



# Legal Services (Scotland) Act 2010

## 2010 asp 16

### PART 2

#### REGULATION OF LICENSED LEGAL SERVICES

### CHAPTER 2

#### LICENSED LEGAL SERVICES PROVIDERS

##### *Designated persons*

#### **59 Designated persons**

- (1) In this Part, a “designated person” within a licensed legal services provider is a person who is designated as such under subsection (2).
- (2) Designation under this subsection is written designation by the licensed provider to carry out legal work in connection with the licensed provider's provision of legal services.
- (3) For the purposes of subsection (2)—
  - (a) designation by the licensed provider means designation on its behalf by its Head of Legal Services or Head of Practice (who has the function accordingly),
  - (b) a person is eligible for designation only if the person is an employee of the licensed provider (or otherwise works within it under any arrangement),
  - (c) it is immaterial whether the person is—
    - (i) a member of a professional association, or
    - (ii) paid for the work.

#### **Commencement Information**

**11** S. 59 in force at 1.4.2011 by S.S.I. 2011/180, art. 3, Sch.

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

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## 60 Working context

- (1) A Head of Legal Services is, in furtherance of section 51(5)(b) and (c), responsible for ensuring that there is (by or under the direction of the Head) adequate supervision of the legal work carried out by the designated persons within the licensed provider.
- (2) Only a designated person within a licensed provider may carry out legal work in connection with its provision of legal services.
- (3) Nothing in this Part affects the operation of—
  - (a) section 32 of the 1980 Act or any other enactment which requires that a particular sort of legal work be carried out by an individual of a particular description (or in a particular way), or
  - (b) any rule of professional practice, conduct or discipline (whether for solicitors or otherwise) which properly so requires.

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### Commencement Information

**I2** S. 60 in force at 2.7.2012 by S.S.I. 2012/152, art. 2, Sch.

## 61 Listing and information

- (1) The Head of Practice of a licensed provider must—
  - (a) keep a list of the designated persons within the licensed provider, and
  - (b) give its approved regulator a copy of the list whenever the approved regulator requests it.
- (2) The Head of Practice must give its approved regulator such information about the designated persons within the licensed provider as the approved regulator may reasonably request.

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### Commencement Information

**I3** S. 61 in force at 2.7.2012 by S.S.I. 2012/152, art. 2, Sch.

**Changes to legislation:**

There are currently no known outstanding effects for the Legal Services (Scotland) Act 2010,  
Cross Heading: Designated persons.