



# Legal Services (Scotland) Act 2010

## 2010 asp 16

### PART 3

#### CONFIRMATION AND WILL WRITING SERVICES

### CHAPTER 3

#### FURTHER PROVISION

#### 114 Complaints about services

In the 2007 Act, after Part 2A (inserted by section 81) insert—

#### “PART 2B

#### SPECIAL PROVISION FOR CONFIRMATION AGENTS AND WILL WRITERS

#### 57H Complaints about agents and writers

- (1) Parts 1 and 2 apply in relation to complaints made about confirmation agents and will writers as they apply in relation to complaints made about practitioners.
- (2) Subsection (1) is subject to—
  - (a) subsection (3), and
  - (b) such further modification to the operation of Parts 1 and 2 as the Scottish Ministers may by regulations make for the purposes of subsection (1).
- (3) In relation to a services or conduct complaint about a confirmation agent or will writer, the relevant approving body is to be regarded as the relevant professional organisation.

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*Changes to legislation: There are currently no known outstanding effects for the  
 Legal Services (Scotland) Act 2010, Section 114. (See end of Document for details)*

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**57I Handling complaints**

- (1) Parts 1 and 2 apply in relation to any complaint made about how an approving body has dealt with a conduct complaint as they apply in relation to a handling complaint (relating to a conduct complaint) made about a relevant professional organisation.
- (2) Subsection (1) is subject to such modification to the operation of those Parts as the Scottish Ministers may by regulations make for the purposes of that subsection.

**57J Levy payable**

- (1) A confirmation agent must pay to the Commission—
  - (a) the annual general levy, and
  - (b) the complaints levy (if arising),
 in accordance with Part 1.
- (2) A will writer must pay to the Commission—
  - (a) the annual general levy, and
  - (b) the complaints levy (if arising),
 in accordance with Part 1.
- (3) Section 29 applies for the purposes of subsections (1) and (2) as it applies for the purposes of sections 27(1) and 28(1).
- (4) For the application of sections 27(1), 28(1) and 29 by virtue of subsections (1) to (3)—
  - (a) an approving body is to be regarded as a relevant professional organisation whose members are its confirmation agents or (as the case may be) will writers,
  - (b) a confirmation agent or (as the case may be) will writer is to be regarded—
    - (i) in connection with the annual general levy, as an individual person falling within the relevant category,
    - (ii) in connection with the complaints levy, as an individual practitioner of the relevant type.

**57K Recovery of levy**

- (1) An approving body must—
  - (a) secure the collection by it, from its confirmation agents or (as the case may be) will writers, of the annual general levy due by them, and
  - (b) pay to the Commission a sum representing the total amount which falls to be collected by it under paragraph (a) in respect of each financial year.
- (2) Subsection (3) of section 27 applies in relation to any sum due under subsection (1)(b) (including interest) as it applies in relation to any sum due under subsection (2)(b) of section 27.

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- (3) Subsection (4) of section 27 applies in relation to any sum due under section 57J(1)(a) and (2)(a) (including interest) as its applies in relation to any sum due under subsection (1) of section 27.
- (4) Subsection (3) of section 28 applies in relation to any sum due under section 57J(1)(b) and (2)(b) (including interest) as its applies in relation to any sum due under subsection (1) of section 28.
- (5) For the application of sections 27(3) and (4) and 28(3) by virtue of subsections (2) to (4)—
  - (a) the approving body is to be regarded as the relevant professional organisation,
  - (b) each of its confirmation agents or (as the case may be) will writers is to be regarded—
    - (i) in relation to section 27(4), as an individual person falling within the relevant category,
    - (ii) in relation to section 28(3), as an individual practitioner of the relevant type.
- (6) Section 57J(1) and (2) is subject to subsection (1).

#### 57L Interpretation of Part 2B

For the purposes of this Part—

- “approving body”,
- “confirmation agent”,
- “will writer”,

are to be construed in accordance with Part 3 of the Legal Services (Scotland) Act 2010.”.

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#### Commencement Information

- II** S. 114 in force at 1.4.2011 for specified purposes by S.S.I. 2011/180, art. 3, Sch.

**Changes to legislation:**

There are currently no known outstanding effects for the Legal Services (Scotland) Act 2010, Section 114.