



# Legal Aid (Scotland) Act 1986

## 1986 CHAPTER 47

### PART II

#### ADVICE AND ASSISTANCE

#### **[<sup>F1</sup>8A Criminal advice and assistance: automatic availability in certain circumstances**

(1) The Scottish Ministers may by regulations provide that, in such circumstances as may be prescribed in the regulations, advice and assistance in relation to criminal matters is to be available for any relevant client without reference to

[<sup>F2</sup>(a)] the financial limits in section 8 [<sup>F3</sup>; or—]

[<sup>F3</sup>(b)] the criteria mentioned in section 9A(2).]

[ Regulations under subsection (1) may also provide that, in such circumstances as may <sup>F4</sup>(1A) be prescribed in the regulations, section 11(2) is not to apply in respect of advice and assistance made available to a relevant client.]

(2) In [<sup>F5</sup> subsections (1) and (1A)], “relevant client” means a client who is

[<sup>F6</sup>(a)] a person to whom [<sup>F7</sup> section 32 (right to have solicitor present) of the Criminal Justice (Scotland) Act 2016] applies

[<sup>F8</sup>(b)] .....

[<sup>F8</sup>(c)] .....

[<sup>F9</sup>(d)] a person who is detained under section 41 of, or Schedule 7 to, the Terrorism Act 2000, or

(e) a person who is detained under Part 1 of Schedule 3 to the Counter-Terrorism and Border Security Act 2019.]]

#### **Textual Amendments**

**F1** S. 8A inserted (30.10.2010) by [Criminal Procedure \(Legal Assistance, Detention and Appeals\) \(Scotland\) Act 2010 \(asp 15\), ss. 2\(3\), 9](#)

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**Changes to legislation:** *Legal Aid (Scotland) Act 1986, Section 8A is up to date with all changes known to be in force on or before 20 May 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*

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- F2** Words in s. 8A(1) renumbered as s. 8A(1)(a) (11.10.2013) by Scottish Civil Justice Council and Criminal Legal Assistance Act 2013 (asp 3), **ss. 23(4)(a)**, 25(2); S.S.I. 2013/262, art. 2
- F3** S. 8A(1)(b) and word inserted (11.10.2013) by Scottish Civil Justice Council and Criminal Legal Assistance Act 2013 (asp 3), **ss. 23(4)(b)**, 25(2); S.S.I. 2013/262, art. 2
- F4** S. 8A(1A) inserted (11.10.2013) by Scottish Civil Justice Council and Criminal Legal Assistance Act 2013 (asp 3), **ss. 17(a)**, 25(2); S.S.I. 2013/262, art. 2
- F5** Words in s. 8A(2) substituted (11.10.2013) by virtue of Scottish Civil Justice Council and Criminal Legal Assistance Act 2013 (asp 3), **ss. 17(b)**, 25(2); S.S.I. 2013/262, art. 2
- F6** Words in s. 8A(2) renumbered as s. 8A(2)(a) (15.7.2011) by The Criminal Procedure (Legal Assistance, Detention and Appeals) (Scotland) Act 2010 (Consequential Provisions) Order 2011 (S.I. 2011/1739), arts. 1(2), **3(a)**
- F7** Words in s. 8A(2)(a) substituted (25.1.2018) by Criminal Justice (Scotland) Act 2016 (asp 1), s. 117(2), **sch. 2 para. 35**; S.S.I. 2017/345, art. 3, sch. (with art. 4)
- F8** S. 8A(2)(b)(c) repealed (25.1.2018) by The Criminal Justice (Scotland) Act 2016 (Consequential Provisions) Order 2018 (S.I. 2018/46), arts. 2(2)(b), **13(1)** (with art. 13(2)(3))
- F9** S. 8A(2)(d)(e) inserted (12.2.2019) by Counter-Terrorism and Border Security Act 2019 (c. 3), s. 27(1)(f), **Sch. 4 para. 19**

**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](#)