



# 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;
    - (ii) the relevant professional organisation;
    - (iii) the practitioner concerned in the conduct complaint to which the handling complaint relates.
- (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 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;
  - (e) that the relevant professional organisation pay compensation of such amount, not exceeding £5000, as the Commission may specify to the person making

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*Status: This is the original version (as it was originally enacted).*

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- the handling complaint 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 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 3 months beginning with the date on which the report was sent, notify the Commission, the person who made the handling complaint and the practitioner concerned, in writing, of—
- (a) the action which it has taken to comply with the recommendations or in consequence of further consideration of the matter by it;
- (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)(b) 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 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.
- (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—
- (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.