

1971 No. 174 (S.18)

LEGAL AID AND ADVICE, SCOTLAND

Act of Sederunt (Legal Aid Rules Amendment) 1971

Made - - - - - 29th January, 1971

Coming into operation 1st March, 1971

The Lords of Council and Session, under and by virtue of the powers conferred upon them by section 16 of the Legal Aid (Scotland) Act 1967(a) and of all other powers competent to them in that behalf, do hereby enact and declare as follows:—

1. The Act of Sederunt (Legal Aid Rules) 1958(b) shall be amended as follows:—

(1) At the end of paragraph 1(2) there shall be added an additional clause in the following terms:

“‘court’ shall mean court or tribunal, unless the context otherwise requires.”

(2) At the end of paragraph 2(1) there shall be added two new sections in the following terms:

“(g) proceedings in the Scottish Land Court ;

“(h) proceedings before the Lands Tribunal for Scotland.”

(3) Paragraph 4(2) shall be deleted and there shall be substituted a new sub-paragraph (2) of paragraph 4 in the following terms:

“(2) Where a legal aid certificate has been issued to the other party to the proceedings in whose favour an award of expenses may fall to be made and where, as a result thereof, the Law Society of Scotland has an interest in the amount of expenses awarded to such other person, it shall be competent for the Law Society to be represented by counsel in the Court of Session, or by solicitor in the Scottish Land Court or the Sheriff Court or before the Lands Tribunal for Scotland, in order to make representations to the court as to the amount of the award of expenses to be made against the assisted person.”

(4) Paragraph 5(2) shall be deleted and there shall be substituted a new sub-paragraph (2) of paragraph 5 in the following terms:

“(3) Where a court issues a direction under the foregoing paragraph, the Principal Clerk of Session, the Principal Clerk to the Scottish Land Court, the Sheriff Clerk, or the Clerk to the Lands Tribunal for Scotland, as the case may be, shall send a copy of the direction to the Committee by whom the certificate was issued, who shall forthwith discharge the certificate of the assisted person concerned in relation to the proceedings before that court.”

2. This Act of Sederunt may be cited as the Act of Sederunt (Legal Aid Rules Amendment) 1971, and shall come into operation on 1st March 1971.

And the Lords appoint this Act of Sederunt to be inserted in the Books of Sederunt.

J. L. Clyde,
I.P.D.

Edinburgh,
29th January 1971.

EXPLANATORY NOTE

(This Note is not part of the Act of Sederunt.)

This Act of Sederunt amends the Act of Sederunt (Legal Aid Rules) 1958 by making provision for proceedings in the Scottish Land Court and before the Lands Tribunal for Scotland to be treated as distinct proceedings for the purposes of legal aid.