Legal Profession and Legal Aid (Scotland) Act 2007

2007 asp 5

PART 4

LEGAL AID

64 Criminal legal aid in solemn proceedings

(1) The 1986 Act is amended as follows.

(2) In section 22(1)(b)(i) (automatic availability of criminal legal aid), for "23(1)(a)" substitute " 23A(1) ".

(3) In section 23 (power of the court to grant legal aid)—

(a) paragraph (a) of subsection (1); and

(b) paragraph (a) of subsection (2),

are repealed.

(4) After that section, insert—

"**23A Legal aid in solemn proceedings**

(1) Criminal legal aid shall be available on an application made to the Board, where a person is being prosecuted under solemn procedure, if the Board is satisfied after consideration of the person's financial circumstances that the expenses of the case cannot be met without undue hardship to the person or the person's dependants.

(2) Legal aid made available to a person under subsection (1) may be subject to such conditions as the Board considers expedient; and such conditions may be imposed at any time.

(3) The Board may require a person receiving legal aid under subsection (1) to comply with such conditions as it considers expedient to enable it to satisfy itself from time to time that it is reasonable for him to continue to receive criminal legal aid.

Changes to legislation: *Legal Profession and Legal Aid (Scotland) Act 2007, Section 64 is up to date with all changes known to be in force on or before 29 June 2024. 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*

(4) The Board shall establish a procedure under which any person whose application for legal aid under subsection (1) has been refused may apply to the Board for a review of the application.

(5) The Board shall establish a procedure under which any person receiving criminal legal aid under subsection (1) which is subject to conditions by virtue of subsection (2) may apply to the Board for a review of any such condition.”.

(5) In section 25(4) (legal aid in appeals), after “23” insert “ , 23A ”.

(6) In section 25AB(4) (legal aid in references, appeals or applications for special leave to appeal to the Judicial Committee or the Privy Council), after “23” insert “ , 23A ”.

(7) In section 30(3)(a) (legal aid in contempt proceedings), after “23” insert “ , 23A ”.

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View outstanding changes

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):

– Sch. 1 para. 2(6)(ba) inserted by 2010 asp 16 s. 118(4)