



# Legal Aid (Scotland) Act 1986

## 1986 CHAPTER 47

### PART I

#### SCOTTISH LEGAL AID BOARD

##### *The Board*

#### **1 The Scottish Legal Aid Board.**

- (1) There shall be established a body to be known as the Scottish Legal Aid Board (in this Act referred to as “the Board”).
- (2) The Board shall have the general functions—
  - (a) of securing that legal aid and advice and assistance are available in accordance with this Act; and
  - (b) of administering the Fund.
- [<sup>F1</sup>(2A) The Board also has the general function of monitoring the availability and accessibility of legal services in Scotland (including by reference to any relevant factor relating particularly to rural or urban areas).]
- (3) The Board shall consist of not less than 11 and not more than 15 members appointed by the Secretary of State; and the Secretary of State shall appoint one of the members to be chairman.
- (4) The Secretary of State shall appoint to membership of the Board—
  - (a) at least two members of the Faculty of Advocates;
  - (b) at least two members of the Law Society; and
  - (c) at least one other person having experience of the procedure and practice of the courts.
- (5) Before appointing persons to be members of the Board in pursuance of either paragraph (a) or paragraph (b) of subsection (4) above, the Secretary of State shall consult with the professional body mentioned in that paragraph.

*Changes to legislation: Legal Aid (Scotland) Act 1986, Cross Heading: The Board is up to date with all changes known to be in force on or before 21 January 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*

(6) Schedule 1 to this Act shall have effect with respect to the Board.

#### Textual Amendments

**F1** S. 1(2A) inserted (1.4.2011) by [Legal Services \(Scotland\) Act 2010 \(asp 16\)](#), **ss. 141(a)**, 150(2); S.S.I. 2011/180, art. 3, sch.

## 2 Powers of the Board.

- (1) Subject to the provisions of this Act, the Board may do anything—
- (a) which it considers necessary or expedient for securing the provision of legal aid and of advice and assistance in accordance with this Act; or
  - (b) which is calculated to facilitate or is incidental to or conducive to the discharge of its functions.
- (2) Without prejudice to the generality of subsection (1) above, the Board shall have power—
- (a) to enter into any contract or agreement, including, subject to subsection (3) below, any contract or agreement to acquire or dispose of land;
  - (b) to invest money;
  - (c) to promote or assist in the promotion of publicity relating to the functions of the Board;
  - (d) to undertake any inquiry or investigation which the Board considers necessary or expedient in relation to the discharge of its functions; and
  - [<sup>F2</sup>(da) to give the Scottish Ministers such advice as it may consider appropriate in relation to the availability and accessibility of legal services in Scotland;]
  - (e) to give to the Secretary of State such advice as it may consider appropriate in relation to the provision of legal aid and advice and assistance in accordance with this Act.
- (3) The power under subsection (2)(a) above to enter into any contract or agreement to acquire or dispose of land shall not be exercised without the approval in writing of the Secretary of State.

#### Textual Amendments

**F2** S. 2(2)(da) inserted (1.4.2011) by [Legal Services \(Scotland\) Act 2010 \(asp 16\)](#), **ss. 141(b)**, 150(2); S.S.I. 2011/180, art. 3, sch.

## 3 Duties of the Board.

- (1) The Board shall, from time to time, publish information as to the discharge of its functions in relation to legal aid and advice and assistance including the forms and procedures and other matters connected therewith.
- (2) The Board shall, from time to time, furnish to the Secretary of State such information as he may require relating to its property and to the discharge and proposed discharge of its functions.

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**Changes to legislation:** *Legal Aid (Scotland) Act 1986, Cross Heading: The Board is up to date with all changes known to be in force on or before 21 January 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*

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- [<sup>F3</sup>(2A) The Board is, from time to time, to give the Scottish Ministers such information as they may require relating to the availability and accessibility of legal services in Scotland.]
- (3) It shall be the duty of the Board to provide to the Secretary of State, as soon as possible after 31st March in each year, a report on the exercise of its functions during the preceding 12 months.
- (4) The Board shall have regard, in the exercise of its functions, to such guidance as may from time to time be given by the Secretary of State.
- (5) Guidance under subsection (4) above shall not relate to the consideration or disposal (whether in general or in respect of individual applications) of—
- (a) applications for legal aid or advice and assistance;
  - (b) supplementary or incidental applications or requests to the Board in connection with any case where legal aid or advice and assistance has been made available.
- (6) For the purposes of subsection (2) above, without prejudice to the requirements of section 5 of this Act, the Board shall permit any person authorised in that behalf by the Secretary of State to inspect and make copies of any accounts or documents of the Board and shall furnish such explanation of them as that person or the Secretary of State may require.

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**Textual Amendments**

- F3** S. 3(2A) inserted (1.4.2011) by [Legal Services \(Scotland\) Act 2010 \(asp 16\)](#), ss. 141(c), 150(2); S.S.I. 2011/180, art. 3, sch.

**Changes to legislation:**

Legal Aid (Scotland) Act 1986, Cross Heading: The Board is up to date with all changes known to be in force on or before 21 January 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.

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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):

- s. 4(2)(aba)(abb) inserted by [2007 asp 5 s. 75\(2\)](#)
- s. 4(2)(aba) word substituted by [S.S.I. 2011/235 art. 5\(2\)\(a\)](#) (This amendment comes into force immediately after the commencement of the Legal Profession and Legal Aid (Scotland) Act 2007 (asp 5), s. 75, see art. 2(2). That provision is still prospective.)
- s. 4(2)(abb) word substituted by [S.S.I. 2011/235 art. 5\(2\)\(b\)](#) (This amendment comes into force immediately after the commencement of the Legal Profession and Legal Aid (Scotland) Act 2007 (asp 5), s. 75, see art. 2(2). That provision is still prospective.)
- s. 4(2)(ba) inserted by [2007 asp 5 s. 70\(1\)](#)
- s. 4(3)(ca)(cb) inserted by [2007 asp 5 s. 75\(3\)](#)
- s. 9A9B inserted by [2013 asp 3 s. 18\(2\)](#)
- s. 10(1A)(1B) inserted by [2007 asp 5 s. 69\(3\)](#)
- s. 12C and cross-heading inserted by [2007 asp 5 s. 70\(2\)](#)
- s. 17(2C)-(2I) inserted by [2007 asp 5 s. 75\(4\)](#)
- s. 17(2DA)(2DB) s. 17(2C)(2D) renumbered as s. 17(2DA)(2DB) by [S.S.I. 2011/235 art. 5\(3\)](#) (This amendment comes into force immediately after the commencement of the Legal Profession and Legal Aid (Scotland) Act 2007 (asp 5), s. 75, see art. 2(2). That provision is still prospective.)
- s. 25AA(5)-(9) inserted by [2013 asp 3 s. 21](#)
- s. 25AC25AD inserted by [2013 asp 3 s. 20](#)