



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 between subsections (1) and (2) is repealed,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Status: This is the original version (as it was originally enacted).

- (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”.

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.
- (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—

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- (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.

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—
 - ““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.