

*These notes relate to the Legal Profession and Legal Aid
(Scotland) Act (asp 5) which received Royal Assent on 19 January
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LEGAL PROFESSION AND LEGAL AID (SCOTLAND) ACT (ASP 5) WHICH RECEIVED ROYAL ASSENT ON 19 JANUARY 2007

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 4 – Legal Aid

Section 69: Financial limit: advice and assistance

184. Section 10 of the 1986 Act deals with the financial limits in relation to authorised expenditure for advice and assistance. Advice and assistance is granted by solicitors or, in categories of cases as specified by regulations, by advisers, rather than by application to the Board. The Board's approval is needed before the authorised limit for advice and assistance applicable under section 10 can be exceeded. Section 69 amends section 10 of the 1986 Act, by inserting new subsections (1A) and (1B), to enable the Board to approve increases in advice and assistance retrospectively in cases where the advice and assistance required to be given urgently and where it was not possible to seek the prior approval from the Board.
185. **Section 69** also inserts new subsections (4) and (5) in section 10 of the 1986 Act to provide that applications to exceed the financial limit cannot be made, either in advance or retrospectively, in cases where the matter with which the advice and assistance is concerned is not specified in regulations made under the 1986 Act as being a distinct matter for the purposes of advice and assistance or is not being treated as such by the Board by virtue of such regulations.