



Legal Services (Scotland) Act 2010

2010 asp 16

PART 2

REGULATION OF LICENSED LEGAL SERVICES

CHAPTER 1

APPROVED REGULATORS

Change of regulator

43 Change of approved regulator

- (1) A licensed legal services provider may transfer voluntarily to the regulation of a different approved regulator (a “new regulator”) from the one which issued its current licence (the “current regulator”).
- (2) But the transfer requires the new regulator’s written consent (and its agreement to issue the licensed provider with a licence having effect from the date on which the transfer is to occur).
- (3) Where a licensed provider wishes to do so, it must—
 - (a) give a notice which complies with subsection (4) to—
 - (i) the current regulator, and
 - (ii) the Scottish Ministers, and
 - (b) provide such further information as may reasonably be required by either of them.
- (4) A notice complies with this subsection if it—
 - (a) explains why the licensed provider wishes to transfer to the regulation of a new regulator,
 - (b) specifies—
 - (i) the new regulator,
 - (ii) the date on which the transfer is to occur (which must be within 28 days of the date of the notice), and

Status: This is the original version (as it was originally enacted).

- (c) is accompanied by a copy of the new regulator’s written consent to the transfer.
- (5) On the coming into effect of a licence issued to the licensed provider by a new regulator, the licence issued to it by the current regulator ceases to have effect.
- (6) The Scottish Ministers may by regulations make further provision about the transfer by a licensed provider to the regulation of a new regulator.

44 Step-in by Ministers

- (1) The Scottish Ministers may by regulations make provision which establishes a body with a view to its becoming an approved regulator.
- (2) The Scottish Ministers may by regulations make provision which allows them to act as an approved regulator in such circumstances as the regulations may prescribe.
- (3) Regulations under subsection (2) may provide for this Part to apply with or subject to such modifications as the regulations may specify.
- (4) No regulations are to be made under subsection (1) or (2)—
 - (a) without the Lord President’s agreement, and
 - (b) unless the Scottish Ministers believe that their intervention under this section is necessary, as a last resort, in order to ensure that the provision of legal services by licensed providers is regulated effectively.