
Changes to legislation: *Legal Profession and Legal Aid (Scotland) Act 2007, SCHEDULE 5 is up to date with all changes known to be in force on or before 19 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

SCHEDULE 5 **S**

(introduced by section 81)

MINOR AND CONSEQUENTIAL MODIFICATIONS

Solicitors (Scotland) Act 1980 (c. 46)

- 1 (1) The 1980 Act is amended as follows.
- (2) In section 3A(5) (discharge of functions of Council of Law Society)—
- (a) in paragraph (a)—
- (i) at the beginning, insert “ that ”;
- (ii) for the word “, or”, where it first occurs, substitute “;
- (aa) that under section 47(2) of the 2007 Act of determining what action to propose, or take, as respects a conduct complaint remitted to them under section 6(a) or 15(5)(a) of that Act;
- (ab) that under—
- (i) section 42ZA(1) or (2) of this Act or section 20ZB(1) or (2) of the 1990 Act of determining whether or not to uphold a conduct complaint so remitted which suggests unsatisfactory professional conduct;
- (ii) section 42ZA(3)(b) of this Act or section 20ZB(3)(b) of the 1990 Act of determining what steps to take when upholding such a conduct complaint;
- (ac) that under section 51(1) of this Act of determining whether or not to make a complaint to the Tribunal as respects a conduct complaint so remitted which suggests professional misconduct;
- (ad) that”;
- (iii) the words “the functions” are repealed;
- (b) in paragraph (b)—
- (i) before “under” insert “ that ”;
- (ii) the words “, the functions” are repealed.
- (3) In section 15(2) (discretion of Council in special cases as respects application for practising certificate)—
- (a) in paragraph (d), after the word “under” insert “ section 42ZA(4)(b) or ”;
- (b) in paragraph (i)—
- (i) the words “, after a complaint has been made” are repealed;
- (ii) in sub-paragraph (i), for the words “relating to his conduct of the business of a client” substitute “ the Council are investigating a conduct complaint remitted to them under section 6(a) or 15(5)(a) of the 2007 Act, ”;
- (iii) in sub-paragraph (ii), at the beginning insert “ after a complaint has been made ”.

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- (4) In section 20(2) (Council's duty to supply lists of solicitors holding practising certificates), after the words “55(1)(ba)” insert “ or (bb) ”.
- (5) In section 25A (rights of audience of solicitors in Court of Session etc.), after subsection (14), insert—
- “(14A) Where the Commission makes a determination under section 9(1) of the 2007 Act upholding a services complaint against a solicitor, the Council may, if they consider that the complaint has a bearing on his fitness to exercise any right of audience held by him by virtue of this section and that it is appropriate to do so, suspend or revoke the right.”.
- (6) In section 34 (rules as to professional practice, conduct and discipline)—
- (a) after subsection (4) insert—
- “(4ZA) If any solicitor fails to comply with any rule made under this section, that failure may be treated as professional misconduct or unsatisfactory professional conduct.”;
- (b) after subsection (4B), insert—
- “(4C) Subsection (4) does not apply to any failure to which subsection (4ZA) applies.
- (4D) Subsection (4ZA) applies to any element of failure which does not involve the provision of advice, services or activities referred to in section 77(2) of the 2007 Act.”.
- (7) In section 35(3) (failure by solicitor to comply with rule made under section 35 may be treated as professional misconduct for certain purposes), for the words “for the purposes of Part IV” substitute “ or as unsatisfactory professional conduct. ”.
- (8) In section 37(8) (failure by solicitor to comply with section 37, accountant's certificates rules etc. may be treated as professional misconduct for certain purposes), for the words “for the purposes of Part IV” substitute “ or as unsatisfactory professional conduct. ”.
- (9) In section 38 (powers where dishonesty alleged), after subsection (3) insert—
- “(4) This section does not apply to any element of dishonesty other than that involving the provision of advice, services or activities referred to in section 77(2) of the 2007 Act.”.
- (10) In section 39 (powers where undue delay alleged), after subsection (2), insert—
- “(3) This section does not apply to any element of undue delay other than that involving the provision of advice, services or activities referred to in section 77(2) of the 2007 Act.”.
- (11) In section 39A (powers where excessive fees etc. charged), after subsection (9) insert—
- “(10) The Council shall notify the Commission of any case—
- (a) where any of the following things occur—
- (i) they withdraw a practising certificate under subsection (2);
- (ii) they terminate a suspension from practice and restore a practising certificate under subsection (3);

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- (iii) the Court makes an order under subsection (8); and
 - (b) which does not involve a complaint remitted to the Council under section 6(a) or 15(5)(a) of the 2007 Act.”.
- (12) In section 40 (powers where failure to comply with accounts rules, etc.), after subsection (4), insert—
 - “(5) The Council shall notify the Commission of any case—
 - (a) where any of the following things occur—
 - (i) they withdraw a practising certificate under subsection (1);
 - (ii) they terminate a suspension from practice and restore a practising certificate under subsection (2);
 - (iii) the Court makes an order under subsection (3); and
 - (b) which does not involve a complaint remitted to the Council under section 6(a) or 15(5)(a) of the 2007 Act.”.
- (13) In section 42C (powers to examine documents and demand explanations in connection with complaints)—
 - (a) in subsection (3), for the words “documents specified in section 38(2)” substitute “following documents—
 - (a) all books, accounts, deeds, securities, papers and other documents in the possession or control of the solicitor or his firm or, as the case may be, the incorporated practice;
 - (b) all books, accounts, deeds, securities, papers and other documents relating to any trust of which the solicitor is a sole trustee or is a co-trustee only with one or more of his partners or employees or, as the case may be, of which the incorporated practice or one of its employees is a sole trustee or of which the practice is a co-trustee only with one or more of its employees.”;
 - (b) in subsection (4), for the words “section 38” in each place where they occur substitute “ sections 38, 45 and 46 ”;
 - (c) after that subsection, insert—
 - “(5) This section does not apply to any element of professional misconduct other than that involving the provision of advice, services or activities referred to in section 77(2) of the 2007 Act.”.
- (14) In section 44(4) (failure to comply with rules made under section may be treated as professional misconduct for certain purposes), for the words from “for” to the end substitute “ or unsatisfactory professional conduct. ”.
- (15) In section 45 (safeguarding interests of clients of solicitors struck off or suspended)—
 - (a) in subsection (1), after “section”, where it first occurs, insert “ (except subsection (4A)) ”;
 - (b) for subsection (3), substitute—
 - “(3A) If the solicitor or, as the case may be, the incorporated practice fails so to satisfy the Council, the Council may—
 - (a) require the production or delivery to any person appointed by them at a time and place fixed by them of the documents mentioned in subsection (3B);

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- (b) take possession of all such documents; and
- (c) apply to the Court for an order that no payment be made by any banker, building society or other body named in the order out of any banking account or any sum deposited in the name of the solicitor or his firm or, as the case may be, the incorporated practice without the leave of the Court and the Court may make such order.

(3B) The documents are—

- (a) all books, accounts, deeds, securities, papers and other documents in the possession or control of the solicitor or his firm or, as the case may be, the incorporated practice;
- (b) all books, accounts, deeds, securities, papers and other documents relating to any trust of which the solicitor is a sole trustee or is a co-trustee only with one or more of his partners or employees or, as the case may be, of which the incorporated practice or one of its employees is a sole trustee or of which the practice is a co-trustee only with one or more of its employees.”;
- (c) after subsection (4A) (as inserted by section 60(2)(a) of this Act), insert—
 - “(4B) Part II of Schedule 3 has effect in relation to the powers of the Council under subsection (3A).”;
- (d) in subsection (5), the word “and” following the definition of “material date” is repealed.

(16) In section 46 (safeguarding interests of clients in certain other cases)—

- (a) in each of subsections (2) and (3) for the words from “the provisions of section 38” to the end, substitute— “ the Council may do any of the things mentioned in subsection (3A) ”;
- (b) after subsection (3), insert—
 - “(3A) The things are to—
 - (a) require the production or delivery to any person appointed by the Council at a time and a place fixed by them of the documents mentioned in subsection (3B);
 - (b) take possession of all such documents; and
 - (c) apply to the Court for an order that no payment be made by any banker, building society or other body named in the order out of any banking account or any sum deposited in the name of the solicitor or his firm without the leave of the Court and the Court may make such order.

(3B) The documents are—

- (a) all books, accounts, deeds, securities, papers and other documents in the possession or control of the solicitor or his firm;
- (b) all books, accounts, deeds, securities, papers and other documents relating to any trust of which he is a sole trustee or is a co-trustee only with one or more of his employees.”;
- (c) after subsection (4), insert—

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- “(4A) Part II of Schedule 3 has effect in relation to the powers of the Council under subsection (2) or (3).”.
- (17) In section 51 (complaints by Council and public office holders to Tribunal), after subsection (2) insert—
- “(2A) The power in subsection (2) to report to the Tribunal any case where it appears that a solicitor may have been guilty of professional misconduct does not apply to any element of professional misconduct other than that involving the provision of advice, services or activities referred to in section 77(2) of the 2007 Act.”.
- (18) In section 52 (procedure on certain complaints and appeals to Tribunal)—
- (a) in the section title, after the word “complaints” insert “ and appeals ”;
- (b) in subsection (1), after the word “complaint” insert “ or appeal ”;
- (c) in subsection (2)—
- (i) in paragraph (aa), after the words “42A(7)” insert “ , 42ZA(9), (10), (11) or (12), 42ZD(1) ”;
- (ii) in sub-paragraph (ii) of paragraph (ab), for the words “(11)(b)” substitute “ (8A)(b), (11)(b) or (11ZC) ”;
- (iii) after that sub-paragraph insert—
- “(iii) appeals under section 20ZB(9), (10), (11) or (12) or 20ZE(1) of that Act;”;
- (d) after that subsection, insert—
- “(3) Rules made by the Tribunal under subsection (2) for regulating the making, hearing or determining of appeals referred to in paragraph (aa) or (ab)(ii) of that subsection may include provision as to persons being entitled, or required by the Tribunal, to appear or be represented at the appeal.”.
- (19) In section 53 (power of Tribunal to fine for professional misconduct etc.)—
- (a) after subsection (3), insert—
- “(3ZA) The Tribunal shall not impose a fine under subsection (2)(c)—
- (a) where the Tribunal is proceeding on the ground referred to in subsection (1)(a) and the solicitor, in relation to the subject matter of the Tribunal's inquiry, has been convicted by any court of an act involving dishonesty and sentenced to a term of imprisonment of not less than 2 years;
- (b) where the Tribunal is proceeding on the ground referred to in subsection (1)(b).”;
- (b) after subsection (7A), insert—
- “(7B) A direction of the Tribunal under this section is enforceable in like manner as an extract registered decree arbitral in its favour bearing a warrant for execution issued by the sheriff court of any sheriffdom in Scotland.”;
- (c) after subsection (9) (as inserted by section 56(1)(c) of this Act), insert—
- “(10) The powers of the Tribunal under paragraph (bb) of subsection (2), and subsection (3ZA), apply to any element of a decision of the

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Tribunal which does not relate to the provision of advice, services or activities referred to in section 77(2) of the 2007 Act.

- (11) Subsection (3) does not apply to any element of a decision of the Tribunal to which subsection (3ZA) applies.”.
- (20) In section 53D (suspension etc. of investment business certificates: appeal to Tribunal), for subsection (3) substitute—
- “(2A) The solicitor, firm of solicitors or, as the case may be, the incorporated practice may, before the expiry of the period of 21 days beginning with the day on which the decision of the Tribunal under subsection (2) is intimated to him or, as the case may be, it, appeal to the Court against the decision.
- (2B) The Council may, before the expiry of the period of 21 days beginning with the day on which the decision of the Tribunal under subsection (2) is intimated to them, appeal to the Court against the decision.
- (2C) On an appeal under subsection (2A), the Court may give such directions in the matter as it thinks fit, including directions as to the expenses of the proceedings before the Court and as to any order by the Tribunal relating to expenses.
- (2D) A decision of the Court under subsection (2C) shall be final.”.
- (21) In section 55 (powers of Court), after subsection (7) (as inserted by section 56(2)(b) of this Act), insert—
- “(8) The power under paragraph (bc) of subsection (1) applies to any element of a decision of the Court which does not relate to the provision of advice, services or activities referred to in section 77(2) of the 2007 Act.”.
- (22) In section 62A(2) (Council's power to recover expenses under section 38, 45 or 46), after the words “38” insert “, 45 or 46 ”.
- (23) In section 65(1) (interpretation)—
- (a) after the definition of “the 1990 Act”, insert—
- ““the 2007 Act” means the Legal Profession and Legal Aid (Scotland) Act 2007 (asp 5);”;
- (b) after the definition of “client account”, insert—
- ““the Commission” means the Scottish Legal Complaints Commission;”.
- (24) In section 65, after subsection (4) insert—
- “(5) In this Act, references to “inadequate professional services” do not include any professional services other than the advice, services or activities referred to in section 77(2) of the 2007 Act.”.
- (25) In Schedule 3, Part II (power of Council to investigate), in paragraph 5(1), (2) and (3), after the words “section 38” in each place where they occur insert “, 45 or 46 ”.
- (26) In Schedule 4 (Constitution, Procedure and Powers of Tribunal)—
- (a) paragraph 8A is repealed;

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- (b) in paragraph 15, for the words “and to the complainer” substitute “, the complainer and, as the case may be, the person who made the complaint as respects which the appeal was made to the Tribunal”;
- (c) in paragraph 23—
 - (i) after first “section”, insert “ 42ZA(9), (10), (11) or (12), section 42ZD(1), ”;
 - (ii) in sub-paragraph (a), after the word “complaint” insert “ (except in paragraph 14A) ”;
 - (iii) sub-paragraph (b) is repealed;
 - (iv) in sub-paragraph (c), the words “8A” are repealed;
 - (v) after paragraph (c), insert—
 - “(ca) in paragraph 11, for the words “complainer and respondent” there shall be substituted “ parties to the appeal ”;
 - (cb) in paragraph 12—
 - (i) for the words “the complainer or the respondent” there shall be substituted “ any party to the appeal ”;
 - (ii) for the word “respondent” where it second appears there shall be substituted “ solicitor, the firm of solicitors or, as the case may be, the incorporated practice ”;
 - (iii) for the words “complainer and to the respondent” there shall be substituted “ parties to the appeal ”;
 - (cc) in paragraph 14A(a), after the word “complaint” there shall be inserted “ (as respects which the appeal was made) ”;
 - (cd) in paragraph 15, for the words “respondent, the complainer and, as the case may be, the person who made the complaint as respects which the appeal was made to the Tribunal” there shall be substituted “ parties to the appeal and, if the person who made the complaint as respects which the appeal was made was not a party to the appeal, to that person ”;
 - (ce) in paragraph 16, after paragraph (e) there shall be inserted—
 - “(ea) under section 42ZD(2); or
 - (eb) under section 53ZB(1), (2), (3) or (4); or”;
 - (vi) for paragraph (d), there shall be substituted—
 - “(d) in paragraph 19, for the words from the beginning to “respondent” there shall be substituted “ The Tribunal may make such order as it thinks fit as to the payment by any party to the appeal ”;
- (d) in paragraph 25, for the words from “person” to first “and” substitute “ solicitor, the firm of solicitors or, as the case may be, the incorporated practice, to the person who made the complaint in respect of which the appeal was made and, as the case may be, ”.

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Commencement Information

- II** Sch. 5 para. 1 wholly in force at 1.10.2008; Sch. 5 para. 1(15)(16) in force at 23.11.2007 by S.S.I. 2007/497, art. 2; Sch. 5 para. 1 in force so far as not already commenced at 1.10.2008 by S.S.I. 2008/311, {act. 2}

Legal Aid (Scotland) Act 1986 (c. 47)

- 2 (1) The 1986 Act is amended as follows.
- (2) In section 12 (payment of fees or outlays otherwise than through clients' contributions), subsection (1) is repealed.
- (3) In section 19(3)(b) (expenses out of the Fund), the word “severe” is repealed.
- (4) In section 25D(6)(a) (removal of name from Register following failure to comply with code)—
- (a) at the beginning insert “ within such period of time as the Board shall direct (in the case concerned) and ”;
 - (b) the word “forthwith,” is repealed.
- (5) In section 34(2) (confidentiality of information)—
- (a) after paragraph (a), insert—
 - “(aa) for the purpose of any determination or investigation by the Scottish Legal Complaints Commission under the Legal Profession and Legal Aid (Scotland) Act 2007 (asp 5) (“the 2007 Act”);”;
 - (b) in paragraph (b) for “complaint of professional misconduct” substitute “conduct complaint, remitted by the Scottish Legal Complaints Commission under section 6(a) or 15(5)(a) of the 2007 Act”;
 - (c) at the end, insert “;
 - (f) for the purposes of, or required by virtue of, section 50 of the Freedom of Information (Scotland) Act 2002 (asp 13)”.

Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (c. 40)

- 3 (1) The 1990 Act is amended as follows.
- (2) In section 17 (conveyancing practitioners), after subsection (11B) insert—
- “(11C) Failure by a practitioner to comply with any rule made under subsection (11) or any rule or regulation referred to in subsection (11B) may be treated as professional misconduct or unsatisfactory professional conduct.”.
- (3) In section 18 (executory practitioners), after subsection (10B) insert—
- “(10C) Failure by a practitioner to comply with any rule made under subsection (10) or any rule or regulation referred to in subsection (10B) may be treated as professional misconduct or unsatisfactory professional conduct.”.
- (4) In section 20 (professional misconduct, inadequate professional services, etc. by conveyancing or executory practitioners)—

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- (a) in the section title, the words “inadequate professional services,” are repealed;
 - (b) in subsection (1)—
 - (i) for the words “(whether or not following a complaint to them)” substitute “ into a conduct complaint remitted to them under section 6(a) or 15(5)(a) of the 2007 Act suggesting professional misconduct by a practitioner or that the circumstances referred to in paragraph (a)(ii) of section 2(1) of the 2007 Act apply as respects a practitioner ”;
 - (ii) paragraphs (b) and (c) are repealed;
 - (c) in subsection (2), paragraphs (a), (b) and (f) are repealed;
 - (d) in subsection (2A)(a)—
 - (i) for the word “complaint” substitute “ conduct complaint ”;
 - (ii) for the words “the Scottish Solicitor's Discipline Tribunal” substitute “ the Tribunal ”;
 - (iii) sub-paragraph (ii), and the word “or” following it, are repealed;
 - (e) in subsection (2B)(d), for the word “(f)” substitute “ (c) ”;
 - (f) in subsection (6)—
 - (i) for the words “(a), (b) or (f)” substitute “ (a) or (b) ”;
 - (ii) for the words “the Scottish Solicitors' Discipline Tribunal” substitute “ the Tribunal ”;
 - (iii) after the words “similar direction,”, insert “ or where the Council make a direction under subsection (2)(ca) or the Tribunal make a direction under subsection (2B)(aa), ”;
 - (g) in subsection (7), for the words “Court of Session” substitute “ court ”;
 - (h) in subsection (8), for the words “the Scottish Solicitors' Discipline Tribunal” substitute “ the Tribunal ”;
 - (i) in subsection (11)—
 - (i) for the word “(f)” substitute “ (cb) ”;
 - (ii) in paragraph (b), for the words “the Scottish Solicitors' Discipline Tribunal” substitute “ the Tribunal ”;
 - (j) in subsection (11A)—
 - (i) for the words “Court of Session” substitute “ court ”;
 - (ii) for the word “Court”, where it second occurs, substitute “ court ”;
 - (k) after subsection (11E) (as inserted by section 57(2)(d) of this Act), insert—

“(11F) A direction of the Tribunal under this section is enforceable in like manner as an extract registered decree arbitral in its favour bearing a warrant for execution issued by the sheriff court of any sheriffdom in Scotland.”;
 - (l) subsections (13), (14) and (15) are repealed;
 - (m) in subsection (16), after the word “subsection” insert “ (2)(cb) or ”.
- (5) In section 20A (review by Council of decisions), in subsection (2)(a)(iii) for the word “(f)” substitute “ (cb) ”.
- (6) In section 21 (intervention powers)—
- (a) in the section title, for the word “Board's” substitute “ Council's ”;
 - (b) in subsection (2)—

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- (i) after paragraph (a), insert “ or ”;
 - (ii) paragraph (c), and the preceding “or”, are repealed;
 - (c) in each of subsections (5), (6), (7) and (10), for the words “Court of Session” substitute “ court ”;
 - (d) after subsection (11), insert—
 - “(11A) Where the Council make a direction under subsection (3) or (4) or apply to the court for an order under subsection (10), the Council shall notify the Commission to that effect and provide it with details of their findings in any inquiry held by virtue of subsection (1) as respects the practitioner concerned.”.
- (7) In section 21A (powers of investigation in relation to conveyancing or executry practitioners)—
- (a) in subsection (1)—
 - (i) for the words “any of the following purposes—” substitute “ the purpose of ”;
 - (ii) paragraphs (a) and (b), and the word “and” following paragraph (b), are repealed;
 - (iii) in paragraph (c), for the words “the Council”, where it second occurs, substitute “ them ”;
 - (b) in subsection (2)—
 - (i) for the words “the Scottish Solicitors' Discipline Tribunal” substitute “ the Tribunal ”;
 - (ii) in paragraph (b), for the words “(11)(b)” substitute “ (8A)(b), (11)(b) or (11ZC) ”.
- (8) In section 21B (procedures of Tribunal etc. in relation to conveyancing or executry practitioners)—
- (a) in the section title, for the words “the Scottish Solicitors' Discipline Tribunal” substitute “ the Tribunal ”;
 - (b) in subsection (1)—
 - (i) for the words “the Scottish Solicitors' Discipline Tribunal” substitute “ the Tribunal ”;
 - (ii) for paragraph (a), substitute—
 - “(a) in paragraph 9(a)(i) and (b), the words “or, as the case may be, of provision of inadequate professional services” were omitted;”;
 - (c) in subsection (2)—
 - (i) for the words “(11)(b)” substitute “ (8A)(b), (11)(b) or (11ZC) ”;
 - (ii) after the words “section 20”, insert “, 20ZB(9), (10), (11) or (12) or 20ZE(1);
 - (iii) in paragraph (a), for the word “(b)” substitute “ (ca), (cc), (cd) ”;
 - (iv) in paragraph (b), after the words “this Act” insert “and as regards paragraph 25 also as if for the words “ the solicitor, the firm of solicitors or, as the case may be, the incorporated practice ” there were substituted “ the practitioner ”;
 - (d) in subsection (3)—
 - (i) for the words “the Scottish Solicitors' Discipline Tribunal” substitute “ the Tribunal ”;

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- (ii) in paragraph (b), for the words “(11)(b)” substitute “ (8A)(b), (11)(b) or (11ZC) ”;
 - (e) in subsection (4)—
 - (i) for the word “Court”, in both places where it occurs, substitute “ court ”;
 - (ii) in paragraph (a), after the word “(11A)” insert “ (11B), (11C) or (11D) ”.
- (9) In section 23 (interpretation of sections 16 to 22)—
 - (a) before the definition of “conveyancing practitioner”, insert—
 - ““complainer” means the person who made the complaint and, where the complaint was made by the person on behalf of another person, includes that other person;”;
 - (b) after the definition of “the Council”, insert—
 - ““the court” means the Court of Session;”;
 - (c) the definition of “inadequate professional services” is repealed;
 - (d) after the definition of “relevant notarial services”, insert “;
“the Tribunal” means the Scottish Solicitors’ Discipline Tribunal;
“unsatisfactory professional conduct” has the meaning given (as respects a conveyancing practitioner or, as the case may be, an executry practitioner) by section 46 of the 2007 Act”.
- (10) In section 25 (rights to conduct litigation and rights of audience)—
 - (a) in subsection (2)(b)(ii), for the words “this section” substitute “ section 27 of this Act ”;
 - (b) in subsection (2)(c)(i), for the words “this section” substitute “ section 27 of this Act in the event of the application being granted ”;
 - (c) in subsection (2)(c)(ii)—
 - (i) for the words from “made” to “public” substitute “ remitted to the body under section 6(a) or 15(5)(a) of the 2007 Act ”;
 - (ii) the words “the actings of” are repealed;
 - (iii) for the words “this section” substitute “ section 27 of this Act in the event of the application being granted ”;
 - (d) in subsection (3), for the words “this section” substitute “ section 27 of this Act ”.
- (11) In section 33 (complaints in relation to legal services) after subsection (5) insert—
 - “(6) This section does not apply to any element of a conduct complaint other than that involving the provision of advice, services or activities referred to in section 77(2) of the 2007 Act.”.
- (12) In section 44, after the definition of “the 1980 Act” insert—
 - ““the 2007 Act” means the Legal Profession and Legal Aid (Scotland) Act 2007 (asp 5).”.

Changes to legislation: *Legal Profession and Legal Aid (Scotland) Act 2007, SCHEDULE 5 is up to date with all changes known to be in force on or before 19 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Commencement Information

- I2** Sch. 5 para. 3 partly in force; Sch. 5 para. 3 not in force at Royal Assent, see s. 82; Sch. 5 para. 3(10) in force at 19.3.2007 by S.S.I. 2007/140, art. 2; Sch. 5 para. 3(1)-(6)(7)(a)(i)(ii)(b)(8)(9)(11)(12) in force at 1.10.2008 by S.S.I. 2008/311, art. 2

Ethical Standards in Public Life etc. (Scotland) Act 2000 (asp 7)

- 4 In the Ethical Standards in Public Life etc. (Scotland) Act 2000, in schedule 3 (devolved public bodies) after the entry relating to the Scottish Legal Aid Board insert— “ The Scottish Legal Complaints Commission ”.

Freedom of Information (Scotland) Act 2002 (asp 13)

- 5 In the Freedom of Information (Scotland) Act 2002, in schedule 1 (Scottish public authorities) after paragraph 92 insert—
 “92A The Scottish Legal Complaints Commission.”.

Public Appointments and Public Bodies etc. (Scotland) Act 2003 (asp 4)

- 6 In the Public Appointments and Public Bodies etc. (Scotland) Act 2003, in schedule 2 (specified authorities) after the entry relating to the Scottish Legal Aid Board insert— “ Scottish Legal Complaints Commission ”

Changes to legislation:

Legal Profession and Legal Aid (Scotland) Act 2007, SCHEDULE 5 is up to date with all changes known to be in force on or before 19 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 1 para. 2(6)(ba) inserted by [2010 asp 16 s. 118\(4\)](#)