

*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 72: Civil legal aid: conditions and reviews

190. **Section 72** amends section 14 of the 1986 Act. This deals with the availability of civil legal aid. It inserts new subsections (1F) and (1G) in section 14 to enable the Board to impose any conditions which it considers expedient to grants of civil legal aid and requires the Board to establish a procedure whereby persons in receipt of legal aid made subject to conditions may apply to it for a review of any such conditions. These conditions may be set down at any time including at the time the Board makes legal aid available. This is an extension of the Board's pre-existing condition-making powers which it has under section 14(2) of the 1986 Act. This amendment allows the Board to set such conditions at any time, to include at the time civil legal aid is approved.
191. **Section 72** also amends section 29 of the 1986 Act. This deals with the availability of legal aid in certain proceedings relating to children. It inserts new subsections (5A), (6A) and (6B) in section 29 to enable the Board to impose any conditions which it considers expedient to grants of legal aid in such proceedings and to do so at any time, including at the time the Board first makes legal aid available. The new subsections also require the Board to establish procedures whereby a person whose application for legal aid under section 29 has been refused, or has been granted subject to conditions, may apply to the Board for a review of the application or a review of any such conditions.