

LEGAL AID (SCOTLAND) ACT 1986

DETERMINATION BY THE SCOTTISH MINISTERS

The Scottish Ministers make the following determination in exercise of the powers conferred by section 4(2)(c) of the Legal Aid (Scotland) Act 1986(a).

Commencement

1. This determination has effect from 11th February 2010.

Interpretation

2. In this determination—
“the Act” means the Legal Aid (Scotland) Act 1986;
“the Board” means the Scottish Legal Aid Board; and
“the Fund” means the Scottish Legal Aid Fund.

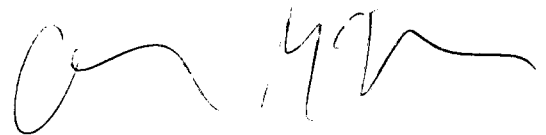
Asylum and immigration proceedings before the First-tier Tribunal and the Upper Tribunal

3. The Board shall pay out of the Fund, in respect of fees and outlays properly incurred by a solicitor in connection with the provision of the assistance described in paragraph 4, such sum as it approves in accordance with paragraph 5.

4. The assistance is taking on a client’s behalf any step in instituting, conducting or defending any proceedings before the Asylum and Immigration Chamber of the First-tier Tribunal or the Asylum and Immigration Chamber of the Upper Tribunal, whether by representing the client in those proceedings or otherwise taking any step on the client’s behalf (as distinct from assisting the client to take such a step on the client’s own behalf).

5. The Board shall approve a sum equal to that which would have been allowed in respect of fees and outlays if assistance by way of representation was available in relation to proceedings before the First-tier Tribunal or the Upper Tribunal.

6. A sum shall be payable out of the Fund under paragraph 3 only if advice and assistance would be available to the client in terms of section 8 of the Act.



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Justice Directorate
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11th February 2010

(a) 1986 c. 47; the functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).

