



# Legal Services (Scotland) Act 2010

## 2010 asp 16

### PART 3

#### CONFIRMATION AND WILL WRITING SERVICES

#### CHAPTER 2

#### WILL WRITING SERVICES

#### *Regulation of will writers*

#### **103 Certification of bodies**

- (1) The Scottish Ministers may certify the applicant as an approving body if they are satisfied that—
  - (a) the applicant is suitable to be an approving body,
  - (b) the applicant's proposed regulatory scheme is adequate (as determined with particular reference to section 104).
- (2) The Scottish Ministers may certify the applicant as an approving body—
  - (a) either—
    - (i) without limit of time, or
    - (ii) for a fixed period,
  - (b) with reference to a specified date from which the approving body may exercise its functions in relation to its regulatory scheme,
  - (c) subject to conditions.
- (3) The Scottish Ministers may, after consulting the approving body, vary (including by addition or deletion) any conditions imposed under subsection (2)(c).
- (4) Before deciding whether or not to certify the applicant as an approving body, the Scottish Ministers must consult—
  - (a) the OFT, and such other organisation (appearing to them to represent the interests of consumers in Scotland) as they consider appropriate,
  - (b) such other person or body as they consider appropriate.

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*Status: This is the original version (as it was originally enacted).*

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- (5) In consulting under subsection (4), the Scottish Ministers—
  - (a) must send a copy of the application to the OFT,
  - (b) may send—
    - (i) to any other consultee, a copy of the application,
    - (ii) to the OFT or any other consultee, a copy of any revised application.
- (6) The Scottish Ministers must, with reasons, notify the applicant if they intend to—
  - (a) refuse to certify it as an approving body, or
  - (b) certify it as such subject to conditions.
- (7) If notification is given to the applicant under subsection (6), it has 28 days beginning with the date of the notification (or such longer period as the Scottish Ministers may allow) to—
  - (a) make representations to the Scottish Ministers,
  - (b) take such steps as it may consider expedient.
- (8) The Scottish Ministers may by regulations make further provision about certification under this section, including (in particular)—
  - (a) the process for seeking their certification,
  - (b) in relation to capability to act as an approving body, the criteria for their certification (including things that applicants must be able to demonstrate).