



# Legal Services (Scotland) Act 2010

## 2010 asp 16

### PART 1

#### THE REGULATORY OBJECTIVES ETC.

##### *Introduction*

#### **1 Regulatory objectives**

For the purposes of this Act, the regulatory objectives are the objectives of—

- (a) supporting—
  - (i) the constitutional principle of the rule of law,
  - (ii) the interests of justice,
- (b) protecting and promoting—
  - (i) the interests of consumers,
  - (ii) the public interest generally,
- (c) promoting—
  - (i) access to justice,
  - (ii) competition in the provision of legal services,
- (d) promoting an independent, strong, varied and effective legal profession,
- (e) encouraging equal opportunities (as defined in Section L2 of Part II of Schedule 5 to the Scotland Act 1998) within the legal profession,
- (f) promoting and maintaining adherence to the professional principles.

#### **2 Professional principles**

For the purposes of this Act, the professional principles are the principles that persons providing legal services should—

- (a) support the proper administration of justice,
- (b) act with independence (in the interests of justice),
- (c) act with integrity,
- (d) act in the best interests of their clients (and keep clients' affairs confidential),
- (e) maintain good standards of work,

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*Status: This is the original version (as it was originally enacted).*

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- (f) where—
  - (i) exercising before any court a right of audience, or
  - (ii) conducting litigation in relation to proceedings in any court,comply with such duties as are normally owed to the court by such persons,
- (g) meet their obligations under any relevant professional rules,
- (h) act in conformity with professional ethics.

### **3 Legal services**

- (1) For the purposes of this Act, legal services are services which consist of (at least one of)—
  - (a) the provision of legal advice or assistance in connection with—
    - (i) any contract, deed, writ, will or other legal document,
    - (ii) the application of the law, or
    - (iii) any form of resolution of legal disputes,
  - (b) the provision of legal representation in connection with—
    - (i) the application of the law, or
    - (ii) any form of resolution of legal disputes.
- (2) But, for those purposes, legal services do not include—
  - (a) judicial activities,
  - (b) any other activity of a judicial nature,
  - (c) any activity of a quasi-judicial nature (for example, acting as a mediator).
- (3) In subsection (1)(a)(iii) and (b)(ii), “legal disputes” includes disputes as to any matter of fact the resolution of which is relevant to determining the nature of any person’s legal rights or obligations.