



# Legal Services (Scotland) Act 2010

## 2010 asp 16

### PART 2

#### REGULATION OF LICENSED LEGAL SERVICES

#### CHAPTER 1

##### APPROVED REGULATORS

##### *Regulatory functions etc.*

### **31 Assessment of licensed providers**

- (1) An approved regulator must assess the performance of each of its licensed providers at least once in every successive period of 3 years from (in each case) the date on which the approved regulator issued the licensed provider with its licence.
- (2) The Scottish Ministers may require an approved regulator to carry out a special assessment of a licensed provider if the Scottish Legal Complaints Commission requests that they do so in a case where the Commission has significant concerns about how a complaint about a licensed provider has been dealt with.
- (3) An assessment under this section must (in particular) concern—
  - (a) the licensed provider's compliance with section 50(1), and
  - (b) such other matters as the approved regulator considers appropriate.
- (4) When conducting the assessment, the approved regulator may—
  - (a) require from the licensed provider the production of any—
    - (i) relevant documents,
    - (ii) other relevant information,
  - (b) interview any person within the licensed provider.
- (5) The approved regulator must—
  - (a) prepare a report on the assessment, and

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*Status: This is the original version (as it was originally enacted).*

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- (b) send a copy of the report to the licensed provider (and, if the assessment was required under subsection (2), also send one to the Scottish Ministers and the Commission).
- (6) Before finalising the report, the approved regulator must—
- (a) send a draft of the report to the licensed provider, and
  - (b) give it a reasonable opportunity to make representations about—
    - (i) the findings of the assessment, and
    - (ii) any recommendations contained in the report.
- (7) If the assessment discloses (or appears to disclose) any professional misconduct by a member of a professional association, the approved regulator must notify that association accordingly.
- (8) An approved regulator may delegate any of its functions under this section to any suitable person or body.
- (9) The Scottish Ministers may by regulations make further provision about the assessment of licensed providers.