



Legal Aid (Scotland) Act 1986

1986 CHAPTER 47

PART VI

MISCELLANEOUS

[^{F1}Interim payments to solicitors and counsel

[^{F1}33ZC Recovery where interim payment excessive

- (1) This section applies where—
 - (a) a sum has been paid out of the Fund under section 4(2)(ad) to a solicitor or counsel while providing legal aid or advice and assistance, and
 - (b) the solicitor or counsel is no longer providing the legal aid or advice and assistance.
- (2) Where the sum paid out of the Fund exceeds the sum that would, but for section 33(6), be payable under section 4(2)(a) in connection with the provision of the legal aid or advice and assistance, the solicitor or (as the case may be) counsel is liable to the Board for the difference between the sums.
- (3) A firm is jointly and severally liable for a sum owed by a solicitor to the Board by virtue of [subsection \(2\)](#) if the interim payment referred to in that subsection was made to the firm on the solicitor's instruction.
- (4) Where—
 - (a) a firm is jointly and severally liable to the Board for a sum by virtue of [subsection \(3\)](#), and
 - (b) a separate sum is due to be paid out of the Fund to the firm, on the instruction of a solicitor,the Board may deduct all or part of the sum mentioned in [paragraph \(a\)](#) from the sum mentioned in [paragraph \(b\)](#).
- (5) This section is without prejudice to any other enactment or rule of law under which the difference between the sums mentioned in [subsection \(2\)](#) may be recovered.]

Changes to legislation: *Legal Aid (Scotland) Act 1986, Section 33ZC is up to date with all changes known to be in force on or before 02 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*

Textual Amendments

- F1** Ss. 33ZB, 33ZC and cross-heading inserted (1.10.2022) by [Coronavirus \(Recovery and Reform\) \(Scotland\) Act 2022 \(asp 8\)](#), **ss. 35(4)**, 59(1) (with s. 48(1)(c)(2)(c)(3)(b))

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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](#)