



Legal Aid (Scotland) Act 1986

1986 CHAPTER 47

PART VI

MISCELLANEOUS

General

41 Interpretation.

In this Act, unless the context otherwise requires—

[^{F1} “the 2011 Act” means the Children’s Hearings (Scotland) Act 2011 (asp 1);]

[^{F2} “the 2019 Act” means the Age of Criminal Responsibility (Scotland) Act 2019 (asp 7);]

“advice and assistance” has the meaning given to it in section 6(1) of this Act;

[^{F3} “adviser” has the meaning given to it in section 6(2) of this Act;

“adviser code” means the code of practice in relation to the register of advice organisations for the time being in force under Schedule 1A to this Act;]

“assistance by way of representation” has the meaning given to it in section 6(1) of this Act;

“the Board” has the meaning given to it in section 1(1) of this Act;

[^{F4} “children’s legal aid” has the meaning given to it in section 28B(2) of this Act;

“children’s legal assistance” means—

- (a) children’s legal aid, and
- (b) advice and assistance in relation to children’s hearings, pre-hearing panels (as defined in section 79(2)(a) of the 2011 Act) or proceedings under Part 10 or 15 of the 2011 Act [^{F5} or in relation to proceedings under Part 4 of the 2019 Act];]

“civil legal aid” has the meaning given to it in section 13(2) of this Act;

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[^{F6} “the code” means the code of practice in relation to criminal legal assistance for the time being in force under section 25B of this Act;]

“criminal legal aid” has the meaning given to it in section 21(1) of this Act;

[^{F7} “criminal legal assistance” means criminal legal aid and advice and assistance in relation to criminal matters;

“document ” includes information recorded in any form;

“firm” includes an incorporated practice, [^{F8}a licensed legal services provider,] a sole solicitor and a law centre;]

“the Fund” has the meaning given to it in section 4(1) of this Act;

“incorporated practice” has the same meaning as in the ^{M1} Solicitors’ (Scotland) Act 1980;

[^{F9} “law centre” means a body—

- (a) established for the purpose of providing legal services to the public generally as well as to individual members of the public; and
- (b) which does not distribute any profits made either to its members or otherwise, but reinvests any such profits for the purposes of the law centre;]

“the Law Society” means the Law Society of Scotland;

“legal aid” means civil legal aid, criminal legal aid, [^{F10}children's legal aid] or legal aid given in connection with proceedings for contempt of court ^{F11}...;

[^{F12}“licensed legal services provider” and “solicitor investor” are to be construed in accordance with Part 2 of the Legal Services (Scotland) Act 2010;]

“person”

- (a) ^{F13}[does not include a body corporate or unincorporate, except where such body is acting in a representative, fiduciary or official capacity, so as to authorise legal aid or advice and assistance to be provided to such a body][^{F14}; and
- (b) includes a person under the age of sixteen years.]

[^{F15} “the Register” means the Register established and maintained under section 25A of this Act;

[^{F16} “the register of advice organisations” means the register established and maintained under section 12A of this Act;]

“registered firm ” means a firm whose name appears on the Register;

[^{F17} “registered organisation” means an organisation whose name appears on the register of advice organisations;]

“registered solicitor ” means a solicitor whose name appears on the Register;

“sole solicitor ” means a solicitor practising under his own name or as a single solicitor under a firm name; and

“solicitor connected with a firm” includes a sole solicitor [^{F18}, a solicitor investor in a firm] and a solicitor who is a partner, director or employee of a firm, and cognate expressions shall be construed accordingly.]

Textual Amendments

- F1** S. 41: definition of “the 2011 Act” inserted (31.1.2012) by [Children’s Hearings \(Scotland\) Act 2011 \(asp 1\)](#), s. 206(2), [sch. 5 para. 1\(8\)\(a\)](#) (with s. 186); S.S.I. 2012/1, art. 2(2)
- F2** Words in s. 41 inserted (8.11.2021) by [The Children’s Legal Assistance \(Miscellaneous Amendments and Consequential Provisions\) \(Scotland\) Regulations 2021 \(S.S.I. 2021/368\)](#), regs. 1(1), [2\(3\)\(a\)](#)

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- F3** S. 41: definitions of “adviser” and “adviser code” inserted (30.7.2007) by Legal Profession and Legal Aid (Scotland) Act 2007 (asp 5), **ss. 67(8)(a)**, 82(2) (with s. 77); S.S.I. 2007/335, **art. 2(a)**
- F4** S. 41: definitions “children's legal aid” and “children's legal assistance” inserted (31.1.2012) by Children’s Hearings (Scotland) Act 2011 (asp 1), s. 206(2), **sch. 5 para. 1(8)(b)** (with s. 186); S.S.I. 2012/1, art. 2(2)
- F5** Words in s. 41 inserted (8.11.2021) by The Children’s Legal Assistance (Miscellaneous Amendments and Consequential Provisions) (Scotland) Regulations 2021 (S.S.I. 2021/368), regs. 1(1), **2(3)(b)**
- F6** Definition in s. 41 inserted (1.10.1997) by 1997 c. 48, s. 62(1), **Sch. 1 para. 12(10)(a)**; S.I. 1997/2323, **art. 6(2)**
- F7** Definitions in s. 41 inserted (1.10.1997) by 1997 c. 48, s. 62(1), **Sch. 1 para. 12(10)(b)**; S.I. 1997/2323, **art. 6(2)**
- F8** S. 41: words in definition “firm” inserted (2.7.2012) by The Legal Services (Scotland) Act 2010 (Ancillary Provision) Regulations 2012 (S.S.I. 2012/212), regs. 1, **3(3)(a)**
- F9** Definition in s. 41 inserted (1.10.1997) by 1997 c. 48, s. 62(1), **Sch. 1 para. 12(10)(c)**; S.I. 1997/2323, **art. 6(2)**
- F10** S. 41: words in definition “legal aid” inserted (24.6.2013) by Children’s Hearings (Scotland) Act 2011 (asp 1), s. 206(2), **sch. 5 para. 1(8)(c)(i)** (with s. 186); S.S.I. 2013/195, arts. 2, 3
- F11** S. 41: words in definition “legal aid” repealed (24.6.2013) by Children’s Hearings (Scotland) Act 2011 (asp 1), s. 206(2), **sch. 5 para. 1(8)(c)(ii)** (with s. 186); S.S.I. 2013/195, arts. 2, 3
- F12** S. 41: definition “licensed legal services provider” and “solicitor investor” inserted (2.7.2012) by The Legal Services (Scotland) Act 2010 (Ancillary Provision) Regulations 2012 (S.S.I. 2012/212), regs. 1, **3(3)(b)**
- F13** S. 41: in the definition of “person” the existing words become para. (a) (1.11.1995) by virtue of 1995 c. 36, s. 105(4), **Sch. 4 para. 40(b)** (with s. 103(1)); S.I. 1995/2787, art. 3, **Sch.**
- F14** S. 41: in the definition of “person”, para. (b) and preceding word added (1.11.1995) by 1995 c. 36, s. 105(4), **Sch. 4 para. 40(b)** (with s. 103(1)); S.I. 1995/2787, art. 3, **Sch.**
- F15** Definitions in s. 41 inserted (1.10.1997) by 1997 c. 48, s. 62(1), **Sch. 1 para. 12(10)(d)**; S.I. 1997/2323, **art. 6(2)**
- F16** S. 41: definition of “the register of advice organisations” inserted (30.7.2007) by Legal Profession and Legal Aid (Scotland) Act 2007 (asp 5), **ss. 67(8)(b)**, 82(2) (with s. 77); S.S.I. 2007/335, **art. 2(a)**
- F17** S. 41: definition of “registered organisation” inserted (30.7.2007) by Legal Profession and Legal Aid (Scotland) Act 2007 (asp 5), **ss. 67(8)(c)**, 82(2) (with s. 77); S.S.I. 2007/335, **art. 2(a)**
- F18** S. 41: words in definition “solicitor connected with a firm” inserted (2.7.2012) by The Legal Services (Scotland) Act 2010 (Ancillary Provision) Regulations 2012 (S.S.I. 2012/212), regs. 1, **3(3)(c)**

Marginal Citations

- M1** 1980 c. 46.

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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](#)