
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

(2) 1986 c.47.

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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<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 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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<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>
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).