



Legal Services (Scotland) Act 2010

2010 asp 16

PART 3

CONFIRMATION AND WILL WRITING SERVICES

CHAPTER 1

CONFIRMATION SERVICES

Regulation of confirmation agents

93 Regulatory schemes

- (1) An approving body must—
- (a) make a regulatory scheme for—
 - (i) conferring on any of the individual persons within its membership the right to provide confirmation services, and
 - (ii) regulating the provision of confirmation services by the persons on whom (in accordance with the scheme) that right is conferred, and
 - (b) apply the scheme in relation to them.
- (2) The regulatory scheme is to—
- (a) describe the training requirements to be met by a prospective confirmation agent,
 - (b) incorporate a code of practice to which a confirmation agent is subject,
 - (c) require that a confirmation agent keep in place sufficient arrangements for professional indemnity,
 - (d) include rules about—
 - (i) the making and handling of any complaint about a confirmation agent,
 - (ii) the measures that may be taken by the approving body, in relation to a confirmation agent, if a conduct complaint (as construed by reference to section 2(1)(a) of the 2007 Act (and as if the confirmation agent were a practitioner to whom that section relates)) about the confirmation agent is upheld,

Changes to legislation: There are currently no known outstanding effects for the Legal Services (Scotland) Act 2010, Section 93. (See end of Document for details)

- (e) allow a confirmation agent to make representations to the approving body before it takes any of the measures available to it by virtue of paragraph (d)(ii),
 - (f) cover such other regulatory matters as the Scottish Ministers may by regulations specify (and in such manner as they may so specify).
- (3) The code of practice mentioned in subsection (2)(b) must—
- (a) set out the standards to be met by confirmation agents,
 - (b) make such further arrangements as to the professional practice, conduct or discipline of confirmation agents for which provision is (in the approving body's opinion) necessary or expedient,
 - (c) allow for—
 - (i) the rescission or suspension of, or attaching of conditions to the exercise of, the right of a confirmation agent to provide confirmation services if the agent contravenes the code of practice,
 - (ii) the suspension of that right of a confirmation agent if a complaint, suggesting that the agent is guilty of professional misconduct in relation to the provision of confirmation services, is made about the agent.
- (4) A confirmation agent may appeal against a decision taken under the regulatory scheme to rescind or suspend, or attach conditions to the exercise of, the agent's right to provide confirmation services—
- (a) to the sheriff,
 - (b) within the period of 3 months beginning with the date on which that decision is intimated to the agent.
- (5) An approving body must, so far as practicable when exercising its functions under this Chapter, observe the regulatory objectives.

Commencement Information

II S. 93 in force at 1.4.2011 for specified purposes by [S.S.I. 2011/180](#), art. 3, [Sch.](#)

Changes to legislation:

There are currently no known outstanding effects for the Legal Services (Scotland) Act 2010, Section 93.