

*These notes relate to the Legal Profession and Legal Aid  
(Scotland) Act (asp 5) which received Royal Assent on 19 January  
2007 (asp 5) which received Royal Assent on 19 January 2007*

# **LEGAL PROFESSION AND LEGAL AID (SCOTLAND) ACT (ASP 5) WHICH RECEIVED ROYAL ASSENT ON 19 JANUARY 2007**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### **Part 4 – Legal Aid**

##### ***Section 73: Availability of legal aid: Judicial Committee of the Privy Council***

192. Section 25AB of the 1986 Act provides for the availability of legal aid in references, appeals or applications for special leave to appeal made to the Judicial Committee of the Privy Council (JCPC). These proceedings are in terms of paragraph 11 and 13(a) of Schedule 6 to the Scotland Act 1998. Section 73 amends section 25AB so that legal aid will also be available, subject to the applicant's eligibility, in relation to cases raising a devolution issue which are referred within the terms of paragraph 33 of Schedule 6 to the Scotland Act 1998. Section 73 also adds such proceedings to paragraph 1 of Part 1 of Schedule 2 of the 1986 Act, which sets out the proceedings for which civil legal aid may be made available.
193. [Section 73](#) also provides that legal aid may be available, subject to an applicant's eligibility, for any devolution issues arising in judicial proceedings in the House of Lords which are, in terms of paragraph 32 of Schedule 6 to the Scotland Act 1998, referred to the JCPC. It does so by adding such proceedings to paragraph 1 of Part 1 of Schedule 2 of the 1986 Act.