



Legal Services (Scotland) Act 2010

2010 asp 16

PART 2

REGULATION OF LICENSED LEGAL SERVICES

CHAPTER 3

FURTHER PROVISION

Achieving regulatory aims

76 Input by the OFT

- (1) The Scottish Ministers or (as the case may be) an approved regulator must, whenever consulting the OFT under this Part, request the OFT—
 - (a) to give such advice as it considers appropriate in relation to the matter concerned,
 - (b) in considering what advice to give, to have particular regard to whether the matter concerned would have (or be likely to have) the effect of preventing, or significantly restricting or distorting, competition within the legal services market.
- (2) The Scottish Ministers are or (as the case may be) the approved regulator is to take account of any advice given by the OFT within—
 - (a) the relevant consultation period, or
 - (b) otherwise—
 - (i) in the case of the Scottish Ministers, the period of 90 days beginning with the day on which they request the advice,
 - (ii) in the case of the approved regulator, the period of 30 days beginning on the day on which it requests the advice or such longer period not exceeding 90 days as it may agree with the OFT.
- (3) The Scottish Ministers may publish any advice duly given to them by the OFT.

77 Role of approved regulators

- (1) Subsections (2) to (4) apply in relation to the exercise by an approved regulator of its functions under this Part.
- (2) The approved regulator must, so far as practicable, act in a way which—
 - (a) is compatible with the regulatory objectives, and
 - (b) it considers most appropriate with a view to meeting those objectives.
- (3) The approved regulator must adopt best regulatory practice under which (in particular) regulatory activities should be—
 - (a) carried out—
 - (i) effectively (but without giving rise to unnecessary burdens),
 - (ii) in a way that is transparent, accountable, proportionate and consistent,
 - (b) targeted only at such cases as require action.
- (4) The approved regulator must seek to ensure that its licensed legal services providers have regard to the regulatory objectives.

78 Policy statement

- (1) An approved regulator must prepare and issue a statement of policy as to how, in exercising its functions under this Part, it will comply with its duties under section 77.
- (2) The approved regulator—
 - (a) may revise the policy statement,
 - (b) if it does so, must re-issue the policy statement.
- (3) The approved regulator may issue (or re-issue) the policy statement only with the approval of the Scottish Ministers.
- (4) The approved regulator must publish the policy statement as issued (or re-issued).
- (5) In exercising its functions under this Part, the approved regulator must have regard to the policy statement as issued (or re-issued).