



# Legal Profession and Legal Aid (Scotland) Act 2007

2007 asp 5

## PART 4

### LEGAL AID

#### **68 Scottish Legal Aid Board: grants for certain purposes**

- (1) The 1986 Act is amended as follows.
- (2) In section 4 (Scottish Legal Aid Fund)—
  - (a) at the beginning of subsection (2)(a) insert “subject to section 4A(13),”;
  - (b) after subsection (2)(ab) insert—
    - “(ac) such sums as are, by virtue of section 4A, due out of the Fund to any person;”;
  - (c) after subsection (3)(ac) insert—
    - “(ad) any sums recovered from a person in connection with a grant made by the Board in accordance with section 4A;”.
- (3) After that section insert—

#### **“4A Power of Board to make grants for certain purposes**

- (1) The Board may, on an application made to it by any person, make grants of such amount and subject to such conditions (including conditions as to repayment) as it may determine to the person in respect of—
  - (a) any of the matters mentioned in subsection (2);
  - (b) any of the purposes mentioned in subsection (3).
- (2) The matters are—
  - (a) any civil legal aid or advice and assistance in relation to civil matters provided, or to be provided, by any solicitor or counsel;
  - (b) any advice and assistance in relation to civil matters provided, or to be provided, by any adviser;

---

*Status: This is the original version (as it was originally enacted).*

---

- (c) any advice, assistance or representation (not falling within paragraphs (a) or (b)) provided, or to be provided, by any person, which is connected to civil matters.
- (3) The purposes are facilitating, supporting and developing the provision of any of the matters referred to in subsection (2).
- (4) The Scottish Ministers must specify a limit to the total amount that may be paid out of the Fund by virtue of subsection (1).
- (5) In specifying any limit under subsection (4) the Scottish Ministers must specify the period in relation to which that limit applies.
- (6) Any grant made under subsection (1) must be made in accordance with an approved plan.
- (7) The Board must prepare and publish a plan as to the criteria which the Board will apply in considering whether or not to make such a grant; and the Board must submit the plan to the Scottish Ministers for approval.
- (8) The Scottish Ministers may approve a plan submitted to them under subsection (7) with or without modification.
- (9) The Scottish Ministers may at any time—
  - (a) approve a modification of an approved plan proposed by the Board or withdraw approval of such a plan or modification;
  - (b) require the Board to prepare and publish a plan under subsection (7).
- (10) An application under subsection (1) must include such information as the Board may reasonably require.
- (11) In preparing and publishing the plan under subsection (7) the Board must do so in accordance with such directions as the Scottish Ministers may give.
- (12) Any money due to a person by virtue of this section shall be paid to the person by the Board out of the Fund.
- (13) Any money paid to a person under subsection (1) as provided in subsection (12), in respect of—
  - (a) any civil legal aid or advice and assistance provided by any solicitor or counsel;
  - (b) any advice and assistance provided by an adviser,shall be taken to be a payment in accordance with this Act; and no other payment may be made out of the Fund in respect of that civil legal aid or, as the case may be, advice and assistance.
- (14) In this section, “approved plan” means a plan approved, for the time being, by the Scottish Ministers under subsection (8); and includes any part or modification of the plan so approved.
- (15) For the purposes of this section, “person” includes a body corporate or unincorporate.”.