LEGAL AID

1960 No. 692 (S. 29)

Act of Sederunt (Legal Aid Rules), 1960

Made - - - -	*22nd March*, 1960
Coming into Operation	*22nd March*, 1960

The Lords of Council and Session, under and by virtue of the powers conferred on them by the Legal Aid (Scotland) Act, 1949(a), and of all other powers competent to them in that behalf, do hereby enact and declare as follows:—

Title, Commencement and Interpretation

1.—(1) This Act of Sederunt may be cited as the Act of Sederunt (Legal Aid Rules) 1960, and shall come into operation on the twenty-second day of March, 1960.

(2) In this Act of Sederunt the following expressions shall unless the context otherwise requires, have the meanings hereby respectively assigned to them:—

"the Act" means the Legal Aid (Scotland) Act, 1949;

"assisted person" means a person to whom there has been issued, and in respect of whom there is in force a legal aid certificate;

"claim" means a claim which it is desired to assert or dispute where the question of taking, defending or being a party to proceedings before a Court does not arise or has not arisen but, if it did arise, the proceedings would, or might properly, be such that legal aid could be given in connection therewith under section 1 of the Act;

"legal aid" means legal aid under section 5 of the Act;

"legal aid certificate" means a legal aid certificate issued in accordance with the Scheme;

"the Scheme" means the Legal Aid (Scotland) (Section 5) Scheme 1960, and any Scheme amending that Scheme;

"the Regulations" means the Legal Aid (Scotland) (Section 5) Regulations, 1960(b), and any Regulations amending those Regulations.

(3) The Interpretation Act, 1889(c) shall apply to the interpretation of this Act of Sederunt as it applies to the interpretation of an Act of Parliament.

Recovery of sums due to Legal Aid Fund

2.—(1) Any moneys payable to or preserved for an assisted person under any settlement, or under any agreement as to expenses, arrived at in consequence of steps taken to assert or dispute a claim, shall be paid to the Law Society, and only their receipt shall be a good discharge to the person paying the same of a liability to pay moneys due to an assisted person as aforesaid.

(a) 12, 13 & 14 Geo. 6. c. 63. (b) S.I. 1960/497 (Pt. II, p. 1827, of this vol.).
(c) 52 & 53 Vict. c. 63.

(2) Any corporeal moveables deliverable to or preserved for an assisted person under any settlement, or under any agreement as to expenses, arrived at in consequence of steps taken to assert or dispute a claim, shall, if the Law Society so require, be delivered to the Law Society in which event only their receipt shall be a good discharge to the person delivering the same of a liability to deliver corporeal moveables to an assisted person as aforesaid; and the Law Society shall have power to sell any of the said corporeal moveables in order to make payment to the legal aid fund of any sum payable under paragraph (3) of this Rule.

(3) Out of the moneys paid to them as aforesaid the Law Society shall pay in to the legal aid fund, in priority to all other claims on such moneys, such sum as may be due to the legal aid fund by the assisted person in respect of his liability to that fund in connection with asserting or disputing the claim; and any moneys thereafter remaining shall, subject to any requirement of law whereby the moneys fall to be paid in whole or in part to any person other than the assisted person, be paid to the assisted person.

And the Lords appoint this Act of Sederunt to be entered in the Books of Sederunt and to be printed and published in common form.

J. L. Clyde,
I.P.D

Edinburgh,
22nd March, 1960.

EXPLANATORY NOTE

(*This Note is not part of the Act of Sederunt but is intended to indicate its general purport.*)

This Act of Sederunt makes provisions relating to the recovery of sums due to the legal aid fund by an assisted person who has received legal aid under Section 5 of the Legal Aid (Scotland) Act 1949.