

*These notes relate to the Legal Profession and Legal Aid
(Scotland) Act (asp 5) which received Royal Assent on 19 January
2007 (asp 5) which received Royal Assent on 19 January 2007*

LEGAL PROFESSION AND LEGAL AID (SCOTLAND) ACT (ASP 5) WHICH RECEIVED ROYAL ASSENT ON 19 JANUARY 2007

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 5 – General

Section 77: Advice, services or activities to which Act does not apply

Immigration services

213. In relation to (d) (*Immigration*), in which field Immigration and nationality (including asylum) are reserved areas in terms of head B6 of Schedule 5 to the Scotland Act 1998, the Law Society of Scotland and the Faculty of Advocates are designated professional bodies in terms of section 86 of the Immigration and Asylum Act 1999, which removes the need for Scottish solicitors and advocates who provide immigration advice to be individually registered with the Immigration Services Commissioner.
214. These bodies are designated professional bodies in terms of the Act (without any need for a designation order), but the Secretary of State, if he considers that a designated professional body has consistently failed to provide effective regulation of its members in their provision of immigration advice or immigration services, may by order de-designate a body. In the case of the Scottish bodies he has first to consult the Immigration Commissioner and the Scottish Legal Services Ombudsman in terms of section 86(4) of the Immigration and Asylum Act 1999.