



Legal Profession and Legal Aid (Scotland) Act 2007

2007 asp 5

PART 1

THE SCOTTISH LEGAL COMPLAINTS COMMISSION

Handling by relevant professional organisations of conduct complaints

24 Investigation under section 23: final report and recommendations

- (1) Where the Commission has completed an investigation under section 23 it must—
- (a) make a written report of its conclusions;
 - (b) send a copy of the report to—
 - (i) the person who made the handling complaint [^{F1}(and, if made on behalf of another person, that other person)];
 - [^{F2}(ia) the other party to the conduct complaint to which the handling complaint relates;]
 - (ii) the relevant professional organisation;
 - [^{F3}(iii)
- (2) A report under this section may include one or more of the following recommendations—
- (a) that the relevant professional organisation provide to the person making the handling complaint [^{F4}(and, if made on behalf of another person, that other person)] such information about the conduct complaint to which the handling complaint relates, and how it was dealt with, as the Commission considers appropriate;
 - (b) that the conduct complaint be investigated further by the relevant professional organisation;
 - (c) that the conduct complaint be reconsidered by the relevant professional organisation;
 - (d) that the relevant professional organisation consider exercising its powers in relation to the practitioner concerned;

Changes to legislation: *Legal Profession and Legal Aid (Scotland) Act 2007, Section 24 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*

- (e) that the relevant professional organisation pay compensation of such amount, not exceeding £5000, as the Commission may specify to the person making the handling complaint [^{F5}(or the person on whose behalf it was made)] for loss, inconvenience or distress resulting from the way in which the conduct complaint was handled by the organisation;
 - (f) that the relevant professional organisation pay to the person making the handling complaint [^{F6}(or the person on whose behalf it was made)] an amount specified by the Commission by way of reimbursement of the cost, or part of the cost, of making the handling complaint.
- (3) Where a report under this section includes any recommendation, the report must state the reasons for making the recommendation.
- (4) A relevant professional organisation to whom a report is sent by the Commission under this section must have regard to the conclusions and recommendations set out in the report so far as relating to the organisation.
- (5) Where a report sent to a relevant professional organisation under this section includes a recommendation relating to it, the organisation must, before the end of the period of [^{F7}14 days] beginning with the date on which the report was sent, notify the Commission, the person who made the handling complaint [^{F8}(and, if made on behalf of another person, that other person)] and [^{F9}the other party to the conduct complaint to which the handling complaint relates], in writing, of—
- ^{F10}(a)
 - (b) its decision not to comply wholly with a recommendation and any reason for that decision.
- (6) Where the Commission is either—
- (a) notified under subsection (5) [^{F11}... that the relevant professional organisation has decided not to comply wholly with a recommendation; or
 - (b) of the opinion that the relevant professional organisation has not complied wholly with a recommendation before the end of the period of 3 months [^{F12}(or such longer period as the Commission may determine under subsection (6A))] beginning with the date on which the report was sent to the organisation under this section,
- the Commission may direct the professional organisation to comply with that recommendation if the Commission thinks fit; and the organisation must comply with the direction.
- [^{F13}(6A) If the relevant professional organisation considers that it is not practicable to comply wholly with a recommendation within 3 months, the Commission may determine a longer period within which the relevant professional organisation must so comply.
- (6B) If the Commission determines a longer period under subsection (6A), the relevant professional organisation must notify—
- (a) the person who made the handling complaint (and, if made on behalf of another person, that other person),
 - (b) the other party to the conduct complaint to which the handling complaint relates.]
- (7) For the purposes of subsection (6), a “recommendation” means any recommendation referred to in paragraphs (a) to (c), (e) or (f) of subsection (2).
- (8) The Scottish Ministers may by order, after consulting—

Changes to legislation: *Legal Profession and Legal Aid (Scotland) Act 2007, Section 24 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*

- (a) the relevant professional organisations;
- (b) such groups of persons representing consumer interests as they consider appropriate,

amend subsection (2)(e) by substituting for the amount for the time being specified in that subsection such other amount as they consider appropriate.

Textual Amendments

- F1** Words in s. 24(1)(b)(i) inserted (1.1.2015) by [The Scottish Legal Complaints Commission \(Modification of Duties and Powers\) Regulations 2014 \(S.S.I. 2014/232\)](#), regs. 1(2), **2(14)(a)** (with reg. 4)
- F2** S. 24(1)(b)(ia) inserted (1.1.2015) by [The Scottish Legal Complaints Commission \(Modification of Duties and Powers\) Regulations 2014 \(S.S.I. 2014/232\)](#), regs. 1(2), **2(14)(b)** (with reg. 4)
- F3** S. 24(1)(b)(iii) omitted (1.1.2015) by virtue of [The Scottish Legal Complaints Commission \(Modification of Duties and Powers\) Regulations 2014 \(S.S.I. 2014/232\)](#), regs. 1(2), **2(14)(c)** (with reg. 4)
- F4** Words in s. 24(2)(a) inserted (1.1.2015) by [The Scottish Legal Complaints Commission \(Modification of Duties and Powers\) Regulations 2014 \(S.S.I. 2014/232\)](#), regs. 1(2), **2(14)(d)(i)** (with reg. 4)
- F5** Words in s. 24(2)(e) inserted (1.1.2015) by [The Scottish Legal Complaints Commission \(Modification of Duties and Powers\) Regulations 2014 \(S.S.I. 2014/232\)](#), regs. 1(2), **2(14)(d)(ii)** (with reg. 4)
- F6** Words in s. 24(2)(f) inserted (1.1.2015) by [The Scottish Legal Complaints Commission \(Modification of Duties and Powers\) Regulations 2014 \(S.S.I. 2014/232\)](#), regs. 1(2), **2(14)(d)(iii)** (with reg. 4)
- F7** Words in s. 24(5) substituted (1.1.2015) by [The Scottish Legal Complaints Commission \(Modification of Duties and Powers\) Regulations 2014 \(S.S.I. 2014/232\)](#), regs. 1(2), **2(14)(e)(i)** (with reg. 4)
- F8** Words in s. 24(5) inserted (1.1.2015) by [The Scottish Legal Complaints Commission \(Modification of Duties and Powers\) Regulations 2014 \(S.S.I. 2014/232\)](#), regs. 1(2), **2(14)(e)(ii)** (with reg. 4)
- F9** Words in s. 24(5) substituted (1.1.2015) by [The Scottish Legal Complaints Commission \(Modification of Duties and Powers\) Regulations 2014 \(S.S.I. 2014/232\)](#), regs. 1(2), **2(14)(e)(iii)** (with reg. 4)
- F10** S. 24(5)(a) omitted (1.1.2015) by virtue of [The Scottish Legal Complaints Commission \(Modification of Duties and Powers\) Regulations 2014 \(S.S.I. 2014/232\)](#), regs. 1(2), **2(14)(e)(iv)** (with reg. 4)
- F11** Word in s. 24(6)(a) omitted (1.1.2015) by virtue of [The Scottish Legal Complaints Commission \(Modification of Duties and Powers\) Regulations 2014 \(S.S.I. 2014/232\)](#), regs. 1(2), **2(14)(f)(i)** (with reg. 4)
- F12** Words in s. 24(6)(b) inserted (1.1.2015) by [The Scottish Legal Complaints Commission \(Modification of Duties and Powers\) Regulations 2014 \(S.S.I. 2014/232\)](#), regs. 1(2), **2(14)(f)(ii)** (with reg. 4)
- F13** S. 24(6A)(6B) inserted (1.1.2015) by [The Scottish Legal Complaints Commission \(Modification of Duties and Powers\) Regulations 2014 \(S.S.I. 2014/232\)](#), regs. 1(2), **2(14)(g)** (with reg. 4)

Changes to legislation:

Legal Profession and Legal Aid (Scotland) Act 2007, Section 24 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.

[View outstanding changes](#)

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\(4\)](#)