



# Legal Services (Scotland) Act 2010

## 2010 asp 16

### PART 4

#### THE LEGAL PROFESSION

### CHAPTER 3

#### SOLICITORS AND OTHER REPRESENTATIVES

##### *Removal of practising restrictions*

#### **123 Licensed providers as qualified persons**

- (1) In section 26 (offence for solicitors to act as agents for unqualified persons) of the 1980 Act, in subsection (3), after “does not include” insert “ a licensed legal services provider, ”.
- (2) In section 30 (liability for fees of other solicitor) of the 1980 Act—
  - (a) after “incorporated practice” in the second place where it occurs insert “ or a licensed legal services provider ”,
  - (b) for “other solicitor or incorporated practice” substitute “ employed party ”,
  - (c) for “other solicitor's or incorporated practice's” substitute “party's”.
- (3) In section 31 (offence for unqualified persons to pretend to be solicitor or notary public) of the 1980 Act—
  - (a) the unnumbered block of text (from “In” to “practice.”) between subsections (1) and (2) is repealed,
  - (b) after subsection (2) insert—
    - “(2A) This section does not apply to an incorporated practice.
    - (2B) This section does not apply in relation to the taking or using by a licensed legal services provider of a name, title, addition or description if the licensed provider has the Society's written authority for using it.

*Status: Point in time view as at 02/07/2012.*

*Changes to legislation: There are currently no known outstanding effects for the Legal Services (Scotland) Act 2010, Cross Heading: Removal of practising restrictions. (See end of Document for details)*

- (2C) For the purpose of subsection (2B), the Council are to make rules which—
- (a) set the procedure for getting the Society's authority (and specify the conditions that the Society may impose if it gives that authority),
  - (b) specify the grounds on which the Society may refuse to give that authority (and require the Society to give reasons in writing if it refuses to give that authority).".
- (4) In section 32 (offence for unqualified persons to prepare certain documents) of the 1980 Act, after paragraph (e) of subsection (2) insert “; or
- (ea) a licensed legal services provider;”.
- (5) In section 33 (unqualified persons not entitled to fees etc.) of the 1980 Act—
- (a) the first unnumbered block of text (from “Subject” to “matter.”) becomes subsection “ (1) ” and the second unnumbered block of text (from “This” to “cause.”) becomes subsection “ (2) ”,
  - (b) in subsection (2) (as so numbered), after “incorporated practice” insert “ or a licensed legal services provider ”.
- (6) In section 65(1) (interpretation) of the 1980 Act—
- (a) after the entry for “the 2007 Act” insert—
 

““the 2010 Act” means the Legal Services (Scotland) Act 2010;”,
  - (b) at the appropriate alphabetical place insert—
 

““licensed legal services provider” (or “licensed provider”) is to be construed in accordance with Part 2 of the 2010 Act;”.
- (7) In section 17 (qualified conveyancers) of the 1990 Act, in subsection (23)—
- (a) after paragraph (b) insert—
 

“(ba) a licensed legal services provider within the meaning of Part 2 of the Legal Services (Scotland) Act 2010;”,
  - (b) after the subsequent “incorporated practice” insert “ , licensed provider ”.

#### **Commencement Information**

**II** [S. 123](#) in force at 2.7.2012 by [S.S.I. 2012/152](#), art. 2, [Sch.](#)

## **124 Practice rules for licensed providers**

- (1) After section 33B of the 1980 Act insert—

### **“33C Licensed legal services providers**

- (1) Subsection (2) applies to any rule made under section 34 which prohibits or unduly restricts the—
- (a) involvement of solicitors in or with, or employment of solicitors by, licensed legal services providers,
  - (b) provision of services by licensed providers, or
  - (c) operation of licensed providers in other respects.

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- (2) The rule is of no effect in so far as it does so (and for this purpose it is immaterial when the rule was made).
- (3) The reference in subsection (1)(a) to solicitors does not include a solicitor who is disqualified from practice by reason of having been—
  - (a) struck off (or removed from) the roll, or
  - (b) suspended from practice.”.
- (2) In addition—
  - (a) in section 34 (rules as to professional practice, conduct and discipline) of the 1980 Act—
    - (i) in subsection (1A)(f), for “, or incorporated practices which, are partners in or directors of multi-disciplinary practices” substitute “have an interest in or are employed by (or otherwise within) licensed legal services providers ”,
    - (ii) subsection (3A) is repealed,
  - (b) in section 64A(1) of that Act, paragraph (b) and the word “; or” immediately preceding it are repealed,
  - (c) in section 64B of that Act, the words “or such as is mentioned in section 34(3A)” are repealed,
  - (d) in section 64D(6) of that Act, for “sections 25A(9) or (10) and 34(3A)” substitute “ section 25A(9) or (10) ”,
  - (e) in section 65(1) of that Act—
    - (i) the definition of “multi-disciplinary practice” is repealed,
    - (ii) in the definition of “unqualified person”, the words “, other than a multi-disciplinary practice,” are repealed,
  - (f) in section 17(23) of the 1990 Act—
    - (i) paragraph (c) is repealed,
    - (ii) the subsequent words “, multi-disciplinary practice” are repealed,
  - (g) in paragraph 29(15) of Schedule 8 to that Act—
    - (i) in head (c), the insertion (into section 65(1) of the 1980 Act) of the definition of “multi-disciplinary practice” is repealed,
    - (ii) head (f) and the word “and” immediately preceding it are repealed.
- (3) Subject to section 33C of the 1980 Act, nothing in Part 2 affects the operation of any rule which regulates in respect of any matter the professional practice, conduct or discipline of solicitors.

#### **Commencement Information**

**12** [S. 124](#) in force at 2.7.2012 by [S.S.I. 2012/152](#), art. 2, [Sch.](#)

## **125 Citizens advice bodies**

- (1) In section 26 of the 1980 Act, in subsection (2), after “law centre” insert “ or a citizens advice body ”.
- (2) In section 65(1) of the 1980 Act, at the appropriate alphabetical place insert—

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““citizens advice body” means an association which is formed (and operates)

- (a) otherwise than for the purpose of making a profit, and
- (b) with the sole or primary objective of providing legal and other advice (including information) to the public for no fee, gain or reward;”.

(3) The Scottish Ministers may by regulations modify the definition of “citizens advice body” in section 65(1) of the 1980 Act.

(4) Before making regulations under subsection (3), the Scottish Ministers must consult—

- (a) the Lord President,
- (b) the OFT, and such other organisation (appearing to them to represent the interests of consumers in Scotland) as they consider appropriate.

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**Commencement Information**

**I3** [S. 125](#) in force at 1.4.2011 by [S.S.I. 2011/180](#), art. 3, [Sch.](#)

**Status:**

Point in time view as at 02/07/2012.

**Changes to legislation:**

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