



Age of Criminal Responsibility (Scotland) Act 2019

2019 asp 7

PART 4

POLICE INVESTIGATORY AND OTHER POWERS

CHAPTER 5

GENERAL PROVISIONS

73 Children's legal aid for proceedings under this Part

- (1) The Legal Aid (Scotland) Act 1986 is amended as follows.
- (2) In section 28B (children's legal aid)—
 - (a) in subsection (2), for “subsection (3)” substitute “ subsections (3) and (3A) ”,
 - (b) after subsection (3) insert—

“(3A) The proceedings are, where regulations under section 28LB are made, proceedings before the sheriff and appeals from the sheriff under Part 4 of the Age of Criminal Responsibility (Scotland) Act 2019.”.
- (3) After section 28LA insert—

“28LB Power of Scottish Ministers to provide for children's legal aid to be available in relation to proceedings under the Age of Criminal Responsibility (Scotland) Act 2019

- (1) The Scottish Ministers may by regulations modify this Part so as to—
 - (a) provide for children's legal aid to be available to a child in connection with proceedings before the sheriff and appeals from the sheriff under Part 4 of the Age of Criminal Responsibility (Scotland) Act 2019, and
 - (b) specify the other persons (if any) to whom children's legal aid is to be available in connection with such proceedings and appeals.

Changes to legislation: *Age of Criminal Responsibility (Scotland) Act 2019, Section 73 is up to date with all changes known to be in force on or before 18 April 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*

- (2) Regulations under subsection (1) may in particular make provision about—
- (a) the proceedings in relation to which and the circumstances in which children's legal aid is to be available automatically,
 - (b) the proceedings in relation to which and the circumstances in which children's legal aid is to be available on application to the Board.
- (3) Where regulations under subsection (1) include provision as is mentioned in subsection (2)(b), the regulations—
- (a) must make provision for the conditions as to which the Board is to be satisfied before children's legal aid is to be made available,
 - (b) may make provision for different conditions to be satisfied in relation to different persons.”.
- (4) In section 37 (parliamentary procedure for regulations), in subsection (2), after “28LA(1),” insert “ 28LB(1),”.

Modifications etc. (not altering text)

- C1** Pt. 4 applied (with modifications) (17.12.2021) by 2004 c. 20, s. 56B (as inserted by [The Age of Criminal Responsibility \(Scotland\) Act 2019 \(Consequential Provisions and Modifications\) Order 2021 \(S.I. 2021/1458\)](#), arts. 1(1), **19**)
- C2** Pt. 4 applied (with modifications) (17.12.2021) by 1987 c. 4, s. 2E (as inserted by [The Age of Criminal Responsibility \(Scotland\) Act 2019 \(Consequential Provisions and Modifications\) Order 2021 \(S.I. 2021/1458\)](#), arts. 1(1), **17**)
- C3** Pt. 4 applied (with modifications) (17.12.2021) by 2003 c. 20, s. 31B (as inserted by [The Age of Criminal Responsibility \(Scotland\) Act 2019 \(Consequential Provisions and Modifications\) Order 2021 \(S.I. 2021/1458\)](#), arts. 1(1), **18**)

Commencement Information

- I1** S. 73 in force at 31.3.2020 by [S.S.I. 2020/74](#), reg. 2, **sch.**

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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):

- s. 18(1A) inserted by [2020 asp 13 sch. 5 para. 7\(8\)\(b\)](#)
- s. 20A inserted by [2020 asp 13 sch. 5 para. 7\(9\)](#)