



# Legal Profession and Legal Aid (Scotland) Act 2007

2007 asp 5

## PART 1

### THE SCOTTISH LEGAL COMPLAINTS COMMISSION

#### *Conduct or services complaints against practitioners*

### **3 Existence of specified regulatory scheme**

- (1) Where any element of a complaint referred to in section 2(1) is capable of being dealt with under a specified regulatory scheme, the Commission is prevented from dealing with the element but only to the extent that the element is capable of being dealt with under the specified regulatory scheme.
- (2) Where the circumstances referred to in subsection (1) apply, the Commission must give notice in writing to that effect to—
  - (a) the complainer and the practitioner;
  - (b) such other persons as may be specified by the Scottish Ministers by order.
- (3) Notice under subsection (2) must specify under which specified regulatory scheme the Commission considers the element is capable of being dealt with.
- (4) Where the circumstances referred to in subsection (1) apply, notice under subsection (2) must in addition specify that the fact that the Commission is prevented by subsection (1) from dealing with the complaint to the extent that the complaint is capable of being dealt with under the specified regulatory scheme does not prevent the Commission taking the preliminary steps referred to in section 2(4) and dealing with the complaint under any provision of this Part to the extent that it is able.
- (5) In this section “specified regulatory scheme” means a scheme specified as such by the Scottish Ministers by order.