



# Legal Profession and Legal Aid (Scotland) Act 2007

## 2007 asp 5

### PART 4

#### LEGAL AID

#### **69 Financial limit: advice and assistance**

- (1) Section 10 (financial limit) of the 1986 Act is amended as follows.
- (2) In subsection (1)(b)—
  - (a) after “except” insert “, subject to subsection (4), ”;
  - (b) at the end insert “ or in the circumstances set out in subsection (1A) ”.
- (3) After subsection (1) insert—

“(1A) The circumstances are that—

  - (a) the advice and assistance requires to be given urgently; and
  - (b) it is not possible to seek the approval of the Board before the advice and assistance requires to be given,

and following which an application may be made under subsection (1B) for the Board's approval.
- (1B) If the Board is satisfied that the circumstances set out in subsection (1A) were present it may, on application by the solicitor or adviser concerned, give its approval to the limit having been exceeded.”.
- (4) After subsection (3) insert—

“(4) In the circumstances set out in subsection (5), no application may be made for the Board's approval for the cost of giving the advice and assistance—

  - (a) to exceed the limit applicable under this section; or
  - (b) to that limit having been exceeded.
- (5) The circumstances are that the matter with which the advice and assistance is concerned is not—

**Changes to legislation:** *Legal Profession and Legal Aid (Scotland) Act 2007, Section 69 is up to date with all changes known to be in force on or before 26 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (a) specified as a distinct matter for the purposes of advice and assistance by virtue of regulations made under this Act; or
- (b) being treated as if it were a distinct matter by virtue of such regulations.”.

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**Commencement Information**

- II** S. 69 partly in force; s. 69 not in force at Royal Assent, see s. 82; s. 69(1)(2)(a)(4) in force at 8.2.2007 by [S.S.I. 2007/57, art. 2](#)

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 1 para. 2(6)(ba) inserted by [2010 asp 16 s. 118\(4\)](#)