

CONVENTION RIGHTS (COMPLIANCE) (SCOTLAND) ACT 2001

EXPLANATORY NOTES

THE ACT

Part 3

Legal Aid

Extension of advice and assistance and civil legal aid under the 1986 Act

63. [Section 6\(1\)](#) amends section 6(2) of the 1986 Act by extending the definition of "court or tribunal" in Part 2 of the 1986 Act, which relates to advice and assistance. This has the effect of allowing advice and assistance to be made available for any proceedings or bodies which determine persons' civil rights and obligations.
64. [Section 6\(2\)](#) amends section 13 of the 1986 Act by extending the definition of "court or tribunal" in Part 3 of the 1986 Act, which relates to civil legal aid. This has the effect of allowing civil legal aid to be made available for any proceedings or bodies which determine persons' civil rights and obligations. This section also repeals subsection (5) of section 13, which is considered redundant.
65. [Section 6\(3\)](#) inserts a new regulation making power into section 14 of the 1986 Act. It provides that for certain courts and tribunals as will be specified in the regulations, further tests of eligibility may be prescribed by those regulations over and above the existing tests of *probabilis causa*, reasonableness and financial eligibility. These regulations will be made by the Scottish Ministers and subject to negative resolution procedure.
66. [Section 6\(4\)](#) makes a consequential change to section 16, which relates to expenses in favour of certain assisted persons, to ensure that it also applies to any proceedings or bodies covered by the amended definition of "court or tribunal" as inserted in section 13(6) of the 1986 Act by section 6(2) of this Act.
67. [Section 6\(5\)](#) inserts a new section 38(1A). This is a consequential change to ensure that the amended definition of "court or tribunal" applies in section 38(1)(a), which relates to the power of the Court of Session to regulate the procedure of courts and tribunals in relation to legal aid.