

Guidance 13

GUIDANCE NOTE: Guidelines for Accessing the Legal Advice Fund

Who can access the fund?	The Community Council Legal Fund ('the Fund') is for Community Councils in Aberdeenshire, available in very exceptional circumstances, once other avenues of support have been explored.
What is the purpose of the fund?	The Fund is only to be used to assist with the cost of independent legal advice required when Community Councils find themselves exposed to legal challenge or has legal issues regarding internal, operational or constitutional matters.
Can the fund be used to pay for any other type of legal advice?	No. If legal advice is required for any other purpose, including situations where a Community Council wishes to mount its own legal challenge to a decision of a third party (including Aberdeenshire Council) then this must be funded by the Community Council itself. The fund cannot be used to pay for independent financial advice in this regard.
How can the fund be accessed?	By writing to the relevant Area Manager in the first instance, detailing the issue and the reason for legal advice being sought, along with details of attempts to secure funding by other means and details of Community Council funds that are available for payment of independent legal advice.
How much of the cost can be obtained from this fund?	The amount of any funds granted will depend on the circumstances of the application. Each application will be considered on its own merits.
How will any approval be issued?	The authority to determine (i) if the funds are required to obtain independent legal advice because the Community Council finds itself exposed to legal challenge or has legal issues regarding internal, operational or constitutional matters and (ii) the amount of funding to be released are both delegated to Aberdeenshire Council's Head of Legal & People.
Monitoring	Aberdeenshire Council will monitor the use of the Fund and any Community Council making a successful application will require to submit a receipted invoice from the provider of the legal advice in order to receive the funding. If an invoice is for a sum more than that approved for the Community Council from the Fund, the Council will only pay up to the original amount granted. If a Community Council are not in funds to pay an invoice, this must be included in the application.

