



Legal Aid (Scotland) Act 1986

1986 CHAPTER 47

PART VI

MISCELLANEOUS

f¹ Contracts for the provision of children's legal assistance

Textual Amendments

- F1** S. 33B and crossheading inserted (24.6.2013) by [Children's Hearings \(Scotland\) Act 2011 \(asp 1\)](#), ss. [192](#), [206\(2\)](#) (with s. [186](#)); S.S.I. 2013/195, arts. [2](#), [3](#)

33B Contracts for the provision of children's legal assistance

- (1) The Scottish Ministers may by regulations made under this section empower the Board to enter into contracts with relevant firms for the provision by relevant solicitors connected with those firms of children's legal assistance.
- (2) Regulations under this section may prescribe—
 - (a) the procedures to be followed by the Board in awarding any such contract, and
 - (b) subject to subsection (3), any terms and conditions which are to be included in any such contract.
- (3) Regulations under this section must provide that any contract entered into by virtue of this section must include a provision that, in the event of the termination of the contract, or a breach of it by the relevant firm concerned, the Board may—
 - (a) withhold payments under the contract, and
 - (b) require the firm to secure the transfer to a relevant solicitor of—
 - (i) any work currently being undertaken by any solicitor connected with them for any client by way of children's legal assistance, and
 - (ii) notwithstanding any lien to which any such solicitor might otherwise be entitled, any documents connected with any such work.

Changes to legislation: *Legal Aid (Scotland) Act 1986, Cross Heading: Contracts for the provision of children's legal assistance is up to date with all changes known to be in force on or before 17 July 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*

- (4) Regulations under this section may provide that where the Board has by virtue of this section entered into contracts with any relevant firms for the provision of children's legal assistance in any area, then, unless it seems to the Board to be inappropriate in a particular case, any person seeking such assistance in that area is to be required to instruct a relevant solicitor connected with one of those firms.
- (5) Any money due to a firm under a contract made by virtue of this section is to be paid to the firm—
- (a) firstly, out of any amount payable by the client in accordance with section 11(2),
 - (b) secondly, by the Board out of the Fund.
- (6) For the purposes of sections 32 and 33, the money paid to a firm, as provided in subsection (5) above, in respect of a contract made by virtue of this section is to be taken to be a payment made in accordance with this Act, and no solicitor connected with such a firm is entitled to any other payment out of the Fund in respect of any work done by the solicitor by virtue of such a contract.
- (7) In this section—
- “ relevant firm ” means a firm included in the register maintained under section 28M(1),
- “relevant solicitor” means a solicitor included in the register maintained under section 28M(1).]

Changes to legislation:

Legal Aid (Scotland) Act 1986, Cross Heading: Contracts for the provision of children's legal assistance is up to date with all changes known to be in force on or before 17 July 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.

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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](#)