

# **CHILDREN'S HEARINGS (SCOTLAND) ACT 2011**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### **Part 19 – Legal Aid and Advice**

##### ***Section 191 – Legal aid and advice***

#### **New Part 5b – Children's Legal Assistance**

##### **Section 28Q – Non-compliance with code of practice**

311. This section applies section 25D of the 1986 Act in relation to the quality assurance regime for children's legal assistance as it applies in relation to the quality assurance regime for criminal legal assistance.
312. Section 25D of the 1986 Act requires SLAB to investigate registered solicitors or firms where it suspects they are not complying with the code of practice. It authorises for that purpose use of the powers in sections 35A and 35B of the 1986 Act (discussed in relation to section 28P). Where SLAB finds a solicitor or firm has not been complying with the code of practice it may set a deadline for them to resolve the defect in their practice. If SLAB is still not satisfied as to compliance it may remove the solicitor or firm from the register and the solicitor will be required to allocate any live children's legal assistance work to another solicitor who is registered. SLAB must give reasons for its decision to remove a solicitor or firm from the register and that decision is subject to appeal to the Court of Session, on points of fact or law, within 21 days.