

Legal Services (Scotland) Act 2010

LEGAL SERVICES (SCOTLAND) ACT 2010

PART 1

THE REGULATORY OBJECTIVES ETC.

Introduction

- 1 Regulatory objectives
- 2 Professional principles
- 3 Legal services

Role of Ministers

- 4 Ministerial oversight
- 5 Consultation by Ministers

PART 2

REGULATION OF LICENSED LEGAL SERVICES

CHAPTER 1

APPROVED REGULATORS

Approved regulators

- 6 Approved regulators
- 7 Approval of regulators
- 8 Pre-approval consideration
- 9 Lord President's agreement
- 10 Authorisation to act
- 11 Request for authorisation

Regulatory schemes

12 Regulatory schemes

13 Reconciling different rules

Licensing rules

- 14 Licensing rules: general
- 15 Initial considerations
- 16 Other licensing rules
- 17 Licensing appeals

Practice rules

- 18 Practice rules: general
- 19 Financial sanctions
- 20 Enforcement of duties
- 21 Performance report
- 22 Accounting and auditing
- 23 Professional indemnity

Compensation arrangements

- 24 Choice of arrangements
- 25 Compensation rules: general
- 26 More about compensation arrangements

Internal governance

- 27 Internal governance arrangements
- 28 Communicating outside
- 29 More about governance

Regulatory functions etc.

- 30 Regulatory and representative functions
- 31 Assessment of licensed providers

Relationship with other bodies

- 32 Giving information to SLAB
- 33 Reporting to Law Society
- 34 Steps open to Society
- 35 Financial inspection by Society

Performance and measures

- 36 Review of own performance
- 37 Monitoring by Ministers
- 38 Measures open to Ministers

Ceasing to regulate

- 39 Surrender of authorisation
- 40 Cessation directions
- 41 Transfer arrangements
- 42 Extra arrangements

Change of regulator

- 43 Change of approved regulator
- 44 Step-in by Ministers

Additional functions etc.

- 45 Additional powers and duties
- 46 Guidance on functions

CHAPTER 2

LICENSED LEGAL SERVICES PROVIDERS

Licensed providers

- 47 Licensed providers
- 48 Eligibility criteria
- 49 Majority ownership

Key duties and positions

- 50 Key duties
- 51 Head of Legal Services
- 52 Head of Practice
- 53 Practice Committee

Appointment to position etc.

- 54 Notice of appointment
- 55 Challenge to appointment
- 56 Disqualification from position
- 57 Effect of disqualification
- 58 Conditions for disqualification

Designated persons

- 59 Designated persons
- 60 Working context
- 61 Listing and information

Non-solicitor investors

- 62 Fitness for involvement
- 63 Exemption from fitness test
- 64 Factors as to fitness
- 65 Ban for improper behaviour
- 66 Behaving properly
- 67 More about investors

Discontinuance of services

- 68 Duty to warn
- 69 Inability to operate
- 70 Safeguarding clients
- 71 Distribution of client account

Professional practice etc.

- 72 Employing disqualified lawyer
- 73 Concealing disqualification
- 74 Pretending to be licensed
- 75 Professional privilege

CHAPTER 3

FURTHER PROVISION

Achieving regulatory aims

- 76 Input by the OFT
- 77 Role of approved regulators
- 78 Policy statement

Complaints

- 79 Complaints about regulators
- 80 Levy payable by regulators
- 81 Complaints about providers

Registers and lists

- 82 Register of approved regulators
- 83 Registers of licensed providers
- 84 Lists of disqualified persons

Miscellaneous

- 85 Privileged material
- 86 Immunity from damages
- 87 Appeal procedure
- 88 Corporate offences
- 89 Effect of professional or other rules

PART 3

CONFIRMATION AND WILL WRITING SERVICES

CHAPTER 1

CONFIRMATION SERVICES

Regulation of confirmation agents

- 90 Confirmation agents and services
- 91 Approving bodies
- 92 Certification of bodies
- 93 Regulatory schemes
- 94 Financial sanctions
- 95 Review of own performance
- 96 Pretending to be authorised

Other	regulatory	matters
ation		

- 97 Revocation of certification
- 98 Surrender of certification
- 99 Register and list

Ministerial functions

100 Ministerial intervention

CHAPTER 2

WILL WRITING SERVICES

Regulation of will writers

- Will writers and services
- 102 Approving bodies
- 103 Certification of bodies
- 104 Regulatory schemes
- 105 Financial sanctions
- 106 Review of own performance
- 107 Pretending to be authorised

Other regulatory matters

- 108 Revocation of certification
- 109 Surrender of certification
- 110 Register and list

Ministerial functions

- 111 Ministerial intervention
- 112 Step-in by Ministers

CHAPTER 3

FURTHER PROVISION

- 113 Regard to OFT input
- 114 Complaints about services
- 115 Privilege and immunity
- 116 Appeal procedure
- 117 Corporate offences
- 118 Consequential modification

PART 4

THE LEGAL PROFESSION

CHAPTER 1

APPLYING THE REGULATORY OBJECTIVES

19 Application by the profession

CHAPTER 2

	FACULTY OF ADVOCATES
120 121 122	Regulation of the Faculty Professional rules Particular rules
	CHAPTER 3
	SOLICITORS AND OTHER REPRESENTATIVES
	Removal of practising restrictions
123 124 125	Licensed providers as qualified persons Practice rules for licensed providers Citizens advice bodies
	Lay representation
126 127	Court of Session rules Sheriff court rules
	Guarantee Fund
128 129 130	Use of Guarantee Fund Contributions to the Fund Cap on individual claims
	The Law Society
131 132 133	Acting as approved regulator Council membership Regulatory committee
	The 1980 Act: further modification
134 135 136 137 138 139	Keeping the solicitors roll etc. Removal from the roll etc. Restoration to the roll Suspension from practice Accounts rules fee Powers of Tribunal
	CHAPTER 4
	OTHER BODIES

Scottish Legal Aid Board

- Exclusion from giving legal assistance Availability of legal services 140
- 141
- Information about legal services 142

Scottish Legal Complaints Commission

- 143 Relevant practitioners
- 144 Minor amendments
- 145 The 2007 Act: further provision

PART 5

GENERAL

- 146 Regulations
- 147 Further modification
- 148 Ancillary provision
- 149 Definitions
- 150 Commencement and short title

- SCHEDULE 1 Performance targets
- 1 Application
- 2 Power to set targets
- 3 Notice of intention
- 4 Consultation
- 5 Decision

SCHEDULE 2 — Directions

- 1 Application
- 2 Power to direct
- 3 Notice of intention
- 4 Consultation
- 5 Decision
- 6 Extension of time to comply
- 7 Enforcement

SCHEDULE 3 — Censure

- 1 Application
- 2 Power to censure
- 3 Preliminary advice
- 4 Notice of intention
- 5 Consultation
- 6 Decision

SCHEDULE 4 — Financial penalties

- 1 Application
- 2 Power to impose penalty
- 3 Amount of penalty
- 4 Notice of intention
- 5 Consultation
- 6 Decision
- 7 Variation of penalty
- 8 Appeal
- 9 Appeal grounds
- 10 Time for appeal
- 11 Interest

12 Default

SCHEDULE 5 — Amendment of authorisation

- 1 Application
- 2 Power to amend
- 3 Notice of intention
- 4 Consultation
- 5 Decision

SCHEDULE 6 — Rescission of authorisation

- 1 Application
- 2 Power to rescind
- 3 Notice of intention
- 4 Consultation
- 5 Decision

SCHEDULE 7 — Surrender of authorisation

- 1 Application
- 2 Surrender notice
- 3 Consultation
- 4 Decision
- 5 Date of surrender

SCHEDULE 8 — Investors in licensed providers

- 1 Initial notification requirements
- 2 (1) It is an offence for a person to fail...
- 3 Continuing notification requirements
- 4 Exemption from notification requirements
- 5 Requirement to notify investors
- 6 Approved regulator may obtain information

SCHEDULE 9 — Index of expressions used