



Legal Services (Scotland) Act 2010

2010 asp 16

PART 2

REGULATION OF LICENSED LEGAL SERVICES

CHAPTER 1

APPROVED REGULATORS

Approved regulators

7 Approval of regulators

- (1) The Scottish Ministers may approve the applicant as an approved regulator if they are satisfied that—
- (a) for regulating licensed legal services providers in accordance with this Part, the applicant has—
 - (i) the necessary expertise as regards the provision of legal services (including as deriving from that of the persons within it),
 - (ii) a thorough understanding of the application of the regulatory objectives and the professional principles,
 - (iii) sufficient resources (financial and otherwise),
 - (iv) the capability in other respects,
 - (b) the applicant will always exercise its regulatory functions—
 - (i) independently of any other person or interest,
 - (ii) properly in other respects (in particular, with a view to achieving public confidence),
 - (c) the applicant's proposed regulatory scheme is adequate (as determined with particular reference to section 12),
 - (d) the applicant's internal governance arrangements are, or will be, suitable (as determined with particular reference to section 27).
- (2) The Scottish Ministers may give their approval subject to conditions.

Status: This is the original version (as it was originally enacted).

- (3) Their approval may be given—
 - (a) with restrictions imposed by reference to particular categories of—
 - (i) licensed providers,
 - (ii) legal services,
 - (b) either—
 - (i) without limit of time, or
 - (ii) for a fixed period of at least 3 years.
- (4) The Scottish Ministers may, after consulting the approved regulator, vary (including by addition or deletion) any conditions or restrictions imposed under subsection (2) or (3).
- (5) The Scottish Ministers may by regulations make further provision about approval under this section, including (in particular)—
 - (a) the process for seeking their approval,
 - (b) in relation to capability to act as an approved regulator, the criteria for their approval (including things that applicants must be able to demonstrate).
- (6) Before making regulations under subsection (5), the Scottish Ministers must consult the Lord President.