
SCOTTISH STATUTORY INSTRUMENTS

2011 No. 180 (C. 17)

LEGAL PROFESSION

**The Legal Services (Scotland) Act 2010 (Commencement
No. 1 and Saving Provision) Order 2011**

Made - - - - *8th March 2011*

The Scottish Ministers make the following Order in exercise of the powers conferred by section 150(2), (3) and (4) of the Legal Services (Scotland) Act 2010⁽¹⁾.

Citation

1. This Order may be cited as the Legal Services (Scotland) Act 2010 (Commencement No. 1 and Saving Provision) Order 2011.

Interpretation

2. In this Order, “the Act” means the Legal Services (Scotland) Act 2010.

Appointed days

3.—(1) The day appointed for the coming into force of the provisions of the Act specified in column 1 of the Schedule to this Order (the subject matter of which is specified in column 2 of that Schedule) is 1st April 2011.

(2) Where a purpose is specified in column 3 of that Schedule, a provision specified in column 1 comes into force in accordance with paragraph (1) only for that purpose.

4. The day appointed for the coming into force of the following provisions of the Act is 1st May 2011:—

- (a) sections 134 to 139 (modification of the Solicitors (Scotland) Act 1980);
- (b) section 140 (exclusion from giving legal assistance).

5. The day appointed for the coming into force of the following provisions of the Act is 1st June 2011:—

- (a) section 120 (regulation of the Faculty);
- (b) section 121 (professional rules);

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(c) section 122 (particular rules);

(d) section 133 (regulatory committee), so far as not already in force.

6. The day appointed for the coming into force of section 132 of the Act (Council membership) is 30th June 2011.

7. The day appointed for the coming into force of sections 126 and 127 of the Act (lay representation) is 1st September 2011.

Saving provision

8. The commencement of section 140 of the Act has no effect as regards any exclusion under section 31(3) of the Legal Aid (Scotland) Act 1986(2) made before 1st May 2011.

St Andrew's House,
Edinburgh
8th March 2011

FERGUS EWING
Authorised to sign by the Scottish Ministers

SCHEDULE

Article 3

| <i>Column 1</i> <i>(provisions of the Act)</i> | <i>Column 2</i> <i>(subject matter)</i> | <i>Column 3</i> <i>(purpose)</i> |
|---|---|--|
| Part 1 | The regulatory objectives etc. | |
| Section 6 | Approved regulators | |
| Section 7 | Approval of regulators | |
| Section 8 | Pre-approval consideration | |
| Section 9 | Lord President's agreement | |
| Section 10(1) | Approved regulator not to exercise regulatory functions unless authorised | |
| Section 10(2) to (6) | Authorisation to act as approved regulator | The purpose of enabling Regulations to be made |
| Sections 12 and 13 | Regulatory schemes | |
| Section 14 | Licensing rules: general | |
| Section 15 | Initial considerations | |
| Section 16 | Other licensing rules | |
| Sections 18 to 23 | Practice rules | |
| Sections 24 to 26 | Compensation arrangements | |
| Sections 27 to 29 | Internal governance | |
| Section 30 | Regulatory and representative functions | |
| Section 31 in so far as it relates to section 21(3) | Assessment of licensed providers | |
| Section 31 | Assessment of licensed providers | The purpose of enabling Regulations to be made |
| Section 38 | Measures open to Ministers | The purpose of enabling Regulations to be made |
| Section 42 | Extra arrangements | |
| Section 43 | Change of approved regulator | The purpose of enabling Regulations to be made |
| Section 44 | Step-in by Ministers | |
| Section 45 | Additional powers and duties | |
| Section 47 | Licensed providers | |

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|---|--|--|
| Section 48 | Eligibility criteria | The purpose of enabling Regulations to be made |
| Section 49 | Majority ownership | The purpose of enabling Regulations to be made |
| Section 51 | Head of legal services | The purpose of enabling Regulations to be made |
| Section 52 | Head of Practice | The purpose of enabling Regulations to be made |
| Section 53 | Practice Committee | The purpose of enabling Regulations to be made |
| Section 55, in so far as it relates to sections 14 and 18 | Challenge to appointment | |
| Section 56, in so far as it relates to sections 14 and 18 | Disqualification from position | |
| Section 57, in so far as it relates to sections 14 and 18 | Effect of disqualification | |
| Section 59 | Designated persons | |
| Section 62, in so far as it relates to section 14 | Fitness for involvement | |
| Section 63, in so far as it relates to section 14 | Exemption from fitness test | |
| Section 65, in so far as it relates to section 18 | Ban for improper behaviour | |
| Section 67(1) to (5) | More about investors | The purpose of enabling Regulations to be made |
| Section 67(6) and (7) | More about investors | |
| Section 70 | Safeguarding clients | The purpose of enabling Regulations to be made |
| Section 76 | Input by the OFT | |
| Section 78 | Policy statement | |
| Section 79 | Complaints about regulators | The purpose of enabling Regulations to be made |
| Section 81 | Complaints about providers | The purpose of enabling Regulations to be made |
| Section 83 | Registers of licensed providers | The purpose of enabling Regulations to be made |
| Section 84 | Lists of disqualified persons | The purpose of enabling Regulations to be made |

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| <i>Column 1</i> <i>(provisions of the Act)</i> | <i>Column 2</i> <i>(subject matter)</i> | <i>Column 3</i> <i>(purpose)</i> |
|---|--|--|
| Section 91 | Approving bodies | The purpose of enabling Regulations to be made |
| Section 92 | Certification of bodies | The purpose of enabling Regulations to be made |
| Section 93 | Regulatory schemes | The purpose of enabling Regulations to be made |
| Section 95 | Review of own performance | The purpose of enabling Regulations to be made |
| Section 100 | Ministerial intervention | The purpose of enabling Regulations to be made |
| Section 102 | Approving bodies | The purpose of enabling Regulations to be made |
| Section 103 | Certification of bodies | The purpose of enabling Regulations to be made |
| Section 104 | Regulatory schemes | The purpose of enabling Regulations to be made |
| Section 106 | Review of own performance | The purpose of enabling Regulations to be made |
| Sections 111 and 112 | Ministerial functions | The purpose of enabling Regulations to be made |
| Section 114 | Complaints about services | The purpose of enabling Regulations to be made |
| Section 119 | Application by the profession | |
| Sections 125 | Citizens advice bodies | |
| Section 128(1)(a)(ii), (1)(b)(i), (2) and (3) | Use of guarantee fund | |
| Section 129(1)(a)(i) and (ii) and (2) | Contributions to the fund | |
| Section 130 | Cap on individual claims | |
| Section 131 | Acting as an approved regulator | |
| Section 133 | Regulatory committee | The purpose of enabling Regulations to be made |
| Section 141 | Availability of legal services | |
| Section 142 | Information about legal services | |

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|--|--|--|
| Sections 143 to 145 | Scottish Legal Complaints Commission | |
| Schedules 1 to 6 | Measures open to Ministers | The purpose of enabling Regulations to be made |
| Schedule 8 | Investors in licensed providers | The purpose of enabling Regulations to be made |
| Paragraph 4 of schedule 8, in so far as it relates to section 14 | Exemption from notification requirements | |

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force various provisions of the Legal Services (Scotland) Act 2010 (“the Act”). The Act received Royal Assent on 9th November 2010. Sections 146 to 150 came into force on the day after that day.

Part 1 and sections 6 to 9, 10(1), 12, 13, 14 (and sections 55 to 57, 62, 63 and paragraph 4 of schedule 8 in so far as they relate to that section), 15, 16, 18 (and sections 55 to 57 and 65 in so far as they relate to that section), 19 to 23 (and section 31 in so far as it relates to section 21(3)), 24 to 30, 44, 45, 47, 59, 67(6) and (7), 76, 78, 119, 125, 128(1)(a)(ii), (1)(b)(i), (2) and (3), 129(1)(a)(i) and (ii) and (2), 130, 131 and 141 to 145 come into force on 1st April 2011 (article 3).

Sections 10(2) to (6), 31, 38, 42, 43, 48 and 49, 51 to 53, 67(1) to (5), 70, 79, 81, 83 and 84, 91 to 93, 95, 100, 102 to 104, 106, 111 and 112, 114, 133 and schedules 1 to 6 and 8 also come into force on 1st April 2011, but for the limited purposes of enabling regulations to be made (article 3).

Sections 134 to 140 come into force on 1st May 2011 (article 4).

Sections 120, 121, 122 and 133 (in so far as it is not already in force) come into force on 1st June 2011 (article 5).

Section 132 comes into force on 30th June 2011.

Sections 126 and 127 come into force on 1st September 2011 (article 7).

The provisions of section 31 of the 1986 Act which are amended or repealed by section 140 of the Act are saved in relation to exclusions from providing legal assistance made before 1st May 2011 (article 8).