



Legal Profession and Legal Aid (Scotland) Act 2007

2007 asp 5

PART 1

THE SCOTTISH LEGAL COMPLAINTS COMMISSION

Forwarding complaints, advice, monitoring etc.

36 Conduct complaints: monitoring, reports, guidance and recommendations

- (1) The Commission must monitor practice and identify any trends in practice as respects the way in which—
 - (a) practitioners have dealt with matters that result in conduct complaints being remitted to the relevant professional organisations under section [F16(2)(a)] or 15(5)(a);
 - (b) the relevant professional organisations have dealt with conduct complaints so remitted.
- (2) The Commission must prepare and publish reports on any trends in practice which it identifies under subsection (1) at such intervals as it considers appropriate.
- (3) The Commission may—
 - (a) give guidance to the relevant professional organisations as to the timescales within which they should aim to complete their investigation of or, as the case may be, determine conduct complaints remitted to them under section [F26(2)(a)] or 15(5)(a);
 - (b) make recommendations to any relevant professional organisation about the organisation's procedures for, and methods of dealing with, conduct complaints so remitted to it.
- (4) Each relevant professional organisation to which the Commission makes a recommendation under subsection (3)(b) must—
 - (a) consider the recommendation;
 - (b) notify the Commission in writing of—
 - (i) the results of the consideration;

Changes to legislation: Legal Profession and Legal Aid (Scotland) Act 2007, Section 36 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

- (ii) any action the organisation has taken or proposes to take in consequence of the recommendation.
- (5) The Commission may carry out, for any of the purposes of this section, audits of the records held by the relevant professional organisations relating to conduct complaints remitted to them under section [^{F3}6(2)(a)] or 15(5)(a).

Textual Amendments

- F1** Word in s. 36(1)(a) 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(11)** (with reg. 4)
- F2** Word in s. 36(3)(a) 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(11)** (with reg. 4)
- F3** Word in s. 36(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(11)** (with reg. 4)

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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\(4\)](#)