6(2)**
- F17** Words in s. 4(3)(aa) inserted (11.10.2013) by Scottish Civil Justice Council and Criminal Legal Assistance Act 2013 (asp 3), **ss. 23(2), 25(2)**; S.S.I. 2013/262, art. 2
- F18** S. 4(3)(aaa) inserted (6.7.2001) by 2001 asp 7, **ss. 9(1), 15(3)**
- F19** S. 4(3)(ac) inserted (4.12.2004) by The Legal Aid (Scotland) Act 1986 Amendment Regulations 2004 (S.S.I. 2004/493), **reg. 2**
- F20** S. 4(3)(ad) inserted (30.7.2007) by Legal Profession and Legal Aid (Scotland) Act 2007 (asp 5), **ss. 68(2)(c), 82(2)** (with s. 77); S.S.I. 2007/335, **art. 2(b)**
- F21** S. 4(3)(ae) inserted (1.10.2022) by Coronavirus (Recovery and Reform) (Scotland) Act 2022 (asp 8), **ss. 35(2)(b), 59(1)** (with s. 48(1)(c)(2)(c)(3)(b))
- F22** S. 4(3)(cc) inserted (24.6.2013) by Children’s Hearings (Scotland) Act 2011 (asp 1), s. 206(2), **sch. 5 para. 1(2)(b)** (with s. 186); S.S.I. 2013/195, arts. 2, 3

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Changes and effects yet to be applied to :

- s. 4(3)(a) repealed by [1990 c. 40 Sch. 8 para. 36\(1\)\(a\)Sch. 9](#)
- s. 4(3)(b) words repealed by [1990 c. 40 Sch. 9](#)
- s. 4(3)(c) words inserted by [1990 c. 40 Sch. 8 para. 36\(1\)\(b\)](#)

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](#)