



# 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.

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*Status: This is the original version (as it was originally enacted).*

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- (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.