

LEGAL SERVICES (SCOTLAND) ACT 2010

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2 – Regulation of Licensed Legal Services

Chapter 2 – Licensed Legal Services Providers

Professional practice etc.

Section 72 – Employing disqualified lawyer

157. *Section 72* applies to:

- a solicitor who has been struck off the roll or suspended from practice;
- a European or foreign lawyer who has been suspended or whose registration has been withdrawn;
- an individual practitioner (as defined in section 48(5)) who has been either struck off, or suspended or disqualified from practising; or
- an incorporated practice whose certificate of recognition has been revoked.

158. The licensed provider, knowing that a person is so disqualified, must not employ or pay that person (subsection (2)), unless the approved regulator has given permission so to do (subsection (3)), which it may do for a specified period and with conditions attached (subsection (4)). Subsections (5) and (6) provide for appeals to the Court of Session in certain situations. Subsection (7) provides that if a licensed provider knowingly and deliberately employs a disqualified person, or wilfully contravenes any conditions, its licence may be revoked or suspended.