



Legal Services (Scotland) Act 2010

2010 asp 16

PART 2

REGULATION OF LICENSED LEGAL SERVICES

CHAPTER 1

APPROVED REGULATORS

Regulatory functions etc.

31 Assessment of licensed providers

- (1) An approved regulator must assess the performance of each of its licensed providers at least once in every successive period of 3 years from (in each case) the date on which the approved regulator issued the licensed provider with its licence.
- (2) The Scottish Ministers may require an approved regulator to carry out a special assessment of a licensed provider if the Scottish Legal Complaints Commission requests that they do so in a case where the Commission has significant concerns about how a complaint about a licensed provider has been dealt with.
- (3) An assessment under this section must (in particular) concern—
 - (a) the licensed provider's compliance with section 50(1), and
 - (b) such other matters as the approved regulator considers appropriate.
- (4) When conducting the assessment, the approved regulator may—
 - (a) require from the licensed provider the production of any—
 - (i) relevant documents,
 - (ii) other relevant information,
 - (b) interview any person within the licensed provider.
- (5) The approved regulator must—
 - (a) prepare a report on the assessment, and

Changes to legislation: There are currently no known outstanding effects for the
Legal Services (Scotland) Act 2010, Section 31. (See end of Document for details)

- (b) send a copy of the report to the licensed provider (and, if the assessment was required under subsection (2), also send one to the Scottish Ministers and the Commission).
- (6) Before finalising the report, the approved regulator must—
 - (a) send a draft of the report to the licensed provider, and
 - (b) give it a reasonable opportunity to make representations about—
 - (i) the findings of the assessment, and
 - (ii) any recommendations contained in the report.
- (7) If the assessment discloses (or appears to disclose) any professional misconduct by a member of a professional association, the approved regulator must notify that association accordingly.
- (8) An approved regulator may delegate any of its functions under this section to any suitable person or body.
- (9) The Scottish Ministers may by regulations make further provision about the assessment of licensed providers.

Commencement Information

- I1** S. 31 in force at 1.4.2011 for specified purposes by S.S.I. 2011/180, art. 3, **Sch.**
- I2** S. 31 in force at 2.7.2012 in so far as not already in force 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, Section 31.