



Legal Aid (Scotland) Act 1986

1986 CHAPTER 47

PART III

CIVIL LEGAL AID

Expenses

18 Expenses of unassisted party.

^{F1}(1)

(2) The liability of a legally assisted person under an award of expenses [^{F2}in any proceedings] shall not exceed the amount (if any) which in the opinion of the court or tribunal making the award is a reasonable one for him to pay, having regard to all the circumstances including the means of all the parties and their conduct in connection with the dispute.

(3) None of the following, namely a legally assisted person's house, wearing apparel, household furniture and the tools and implements of his trade or profession shall—

- (a) be taken into account in assessing his means for the purposes of subsection (2) above; or
- (b) be subject to diligence or any corresponding process in any part of the United Kingdom in connection with any award of expenses in proceedings to which this section applies,

except insofar as regulations made under this section may prescribe.

Textual Amendments

- F1** S. 18(1) repealed by [Legal Aid Act 1988 \(c. 34, SIF 77:1\)](#), ss. 44, 45(2), Sch. 4 Pt. II para. 7(a), **Sch. 6**
- F2** Words substituted by [Legal Aid Act 1988 \(c. 34, SIF 77:1\)](#), ss. 44, 45(2), **Sch. 4 Pt. II para. 7(b)**

Modifications etc. (not altering text)

- C1** S. 18(2) applied by [S.I. 1987/381](#), **regs. 33, 35** and modified by [S.I. 1987/381](#), **reg. 36**

Changes to legislation: *Legal Aid (Scotland) Act 1986, Section 18 is up to date with all changes known to be in force on or before 11 January 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*

S. 18(2) applied (S.) (7.10.1996) by [S.I. 1996/2444](#), **reg.34**

S. 18(2) applied (S.) (1.12.2002) by [S.S.I. 2002/494](#), **reg.34**

Changes to legislation:

Legal Aid (Scotland) Act 1986, Section 18 is up to date with all changes known to be in force on or before 11 January 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.

[View outstanding changes](#)

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](#)