



# Legal Profession and Legal Aid (Scotland) Act 2007

2007 asp 5

## PART 1

### THE SCOTTISH LEGAL COMPLAINTS COMMISSION

#### *Appeals*

#### **21 Appeal against Commission decisions**

- (1) Any person mentioned in subsection (2) may, with the leave of the court, appeal against any decision of the Commission under the preceding sections of this Part as respects a complaint on any ground set out in subsection (4).
- (2) Those persons are—
  - (a) the complainer;
  - (b) the practitioner to whom the complaint relates;
  - (c) the practitioner's firm;
  - (d) the employing practitioner;
  - (e) the relevant professional organisation.
- (3) An appeal under subsection (1) must be made before the expiry of the period of 28 days beginning with the day on which notice of the decision was given to the complainer and the practitioner; but the court may, on cause shown, consider an appeal made after the expiry of that period.
- (4) The grounds referred to in subsection (1) are—
  - (a) that the Commission's decision was based on an error of law;
  - (b) that there has been a procedural impropriety in the conduct of any hearing by the Commission on the complaint;
  - (c) that the Commission has acted irrationally in the exercise of its discretion;
  - (d) that the Commission's decision was not supported by the facts found to be established by the Commission.
- (5) The Commission is to be a party in any proceedings on an appeal under subsection (1).

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*Changes to legislation: Legal Profession and Legal Aid (Scotland) Act 2007, Cross Heading: Appeals is up to date with all changes known to be in force on or before 26 May 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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- (6) In this section and in section 22, “decision” includes any determination, direction or other decision and also includes the making of any report under section 10(2)(e).

## **22 Appeal: supplementary provision**

- (1) On any appeal under section 21(1), the court may make such order as it thinks fit (including an order substituting its own decision for the decision appealed against).
- (2) Where such an order upholds a services complaint or confirms a decision of the Commission to uphold a services complaint, the court may direct that such of the steps mentioned in 10(2) as it considers fair and reasonable in the circumstances be taken.
- (3) On any appeal under section 21(1) the court may make such ancillary order (including an order as to the expenses of the appeal) as it thinks fit.
- (4) A decision of the court under this section is final.

**Changes to legislation:**

Legal Profession and Legal Aid (Scotland) Act 2007, Cross Heading: Appeals is up to date with all changes known to be in force on or before 26 May 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):

- Sch. 1 para. 2(6)(ba) inserted by [2010 asp 16 s. 118\(4\)](#)