

SCHEDULE 7

(introduced by section 39(2))

SURRENDER OF AUTHORISATION

Application

- 1 This schedule applies where an approved regulator proposes to surrender its authorisation under section 39.

Surrender notice

- 2 (1) The approved regulator must give the Scottish Ministers a notice (a “surrender notice”) of its proposal to do so.
- (2) The notice must—
 - (a) specify the approved regulator’s reasons for proposing to surrender its authorisation,
 - (b) be published (by the approved regulator) in such manner as the approved regulator considers most appropriate for bringing it to the attention of any relevant person or body.

Consultation

- 3 (1) The Scottish Ministers must, as soon as reasonably practicable after receipt of a surrender notice—
 - (a) send a copy of the notice to—
 - (i) the Lord President,
 - (ii) the OFT,
 - (iii) each of the approved regulator’s licensed providers,
 - (iv) such other person or body as they consider appropriate,
 - (b) consult them accordingly.
- (2) The consultees under sub-paragraph (1) have 6 weeks beginning with the day on which they are sent the copy of the notice to make representations to the Scottish Ministers about the proposed surrender.
- (3) When consulted under sub-paragraph (1), the Lord President is to—
 - (a) give the Scottish Ministers such advice in respect of the proposed surrender as the Lord President thinks fit,
 - (b) in deciding what advice to give, have regard to the likely impact of the proposed surrender on the operation of the Scottish courts.
- (4) For the purpose of sub-paragraph (3)—
 - (a) the approved regulator, or
 - (b) any other person who holds information relevant to the proposed surrender, must provide the Lord President with such information about the proposed surrender (or its likely consequences) as the Lord President may reasonably require.

Decision

- 4
- (1) The Scottish Ministers must, within 28 days beginning with the day after the period mentioned in paragraph 3(2) ends, decide whether to agree to the proposed surrender.
 - (2) In making their decision, the Scottish Ministers must have regard to—
 - (a) any advice given to them by the Lord President,
 - (b) any representations made to them by the other consultees under paragraph 3(1),
 - (c) any further representation made to them by the approved regulator.
 - (3) The Scottish Ministers must—
 - (a) send to the approved regulator a notice (a “decision notice”) of their decision,
 - (b) notify the consultees under paragraph 3(1) of their decision,
 - (c) publish the decision notice in such manner as they consider appropriate for bringing it to the attention of any relevant person or body.
 - (4) For the purpose of this schedule, relevant persons or bodies include—
 - (a) other approved regulators,
 - (b) providers of legal services,
 - (c) organisations representing the interests of consumers,
 - (d) members of the public.

Date of surrender

- 5
- (1) If the Scottish Ministers agree to the surrender of the authorisation, the decision notice must specify the date from which the surrender is to be effective (which must be within the period of 6 months beginning with the date of the decision notice).
 - (2) That date—
 - (a) is to be fixed having taken account of the wishes of the approved regulator,
 - (b) must allow a reasonable amount of time for the carrying out of such transitional arrangements as are necessary in connection with the surrender.