



# 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.*

#### **58 Conditions for disqualification**

- (1) This section applies for the purposes of section 56.
- (2) The first condition is that—
  - (a) P—
    - (i) is subject to a trust deed granted by P for the benefit of P's creditors,
    - (ii) is subject to an individual voluntary arrangement under the Insolvency Act 1986, to repay P's creditors,
    - (iii) has been adjudged bankrupt and has not been discharged from bankruptcy, or
    - (iv) has been sequestrated (that is, sequestration of P's estate has been awarded) and the sequestration has not been discharged, and
  - (b) the approved regulator is satisfied accordingly that P is unsuitable for the position.
- (3) The second condition is that—
  - (a) P is subject to a bankruptcy restrictions order or undertaking under the Bankruptcy (Scotland) Act 1985, the Insolvency Act 1986 or corresponding Northern Ireland legislation, and
  - (b) the approved regulator is satisfied accordingly that P is unsuitable for the position.
- (4) The third condition is that—

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*Status: This is the original version (as it was originally enacted).*

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- (a) P—
    - (i) is subject to a disqualification order or undertaking under the Company Directors Disqualification Act 1986 or corresponding Northern Ireland legislation,
    - (ii) is disqualified by a court from holding, or otherwise has been removed by a court from, a position of business responsibility (for example, from being a director of a charity), and
  - (b) the approved regulator is satisfied accordingly that P is unsuitable for the position.
- (5) The fourth condition is that—
- (a) P—
    - (i) has been convicted of an offence involving dishonesty, or
    - (ii) in respect of an offence, has been fined an amount equivalent to level 4 on the standard scale or more (whether on summary or solemn conviction) or sentenced to imprisonment for a term of 12 months or more, and
  - (b) the approved regulator is satisfied accordingly that P is unsuitable for the position.
- (6) The fifth condition is that—
- (a) P (acting in the relevant capacity) has—
    - (i) failed in a material regard to fulfil any of P’s duties under (or arising by virtue of) this Part, or
    - (ii) caused, or substantially contributed to, a material breach of the terms or conditions of the licensed provider’s licence, and
  - (b) the approved regulator is satisfied accordingly that P is unsuitable for the position.
- (7) In subsections (3)(a) and (4)(a)(i), “Northern Ireland legislation” has the meaning given in section 24(5) of the Interpretation Act 1978.