



# Legal Services (Scotland) Act 2010

## 2010 asp 16

### PART 2

#### REGULATION OF LICENSED LEGAL SERVICES

### CHAPTER 2

#### LICENSED LEGAL SERVICES PROVIDERS

##### *Licensed providers*

#### **48 Eligibility criteria**

- (1) This section—
- (a) applies for the purposes of licensing an entity as a licensed legal services provider under this Part,
  - (b) does so in conjunction with section 49.
- (2) The following are examples of arrangements which would make an entity eligible to be a licensed provider—
- (a) the entity has within it—
    - (i) at least one solicitor as mentioned in section 47(2), and
    - (ii) at least one individual practitioner of another type,for the carrying out of the sort of legal work for which each is qualified,
  - (b) the entity has within it at least one solicitor as mentioned in section 47(2) but, through also having within it at least one person who is not a solicitor or other type of individual practitioner, additionally provides (or offers to provide)—
    - (i) other professional services, or
    - (ii) services of another kind,
  - (c) the entity has within it at least one solicitor as mentioned in section 47(2) but not every person who has ownership or control of the entity, or another material interest in it, is a solicitor (or a firm of solicitors) or an incorporated practice.

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*Changes to legislation: There are currently no known outstanding effects for the Legal Services (Scotland) Act 2010, Section 48. (See end of Document for details)*

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- (3) But an entity, to be eligible to be a licensed provider—
- (a) need not be a body corporate or a partnership,
  - (b) requires, if it falls—
    - (i) under the ownership or control of another entity, or
    - (ii) within the structure of another entity,
 to be a separate part of the other entity or otherwise distinct from it.
- (4) For the avoidance of doubt, an entity is not eligible to be a licensed provider if it—
- (a) consists of—
    - (i) a single solicitor practising under the solicitor's own name, or
    - (ii) a solicitor otherwise practising as a sole practitioner,
  - (b) is a firm of solicitors or an incorporated practice, or
  - (c) is a law centre as defined in section 65(1) of the 1980 Act.
- (5) In subsection (2)(a)(ii) and (b), a type of “individual practitioner” (apart from a solicitor) is—
- (a) an advocate,
  - (b) a conveyancing or executry practitioner,
  - (c) a litigation practitioner, or
  - (d) a confirmation agent or will writer within the meaning of Part 3.
- (6) The Scottish Ministers may by regulations—
- (a) make—
    - (i) provision specifying other categories of entity that are, or are not, eligible to be a licensed provider,
    - (ii) further provision about criteria for eligibility to be a licensed provider,
  - (b) modify—
    - (i) section 47(2) so as to specify an additional type of legally qualified person (as an alternative to a solicitor as mentioned there),
    - (ii) subsection (5) so as to add a type of legal practitioner to the list there.
- (7) Before making regulations under subsection (6)(b), the Scottish Ministers must consult every approved regulator.

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**Commencement Information**

- I1** S. 48 in force at 1.4.2011 for specified purposes by [S.S.I. 2011/180, art. 3, Sch.](#)
- I2** S. 48 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 48.