



# Legal Services (Scotland) Act 2010

## 2010 asp 16

### PART 2

#### REGULATION OF LICENSED LEGAL SERVICES

### CHAPTER 1

#### APPROVED REGULATORS

##### *Relationship with other bodies*

#### **34 Steps open to Society**

- (1) Where—
  - (a) section 33 applies, and
  - (b) the Law Society suspects that the approved regulator is failing to enforce under this Part any financial procedure to which that section relates, the Society may refer the circumstances to the Scottish Ministers.
- (2) But the Society may make a referral under subsection (1) only if—
  - (a) it has made representations to the approved regulator in respect of its suspicion, and
  - (b) in light of any response to them (or where none is received timeously), its suspicion is not relieved.
- (3) In a referral under subsection (1), the Society may—
  - (a) request that the Scottish Ministers take such action under this Part as they consider appropriate,
  - (b) seek their consent to the Society's taking of the step mentioned in subsection (5).
- (4) That consent may be—
  - (a) sought only if the Society suspects that the suspected failure may be facilitating to any extent engagement in such financial impropriety as may

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*Status: This is the original version (as it was originally enacted).*

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- (in the Society's opinion) give rise to the risk of a claim being made on the Guarantee Fund,
- (b) given only if the Scottish Ministers are satisfied (on information provided by the Society) that—
    - (i) the Society's suspicions are reasonable, and
    - (ii) it is necessary (by way of investigation) that the step be taken.
- (5) The step is that the Society inspect, at the licensed provider's premises, any document, record or other information (in any form) found there which—
- (a) relates to—
    - (i) the licensed provider's client account, or
    - (ii) any other financial account held by it, and
  - (b) is relevant in relation to any financial procedure to which section 33 relates.