



Legal Profession and Legal Aid (Scotland) Act 2007

2007 asp 5

PART 5

GENERAL

77 Advice, services or activities to which Act does not apply

- (1) Nothing in this Act applies to—
 - (a) any element of a complaint relating to;
 - (b) the provision by a practitioner of,
the advice, services or activities mentioned in subsection (2).
- (2) The advice, services or activities are—
 - (a) activities carried out by virtue of a group licence issued under section 22(1) (b) of the Consumer Credit Act 1974 (c. 39);
 - (b) activities of an insolvency practitioner within the meaning of Part 13 of the Insolvency Act 1986 (c. 45);
 - (c) activities mentioned in paragraph (a) of paragraph 5(1) of Schedule 3 to the Financial Services Act 1986 (c. 60);
 - (d) immigration advice or immigration services, both within the meaning of section 82(1) of the Immigration and Asylum Act 1999 (c. 33);
 - (e) regulated activity within the meaning of section 22 of the Financial Services and Markets Act 2000 (c. 8), other than activity falling within paragraph (f) below, in respect of which the Financial Services Authority has by virtue of Part 20 of that Act arranged for its regulatory role to be carried out by the Law Society of Scotland;
 - (f) exempt regulated activities within the meaning of section 325(2) of the Financial Services and Markets Act 2000 (c. 8).
- (3) In subsection (1), “complaint” and “practitioner” have the same meanings as in section 46.

78 Ancillary provision

- (1) The Scottish Ministers may by order make such incidental, supplemental, consequential, transitional, transitory or saving provision as they consider necessary or expedient for the purposes, or in consequence, of, or for giving full effect to, this Act or any provision of it.
- (2) An order under this section may—
 - (a) make different provision for different purposes;
 - (b) modify any enactment, instrument or document.

79 Regulations or orders

- (1) Any power conferred by this Act on the Scottish Ministers to make orders or regulations—
 - (a) must be exercised by statutory instrument;
 - (b) may be exercised so as to make different provision for different purposes.
- (2) A statutory instrument containing an order or regulations made under this Act (except an order made under section 26(1) or 82(2)) is, subject to subsection (3), subject to annulment in pursuance of a resolution of the Parliament.
- (3) A statutory instrument containing—
 - (a) an order under section 10(7) or 24(8);
 - (b) regulations under section 41(1);
 - (c) an order under—
 - (i) section 78(1) containing provisions which add to, replace or omit any part of the text of an Act;
 - (ii) paragraph 2(7) of schedule 1,is not to be made unless a draft of the instrument has been laid before, and approved by resolution of, the Parliament.

80 Interpretation

In this Act—

“the 1980 Act” means the Solicitors (Scotland) Act 1980 (c. 46);

“the 1986 Act” means the Legal Aid (Scotland) Act 1986 (c. 47);

“the 1990 Act” means the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (c. 40).

81 Minor and consequential modifications

Schedule 5 makes—

- (a) minor modifications;
- (b) modifications consequential on the provisions of this Act.

82 Short title and commencement

- (1) This Act may be cited as the Legal Profession and Legal Aid (Scotland) Act 2007.

- (2) The provisions of this Act, except this section and sections 46, 79 and 80 come into force on such day as the Scottish Ministers may by order appoint.
- (3) Different days may be appointed under subsection (2) for different purposes.