

# LEGAL SERVICES (SCOTLAND) ACT 2010

---

## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 3 – Confirmation and Will Writing Services**

##### *Chapter 1 – Confirmation Services*

##### **Other regulatory matters**

##### *Section 97 – Revocation of certification*

198. Subsections (1) and (2) allow the Scottish Ministers to revoke an approving body's certification if it fails to comply with a direction (under section 100(3)). Scottish Ministers may also order the approving body to take specified action in connection with the revocation.
199. Under subsection (3), such revocation means that the approving body's confirmation agents will no longer be authorised to provide confirmation services from the date the revocation takes effect.

##### *Section 98 – Surrender of certification*

200. **Section 98** deals with the situation where an approving body wishes to cease regulating. This section allows an approving body to surrender its certification, with the agreement of the Scottish Ministers. The approving body in question is expected to reduce as far as possible the disruption to clients of its confirmation agents caused by this surrender, for example by ensuring that any ongoing work can be completed or passed to another qualified agent prior to the surrender taking effect.
201. The Scottish Ministers can direct approving bodies to take a particular action; this may occur, for example, where an approving body has not taken sufficient steps to mitigate disruption to clients.
202. As with revocation, surrender means that the approving body's confirmation agents will no longer be authorised to provide confirmation services from the date the surrender takes effect.

##### *Section 99 – Register and list*

203. This section requires the Scottish Ministers to keep and publish a register of approving bodies including their contact details and date of certification, and approving bodies to keep a list of confirmation agents. Approving bodies must provide a copy of the list and information on confirmation agents to the Scottish Ministers on request.