

SCHEDULE 1

MODIFICATIONS WHICH COME INTO FORCE ON 6TH MAY 1999

PART I

MODIFICATIONS OF PUBLIC GENERAL ACTS

Legal Aid (Scotland) Act 1986 (c. 47)

- 11.**—(1) The Legal Aid (Scotland) Act 1986 is amended as follows.
- (2) In section 21 (scope and nature of criminal legal aid), after subsection (1)(b) there is inserted—
- “(c) any reference, appeal or application for special leave to appeal to the Judicial Committee of the Privy Council under paragraph 11 or 13(a) of Schedule 6 to the Scotland Act 1998”.
- (3) In section 25AA(1) (legal aid in respect of appeals under section 303A of the 1995 Act)—
- (a) in subsection (1) for the words “section 25 of this Act applies” there is substituted “sections 25 and 25AB of this Act apply”;
- (b) in subsection (2) after the words “section 25” there are inserted the words “or section 25AB”;
- (c) in subsection (3)(a) after the words “section 25” there are inserted the words “or section 25AB”; and
- (d) in subsection (4)(a) for the words “section 25(2)(a)” there is substituted “sections 25(2)(a) and 25AB(2)”.
- (4) After section 25AA there is inserted—

“Legal aid in references, appeals or applications for special leave to appeal to the Judicial Committee of the Privy Council

25AB.—(1) This section shall apply to criminal legal aid in connection with any reference, appeal or application for special leave to appeal to the Judicial Committee of the Privy Council under paragraph 11 or 13(a) of Schedule 6 to the Scotland Act 1998.

(2) Subject to regulations made under section 21(2) of this Act criminal legal aid to which this section applies shall be available on an application made to the Board if—

- (a) the Board is satisfied after consideration of the financial circumstances of the applicant that the expenses of the reference, appeal or application for special leave to appeal cannot be met without undue hardship to the applicant or his dependants; and
- (b) in the case of an application for special leave to appeal, the Board is satisfied in all the circumstances of the case that it is in the interests of justice that the applicant should receive legal aid.

(3) The Board may require a person receiving criminal legal aid under this section to comply with such conditions as it considers expedient to enable it to satisfy itself from time to time that it is reasonable for him to continue to receive criminal legal aid.

(4) Criminal legal aid shall not be available under this section in connection with a reference under paragraph 11 of Schedule 6 to the Scotland Act 1998 where criminal legal aid was made

(1) Section 25AA was inserted by the Crime and Punishment (Scotland) Act 1997 (c. 48).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

available under section 23, 24 or 25 of this Act in connection with the proceedings in which the reference is made.”

(5) In paragraph 1 of Part I of Schedule 2 (courts in which civil legal aid is available), after “in relation to civil proceedings in” there is inserted—

“the Judicial Committee of the Privy Council, in references, appeals and applications for special leave to appeal under paragraphs 10, 12 and 13(b) of Schedule 6 to the Scotland Act 1998;”.