



Legal Services (Scotland) Act 2010

2010 asp 16

PART 2

REGULATION OF LICENSED LEGAL SERVICES

CHAPTER 1

APPROVED REGULATORS

Regulatory schemes

12 Regulatory schemes

- (1) An approved regulator must—
 - (a) make a regulatory scheme for licensing and regulating the provision of legal services by its licensed legal services providers, and
 - (b) apply the scheme in relation to them.
- (2) The regulatory scheme is to—
 - (a) contain—
 - (i) the licensing rules (see section 14),
 - (ii) the practice rules (see section 18),
 - (iii) the compensation rules (see sections 25 and 26(1)),
 - (b) include provision for reconciling different sets of regulatory rules (see section 13),
 - (c) cover such other regulatory matters as the Scottish Ministers may by regulations specify (and in such manner as the regulations may specify).
- (3) The regulatory scheme may—
 - (a) relate to—
 - (i) one or more categories of licensed provider,
 - (ii) some or all legal services,
 - (b) make different provision for different cases or types of case.

Changes to legislation: There are currently no known outstanding effects for the Legal Services (Scotland) Act 2010, Cross Heading: Regulatory schemes. (See end of Document for details)

- (4) An approved regulator may amend its regulatory scheme (or any aspect of it), but—
- (a) any material amendment is invalid unless it has the prior approval of the Scottish Ministers,
 - (b) the Scottish Ministers may not give their approval without—
 - (i) the Lord President's agreement, and
 - (ii) consulting such other person or body as they consider appropriate.
- (5) The Scottish Ministers may by regulations—
- (a) confer authority for the regulatory schemes of approved regulators to deal with the provision by their licensed providers of such other services (in addition to legal services) as the regulations may prescribe, and
 - (b) specify the extent to which (and the manner in which) the regulatory schemes may do so.

Commencement Information

I1 S. 12 in force at 1.4.2011 by S.S.I. 2011/180, art. 3, Sch.

13 Reconciling different rules

- (1) The provision required by section 12(2)(b) to be in the regulatory scheme is such provision as is reasonably practicable (and appropriate in the circumstances) for—
- (a) preventing or resolving regulatory conflicts, and
 - (b) avoiding unnecessary duplication of regulatory rules.
- (2) For the purposes of this section, a regulatory conflict is a conflict between—
- (a) the regulatory scheme of an approved regulator, and
 - (b) any professional or regulatory rules made by any other body which regulates the provision of legal or other services.
- (3) The Scottish Ministers may by regulations make further provision about regulatory conflicts (such as may involve an approved regulator).
- (4) Before making regulations under subsection (3), the Scottish Ministers must have the Lord President's agreement.

Commencement Information

I2 S. 13 in force at 1.4.2011 by S.S.I. 2011/180, art. 3, Sch.

Changes to legislation:

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Cross Heading: Regulatory schemes.