



# Legal Services (Scotland) Act 2010

## 2010 asp 16

### PART 2

#### REGULATION OF LICENSED LEGAL SERVICES

### CHAPTER 1

#### APPROVED REGULATORS

##### *Licensing rules*

#### **14 Licensing rules: general**

- (1) For the purposes of this Part, the licensing rules are rules about—
  - (a) the procedure for becoming a licensed provider, including (in particular)—
    - (i) the making of applications,
    - (ii) the criteria to be met by applicants,
    - (iii) the determination of applications,
    - (iv) the issuing of licences,
  - (b) the terms of licences and attaching to licences of conditions or restrictions,
  - (c) the—
    - (i) renewal of licences,
    - (ii) circumstances in which licences may be revoked or suspended,
  - (d) licensing provision affecting non-solicitor investors in licensed providers,
  - (e) licensing fees that are chargeable by the approved regulator.
- (2) Rules made in pursuance of subsection (1)(a) to (c) must allow for review by the approved regulator of any decision made by it under the rules that materially affects an applicant for a licence or (as the case may be) a licensed provider.
- (3) Licensing rules may include such further licensing arrangements as to licensed providers for which provision is (in the approved regulator's opinion) necessary or expedient.

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

- (4) See also sections 55(6)(b), 57(4), 62(2), 63(3) and 67(2)(b) and paragraph 4(2) of schedule 8 (as well as sections 15 and 16).

#### Commencement Information

**I1** S. 14 in force at 1.4.2011 by S.S.I. 2011/180, art. 3, Sch.

## 15 Initial considerations

- (1) Licensing rules must provide for—
- (a) consultation with the [<sup>F1</sup>CMA], where appropriate in accordance with subsection (2), in relation to a licence application,
  - (b) how the approved regulator is to deal with a licence application where it believes that granting it would cause (directly or indirectly) a material and adverse effect on the provision of legal services.
- (2) For the purpose of subsection (1)(a), it is appropriate to consult the [<sup>F1</sup>CMA] where the approved regulator believes that the granting of the licence application may have the effect of—
- (a) preventing competition within the legal services market, or
  - (b) significantly restricting or distorting such competition.

#### Textual Amendments

**F1** Words in s. 15(1)(2) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), Sch. 6 para. 194; S.I. 2014/416, art. 2(1)(d) (with Sch.); S.I. 2014/416, art. 2(1)(d) (with Sch.)

#### Commencement Information

**I2** S. 15 in force at 1.4.2011 by S.S.I. 2011/180, art. 3, Sch.

## 16 Other licensing rules

- (1) Licensing rules may allow for—
- (a) an applicant to be issued with a provisional licence—
    - (i) in anticipation of its becoming (or becoming eligible to be) a licensed provider, and
    - (ii) whose full effect as a licence is conditional on its becoming a licensed provider (and such other relevant matters as the rules may specify), or
  - (b) a licensed provider to be issued with a provisional licence—
    - (i) in anticipation of its transferring to the regulation of the approved regulator, and
    - (ii) whose full effect as a licence is conditional on the transfer occurring (and such other relevant matters as the rules may specify).
- (2) Licensing rules must—
- (a) state that a licence application may be refused on the ground that the applicant appears to be incapable (for any reason) of complying with the regulatory scheme,

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

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- (b) provide for grounds for non-renewal, revocation or suspension of a licence where the licensed provider is breaching (or has breached) the regulatory scheme.

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**Commencement Information**

**I3** [S. 16](#) in force at 1.4.2011 by [S.S.I. 2011/180](#), [art. 3](#), [Sch.](#)

## **17 Licensing appeals**

- (1) An applicant for a licence or (as the case may be) a licensed provider may appeal against a relevant licensing decision taken by virtue of this Part—
  - (a) to the sheriff,
  - (b) within the period of 3 months beginning with the date on which that decision is intimated to it.
- (2) A relevant licensing decision is a decision to—
  - (a) refuse the licensed provider's application for—
    - (i) a licence, or
    - (ii) renewal of its licence,
  - (b) attach conditions or restrictions to its licence, or
  - (c) revoke or suspend its licence.

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**Commencement Information**

**I4** [S. 17](#) in force at 2.7.2012 by [S.S.I. 2012/152](#), [art. 2](#), [Sch.](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Legal Services (Scotland) Act 2010,  
Cross Heading: Licensing rules.