



# Children's Hearings (Scotland) Act 2011

## 2011 asp 1

### PART 19

#### LEGAL AID AND ADVICE

#### **192 Power to make regulations about contracts for provision of children's legal aid**

After section 33A of the Legal Aid (Scotland) Act 1986 insert—

*“Contracts for the provision of children's legal assistance*

#### **33B Contracts for the provision of children's legal assistance**

- (1) The Scottish Ministers may by regulations made under this section empower the Board to enter into contracts with relevant firms for the provision by relevant solicitors connected with those firms of children's legal assistance.
- (2) Regulations under this section may prescribe—
  - (a) the procedures to be followed by the Board in awarding any such contract, and
  - (b) subject to subsection (3), any terms and conditions which are to be included in any such contract.
- (3) Regulations under this section must provide that any contract entered into by virtue of this section must include a provision that, in the event of the termination of the contract, or a breach of it by the relevant firm concerned, the Board may—
  - (a) withhold payments under the contract, and
  - (b) require the firm to secure the transfer to a relevant solicitor of—
    - (i) any work currently being undertaken by any solicitor connected with them for any client by way of children's legal assistance, and
    - (ii) notwithstanding any lien to which any such solicitor might otherwise be entitled, any documents connected with any such work.

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*Status: This is the original version (as it was originally enacted).*

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- (4) Regulations under this section may provide that where the Board has by virtue of this section entered into contracts with any relevant firms for the provision of children's legal assistance in any area, then, unless it seems to the Board to be inappropriate in a particular case, any person seeking such assistance in that area is to be required to instruct a relevant solicitor connected with one of those firms.
- (5) Any money due to a firm under a contract made by virtue of this section is to be paid to the firm—
- (a) firstly, out of any amount payable by the client in accordance with section 11(2),
  - (b) secondly, by the Board out of the Fund.
- (6) For the purposes of sections 32 and 33, the money paid to a firm, as provided in subsection (5) above, in respect of a contract made by virtue of this section is to be taken to be a payment made in accordance with this Act, and no solicitor connected with such a firm is entitled to any other payment out of the Fund in respect of any work done by the solicitor by virtue of such a contract.
- (7) In this section—
- “relevant firm” means a firm included in the register maintained under section 28M(1),
  - “relevant solicitor” means a solicitor included in the register maintained under section 28M(1).”