



# Legal Profession and Legal Aid (Scotland) Act 2007

2007 asp 5

## LEGAL PROFESSION AND LEGAL AID (SCOTLAND) ACT 2007

### PART 1

#### THE SCOTTISH LEGAL COMPLAINTS COMMISSION

##### *Establishment*

1 The Scottish Legal Complaints Commission

##### *Conduct or services complaints against practitioners*

- 2 Receipt of complaints: preliminary steps
- 3 Existence of specified regulatory scheme
- 4 Complaint not made timeously or made prematurely
- 5 Determining nature of complaint
- 6 Complaint determined to be conduct complaint
- 7 Services complaint: notice
- 8 Services complaint: local resolution or mediation
- 9 Services complaint: Commission's duty to investigate and determine
- 10 Commission upholds services complaint
- 11 Fair and reasonable: matters to be taken into account by Commission
- 12 Services complaint: notice where not upheld or upheld
- 13 Services complaint: reports
- 14 Determination under section 9(1) or taking of steps under section 10(2):  
effect in relation to proceedings
- 15 Complaint appears during mediation or investigation to fall within  
different category
- 16 Power to monitor compliance with directions under section 10(2)
- 17 Power to examine documents and demand explanations in connection  
with conduct or services complaints
- 18 Power of Commission to recover certain expenses
- 19 Documents and information from third parties

*Status: This is the original version (as it was originally enacted).*

---

- 20 Enforcement of Commission direction under section 10(2)

*Appeals*

- 21 Appeal against Commission decisions  
22 Appeal: supplementary provision

*Handling by relevant professional organisations of conduct complaints*

- 23 Handling by relevant professional organisations of conduct complaints:  
investigation by Commission  
24 Investigation under section 23: final report and recommendations  
25 Failure to comply with recommendation  
26 Abolition of Scottish legal services ombudsman

*Finance*

- 27 Annual general levy  
28 Complaints levy  
29 Amount of levies and consultation  
30 Grants or loans by the Scottish Ministers  
31 Guarantees

*Rules as to Commission's practice and procedure*

- 32 Duty of Commission to make rules as to practice and procedure

*Forwarding complaints, advice, monitoring etc.*

- 33 Duty of relevant professional organisations to forward complaints to  
Commission  
34 Commission's duty to provide advice  
35 Services complaints: monitoring, reports, protocols and information  
sharing  
36 Conduct complaints: monitoring, reports, guidance and  
recommendations  
37 Obtaining of information from relevant professional organisations  
38 Efficient and effective working  
39 Monitoring effectiveness of guarantee funds etc.  
40 How practitioners deal with complaints: best practice notes

*Miscellaneous*

- 41 Power by regulations to amend duties and powers of Commission  
42 Reports: privilege  
43 Restriction upon disclosure of information: Commission  
44 Exemption from liability in damages  
45 Giving of notices etc. under Part 1  
46 Interpretation of Part 1

**PART 2**

CONDUCT AND SERVICES COMPLAINTS ETC.: OTHER MATTERS

- 47 Conduct complaints: duty of relevant professional organisations to  
investigate etc.

- 48 Conduct complaints and reviews: power of relevant professional organisations to examine documents and demand explanations
- 49 Conduct complaints: financial impropriety
- 50 Power of relevant professional organisations to recover certain expenses
- 51 Powers in relation to documents and information from third parties
- 52 Restriction upon disclosure of information: relevant professional organisations
- 53 Unsatisfactory professional conduct: solicitors
- 54 Unsatisfactory professional conduct: conveyancing or executry practitioners
- 55 Report by Commission to Council under section 10(2)(e)
- 56 Powers to fine and award compensation for professional misconduct etc.
- 57 Review of and appeal against decisions on remitted conduct complaints: cases other than unsatisfactory professional conduct

### **PART 3**

#### LEGAL PROFESSION: OTHER MATTERS

- 58 Constitution of Scottish Solicitors' Discipline Tribunal
- 59 Scottish Solicitors Guarantee Fund: borrowing limit
- 60 Safeguarding interests of clients
- 61 Offence for unqualified persons to prepare certain documents
- 62 Notaries public to be practising solicitors
- 63 Regulation of notaries public

### **PART 4**

#### LEGAL AID

- 64 Criminal legal aid in solemn proceedings
- 65 Criminal legal aid: conditions and reviews
- 66 Criminal Legal Assistance Register: removal of name following failure to comply with code
- 67 Register of advice organisations: advice and assistance
- 68 Scottish Legal Aid Board: grants for certain purposes
- 69 Financial limit: advice and assistance
- 70 Further provision in relation to the Fund: advice and assistance
- 71 Availability of civil legal aid for defamation or verbal injury
- 72 Civil legal aid: conditions and reviews
- 73 Availability of legal aid: Judicial Committee of the Privy Council
- 74 Solicitors employed by the Scottish Legal Aid Board
- 75 Contributions, and payments out of property recovered
- 76 Regulations under section 36 of the 1986 Act

### **PART 5**

#### GENERAL

- 77 Advice, services or activities to which Act does not apply
- 78 Ancillary provision
- 79 Regulations or orders
- 80 Interpretation
- 81 Minor and consequential modifications
- 82 Short title and commencement

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

---

#### SCHEDULE 1 — The Scottish Legal Complaints Commission

- 1 Status
- 2 Membership of the Commission
- 3 Terms of appointment etc.
- 4 In appointing members, the Scottish Ministers are to have regard...
- 5 Removal of members
- 6 Disqualification from membership
- 7 Remuneration, allowances and pensions for members
- 8 Chief executive and other employees
- 9 Accountable officer
- 10 Procedure
- 11 Committees
- 12 General powers
- 13 Delegation of functions
- 14 Location of office
- 15 Accounts
- 16 Reports

#### SCHEDULE 2 — Further powers of Commission under section 17 or 37

- 1 Where the Commission— (a) gives notice under subsection (1) of...
- 2 Where the Commission takes possession of any such documents or...
- 3 Before the expiry of the period of 14 days after...
- 4 If no application is made to the court under paragraph...

#### SCHEDULE 3 — Rules as to Commission's practice and procedure

##### *Provision which must be included*

- 1 The rules as to the Commission's practice and procedure made...

##### *Provision which may in particular be included*

- 2 The rules as to the Commission's practice and procedure made...
- 3 In this schedule— "lawyer member" has the meaning given by...

#### SCHEDULE 4 — Further powers of relevant professional organisations under section 48

- 1 Where a relevant professional organisation gives notice—
- 2 Where a relevant professional organisation takes possession of any such...
- 3 Before the expiry of the period of 14 days after...
- 4 If no application is made to the court under paragraph...

#### SCHEDULE 5 — Minor and consequential modifications

- 1 Solicitors (Scotland) Act 1980 (c. 46)
- 2 Legal Aid (Scotland) Act 1986 (c. 47)
- 3 Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (c. 40)
- 4 Ethical Standards in Public Life etc. (Scotland) Act 2000 (asp 7)
- 5 Freedom of Information (Scotland) Act 2002 (asp 13)
- 6 Public Appointments and Public Bodies etc. (Scotland) Act 2003 (asp 4)