



Legal Aid (Scotland) Act 1986

1986 CHAPTER 47

PART VI

MISCELLANEOUS

Contempt of court

30 Legal aid in contempt proceedings.

- (1) Where a person is liable to be dealt with for contempt of court during the course of or in connection with any proceedings, legal aid shall be available to him on an application being made to the court if it is satisfied—
 - (a) after consideration of the person's financial circumstances that the expenses of the proceedings for contempt of court cannot be met without undue hardship to him or his dependants; and
 - (b) that in all the circumstances of the case it is in the interests of justice that legal aid should be made available to him.
- (2) In making legal aid available under subsection (1) above, the court may order in any case that the legal aid shall consist of representation by counsel only or, in a court where solicitors have a right of audience, by a solicitor only; and, notwithstanding section 31 of this Act, the court may assign for the purpose any counsel or solicitor who is within the precincts of the court at the time when the order is made.
- (3) [^{F1}Subsections (2)(a) and (c), (2A) to (4) and (6) of] section 25 of this Act shall apply in relation to legal aid in connection with an appeal against a decision of a court in proceedings for contempt of court as [^{F2}they apply] in relation to legal aid in connection with an appeal against conviction, sentence [^{F3}, other disposal] or acquittal in criminal proceedings, and in such application—
 - [^{F4}(za) in subsection (2a) of that section, the reference to the High Court shall include a reference to the Court of Session;]
 - (a) for the reference in subsection (4) of that section to criminal legal aid having been made available under section 23 [^{F5}, 23A] or 24 of this Act there shall

Changes to legislation: Legal Aid (Scotland) Act 1986, Cross Heading: Contempt of court is up to date with all changes known to be in force on or before 06 February 2023. 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

- be substituted a reference to legal aid having been made available under subsection (1) above; and
- (b) in subsection [^{F6}(6)] of that section the reference to the *nobile officium* of the High Court of Justiciary shall include a reference to the *nobile officium* of the Court of Session.
- (4) Subject to subsection (2) above legal aid made available under this section shall consist of representation by a solicitor and [^{F7}, where appropriate,] by counsel and shall include all such assistance as is usually given by a solicitor or counsel in the steps preliminary to or incidental to proceedings for contempt of court or, in the case of legal aid made available under subsection (3) above, any appeal in connection with such proceedings.

Textual Amendments

- F1** Words in s. 30(3) inserted (1.4.1996) by 1995 c. 40, ss. 5, 7(2), **Sch. 4 para. 63(9)(a)**
- F2** Words in s. 30(3) substituted (1.4.1996) by 1995 c. 40, ss. 5, 7(2), **Sch. 4 para. 63(9)(b)**
- F3** Words in s. 30(3) expressed to be substituted (1.4.1996) by 1995 c. 40, ss. 5, 7(2), **Sch. 4 para. 63(9)(c)**
- F4** S. 30(3)(za) inserted (1.4.1996) by 1995 c. 40, ss. 5, 7(2), **Sch. 4 para. 63(9)(d)**
- F5** Word in s. 30(3)(a) inserted (25.11.2010) by Legal Profession and Legal Aid (Scotland) Act 2007 (asp 5), **ss. 64(7), 82(2)** (with s. 77); S.I. 2010/376, **art. 2**
- F6** Word in s. 30(3)(b) substituted (1.4.1996) by 1995 c. 40, ss. 5, 7(2), **Sch. 4 para. 63(9)(e)**
- F7** Words in s. 30(4) substituted (30.9.1991) by Law Reform (Miscellaneous Provisions)(Scotland) Act 1990 (c. 40, SIF 76:2), s. 74(1), Sch. 8 para. 36(12); S.I. 1991/2151, **art. 3**, Sch.

Commencement Information

- I1** S. 30 wholly in force at 01.07.1992 see s. 46(2) and S.I. 1992/1226.

Changes to legislation:

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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. 4(2)(aba)(abb) inserted by [2007 asp 5 s. 75\(2\)](#)
- s. 4(2)(aba) word substituted by [S.S.I. 2011/235 art. 5\(2\)\(a\)](#) (This amendment comes into force immediately after the commencement of the Legal Profession and Legal Aid (Scotland) Act 2007 (asp 5), s. 75, see art. 2(2). That provision is still prospective.)
- s. 4(2)(abb) word substituted by [S.S.I. 2011/235 art. 5\(2\)\(b\)](#) (This amendment comes into force immediately after the commencement of the Legal Profession and Legal Aid (Scotland) Act 2007 (asp 5), s. 75, see art. 2(2). That provision is still prospective.)
- s. 4(2)(ba) inserted by [2007 asp 5 s. 70\(1\)](#)
- s. 4(3)(ca)(cb) inserted by [2007 asp 5 s. 75\(3\)](#)
- s. 9A9B inserted by [2013 asp 3 s. 18\(2\)](#)
- s. 10(1A)(1B) inserted by [2007 asp 5 s. 69\(3\)](#)
- s. 12C and cross-heading inserted by [2007 asp 5 s. 70\(2\)](#)
- s. 17(2C)-(2I) inserted by [2007 asp 5 s. 75\(4\)](#)
- s. 17(2DA)(2DB) s. 17(2C)(2D) renumbered as s. 17(2DA)(2DB) by [S.S.I. 2011/235 art. 5\(3\)](#) (This amendment comes into force immediately after the commencement of the Legal Profession and Legal Aid (Scotland) Act 2007 (asp 5), s. 75, see art. 2(2). That provision is still prospective.)
- s. 25AA(5)-(9) inserted by [2013 asp 3 s. 21](#)
- s. 25AC25AD inserted by [2013 asp 3 s. 20](#)