



# Legal Services (Scotland) Act 2010

## 2010 asp 16

### PART 3

#### CONFIRMATION AND WILL WRITING SERVICES

### CHAPTER 2

#### WILL WRITING SERVICES

##### *Ministerial functions*

#### **111 Ministerial intervention**

- (1) An approving body must—
  - (a) provide such information about its performance in relation to its regulatory scheme as the Scottish Ministers may reasonably request,
  - (b) do so within 21 days beginning with the date of the request (or such longer period as the Scottish Ministers may allow).
- (2) An approving body—
  - (a) if directed to do so by the Scottish Ministers, must—
    - (i) review its regulatory scheme (or any relevant part of it), and
    - (ii) report to them its findings and (if appropriate) inform them of any proposed amendments to the scheme,
  - (b) may amend its regulatory scheme so as to give effect to the proposed amendment, but—
    - (i) any material amendment is invalid unless it has the prior approval of the Scottish Ministers,
    - (ii) the Scottish Ministers may not give their approval before they have consulted such person or body as they consider appropriate.
- (3) The Scottish Ministers may—
  - (a) if, after consulting such person or body as they consider appropriate, they consider that an approving body's regulatory scheme is not (or is no longer)

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

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- adequate, direct the approving body to amend the regulatory scheme in such manner as they may specify,
- (b) if they are satisfied that an approving body has not complied with a requirement imposed on it by or under this Chapter, direct the approving body to take specified remedial action (or refrain from doing something).
- (4) An approving body must—
- (a) review annually the performance of its will writers,
  - (b) prepare a report on the review,
  - (c) send a copy of the report to the Scottish Ministers.
- (5) The Scottish Ministers may by regulations make further provision—
- (a) about the review of will writers,
  - (b) so far as it appears to them to be necessary for safeguarding the interests of clients of will writers—
    - (i) concerning the functions of approving bodies,
    - (ii) relating to will writers.

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**Commencement Information**

**I1** S. 111 in force at 1.4.2011 for specified purposes by S.S.I. 2011/180, art. 3, Sch.

**112 Step-in by Ministers**

- (1) The Scottish Ministers may by regulations make provision which establishes a body with a view to its becoming an approving body.
- (2) The Scottish Ministers may by regulations make provision which allows them to act as an approving body in such circumstances as the regulations may prescribe.
- (3) Regulations under subsection (2) may provide for this Chapter to apply with or subject to such modifications as the regulations may specify.
- (4) No regulations are to be made under subsection (1) or (2) unless the Scottish Ministers believe that their intervention under this section is necessary, as a last resort, in order to ensure that the provision of will writing services by will writers is regulated effectively.

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**Commencement Information**

**I2** S. 112 in force at 1.4.2011 for specified purposes by S.S.I. 2011/180, art. 3, Sch.

**Changes to legislation:**

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