

*These notes relate to the Legal Profession and Legal Aid
(Scotland) Act (asp 5) which received Royal Assent on 19 January
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LEGAL PROFESSION AND LEGAL AID (SCOTLAND) ACT (ASP 5) WHICH RECEIVED ROYAL ASSENT ON 19 JANUARY 2007

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 4 – Legal Aid

Section 66: Criminal Legal Assistance Register: removal of name following failure to comply with code

171. Section 25D of the 1986 Act enables the Board to remove the name of a firm or solicitor from the register of those able to provide criminal legal assistance if it is satisfied that the firm or solicitor is not complying with the code of practice provided for by section 25B in relation to the provision of criminal legal assistance. Section 66 amends section 25D to enable the Board to act in situations where it suspects that a firm or solicitor has committed a breach of the code of practice in the past but has resumed compliance at the time of the Board's investigation. It adds a new subsection (4A) to section 25D which provides that the Board may, after carrying out the appropriate investigation, remove the name of a firm or solicitor from the register if it is satisfied that the firm or solicitor has in the past not complied with the code in a material regard. It may only do so after allowing the firm or solicitor concerned the opportunity to make representations and to remedy any defect in their or his compliance with the code within such time as it may specify.