



Legal Services (Scotland) Act 2010

2010 asp 16

PART 2

REGULATION OF LICENSED LEGAL SERVICES

CHAPTER 2

LICENSED LEGAL SERVICES PROVIDERS

Appointment to position etc.

55 Challenge to appointment

- (1) An approved regulator may by written notice challenge the appointment by any of its licensed providers of a person (“P”)—
 - (a) as its—
 - (i) Head of Legal Services, or
 - (ii) Head of Practice, or
 - (b) as a member of its Practice Committee.
- (2) A notice of a challenge under subsection (1)—
 - (a) requires to be given by the approved regulator within 14 days of the relevant notification to it under section 54(2), (4) or (5)(a),
 - (b) is to specify the grounds for the challenge.
- (3) A challenge under subsection (1) may be made only if the approved regulator—
 - (a) believes that P is (or may be)—
 - (i) ineligible, or
 - (ii) unsuitable,for the appointment, or
 - (b) has other reasonable grounds for the challenge.

Status: This is the original version (as it was originally enacted).

- (4) If the approved regulator determines (after making a challenge under subsection (1)) that the grounds for the challenge are made out, it may direct the licensed provider to rescind P's appointment.
- (5) Before giving a direction under subsection (4), the approved regulator must give the licensed provider and P 28 days (or such longer period as it may allow) to—
 - (a) make representations to it,
 - (b) take such steps as the licensed provider or P may consider expedient.
- (6) Practice and licensing rules respectively must—
 - (a) explain the basis on which P's suitability for the appointment is determinable,
 - (b) provide that the licensed provider's licence is to be revoked or suspended if the licensed provider does not comply with a direction under subsection (4).
- (7) A licensed provider which or another person who is aggrieved by a direction under subsection (4) (or both jointly) may appeal against the direction—
 - (a) to the sheriff,
 - (b) within the period of 3 months beginning with the date on which the direction is given.
- (8) For the purpose of subsections (1) to (6), an example of things relevant as respects P's suitability for the appointment is whether P has a record of misconduct in any professional context.