



# Legal Services (Scotland) Act 2010

## 2010 asp 16

### PART 2

#### REGULATION OF LICENSED LEGAL SERVICES

### CHAPTER 2

#### LICENSED LEGAL SERVICES PROVIDERS

##### *Professional practice etc.*

#### **75 Professional privilege**

- (1) Subsection (2) applies to any communication made to or by—
  - (a) a licensed provider in the course of its acting as such in its provision of legal services for any of its clients,
  - (b) a designated person (apart from a solicitor or advocate) within the licensed provider who is acting—
    - (i) in connection with its provision of such legal services, and
    - (ii) at the direction, and under the supervision, of a solicitor.
- (2) The communication is, in any legal proceedings, privileged from disclosure as if the licensed provider or (as the case may be) the person had at all material times been a solicitor acting for the client.
- (3) Subsection (4) applies to any special provision which—
  - (a) is contained in an enactment or otherwise,
  - (b) relates to a solicitor, and
  - (c) concerns—
    - (i) the disclosure of information with respect to which a claim of professional privilege could be maintained, or
    - (ii) the production, seizure or removal of documents with respect to which such a claim could be maintained.

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**Changes to legislation:** *There are currently no known outstanding effects for the Legal Services (Scotland) Act 2010, Section 75. (See end of Document for details)*

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- (4) The provision has effect in relation to a licensed provider, and any designated person (apart from a solicitor) within a licensed provider, as it does in relation to a solicitor but with any necessary modifications.
- (5) This section is without prejudice to any other enactment or rule of law concerning professional or other privilege from disclosure (in particular, as applicable in relation to a solicitor).

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**Commencement Information**

**II** [S. 75](#) in force at 2.7.2012 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 75.