



Legal Profession and Legal Aid (Scotland) Act 2007

2007 asp 5

LEGAL PROFESSION AND LEGAL AID (SCOTLAND) ACT 2007

PART 1

THE SCOTTISH LEGAL COMPLAINTS COMMISSION

Establishment

1 The Scottish Legal Complaints Commission

Conduct or services complaints against practitioners

- 2 Receipt of complaints: preliminary steps
- 3 Existence of specified regulatory scheme
- 4 Complaint not made timeously or made prematurely
- 5 Determining nature of complaint
- 6 Complaint determined to be conduct complaint
- 7 Services complaint: notice
- 8 Services complaint: local resolution or mediation
- 9 Services complaint: Commission's duty to investigate and determine
- 9A Services complaint: further provision
- 10 Commission upholds services complaint
- 11 Fair and reasonable: matters to be taken into account by Commission
- 12 Services complaint: notice where not upheld or upheld
- 13 Services complaint: reports
- 14 Determination under section 9(1) or taking of steps under section 10(2): effect in relation to proceedings
- 15 Complaint appears during mediation or investigation to fall within different category
- 16 Power to monitor compliance with directions under section 10(2)
- 17 Power to examine documents and demand explanations in connection with conduct or services complaints
- 18 Power of Commission to recover certain expenses

Changes to legislation: Legal Profession and Legal Aid (Scotland) Act 2007 is up to date with all changes known to be in force on or before 04 April 2021. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- 19 Documents and information from third parties
- 20 Enforcement of Commission direction under section 10(2)

Appeals

- 21 Appeal against Commission decisions
- 22 Appeal: supplementary provision

Handling by relevant professional organisations of conduct complaints

- 23 Handling by relevant professional organisations of conduct complaints: investigation by Commission
- 24 Investigation under section 23: final report and recommendations
- 25 Failure to comply with recommendation
- 26 Abolition of Scottish legal services ombudsman

Finance

- 27 Annual general levy
- 28 Complaints levy
- 29 Amount of levies and consultation
- 30 Grants or loans by the Scottish Ministers
- 31 Guarantees

Rules as to Commission's practice and procedure

- 32 Duty of Commission to make rules as to practice and procedure

Forwarding complaints, advice, monitoring etc.

- 33 Duty of relevant professional organisations to forward complaints to Commission
- 34 Commission's duty to provide advice
- 35 Services complaints: monitoring, reports, protocols and information sharing
- 36 Conduct complaints: monitoring, reports, guidance and recommendations
- 37 Obtaining of information from relevant professional organisations
- 38 Efficient and effective working
- 39 Monitoring effectiveness of guarantee funds etc.
- 40 How practitioners deal with complaints: best practice notes

Miscellaneous

- 41 Power by regulations to amend duties and powers of Commission
- 42 Reports: privilege
- 43 Restriction upon disclosure of information: Commission
- 44 Exemption from liability in damages
- 45 Giving of notices etc. under Part 1
- 46 Interpretation of Part 1

PART 2

CONDUCT AND SERVICES COMPLAINTS ETC.: OTHER MATTERS

- 47 Conduct complaints: duty of relevant professional organisations to investigate etc.

Changes to legislation: Legal Profession and Legal Aid (Scotland) Act 2007 is up to date with all changes known to be in force on or before 04 April 2021. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- 48 Conduct complaints and reviews: power of relevant professional organisations to examine documents and demand explanations
- 49 Conduct complaints: financial impropriety
- 50 Power of relevant professional organisations to recover certain expenses
- 51 Powers in relation to documents and information from third parties
- 52 Restriction upon disclosure of information: relevant professional organisations
- 53 Unsatisfactory professional conduct: solicitors
- 54 Unsatisfactory professional conduct: conveyancing or executry practitioners
- 55 Report by Commission to Council under section 10(2)(e)
- 56 Powers to fine and award compensation for professional misconduct etc.
- 57 Review of and appeal against decisions on remitted conduct complaints: cases other than unsatisfactory professional conduct

PART 2A

SPECIAL PROVISION FOR LICENSED PROVIDERS

- 57A Complaints about licensed providers
- 57B Regulatory complaints
- 57C Levy, advice and guidance
- 57D Recovery of levy
- 57E Handling complaints
- 57F Effectiveness of compensation fund
- 57G Interpretation of Part 2A

PART 2B

SPECIAL PROVISION FOR CONFIRMATION AGENTS AND WILL WRITERS

- 57H Complaints about agents and writers
- 57I Handling complaints
- 57J Levy payable
- 57K Recovery of levy
- 57L Interpretation of Part 2B

PART 3

LEGAL PROFESSION: OTHER MATTERS

- 58 Constitution of Scottish Solicitors' Discipline Tribunal
- 59 Scottish Solicitors Guarantee Fund: borrowing limit
- 60 Safeguarding interests of clients
- 61 Offence for unqualified persons to prepare certain documents
- 62 Notaries public to be practising solicitors
- 63 Regulation of notaries public

PART 4

LEGAL AID

- 64 Criminal legal aid in solemn proceedings
- 65 Criminal legal aid: conditions and reviews
- 66 Criminal Legal Assistance Register: removal of name following failure to comply with code
- 67 Register of advice organisations: advice and assistance

Changes to legislation: Legal Profession and Legal Aid (Scotland) Act 2007 is up to date with all changes known to be in force on or before 04 April 2021. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- 68 Scottish Legal Aid Board: grants for certain purposes
- 69 Financial limit: advice and assistance
- 70 Further provision in relation to the Fund: advice and assistance
- 71 Availability of civil legal aid for defamation or verbal injury
- 72 Civil legal aid: conditions and reviews
- 73 Availability of legal aid: Judicial Committee of the Privy Council
- 74 Solicitors employed by the Scottish Legal Aid Board
- 75 Contributions, and payments out of property recovered
- 76 Regulations under section 36 of the 1986 Act

PART 5

GENERAL

- 77 Advice, services or activities to which Act does not apply
- 78 Ancillary provision
- 79 Regulations or orders
- 80 Interpretation
- 81 Minor and consequential modifications
- 82 Short title and commencement

SCHEDULE 1 — The Scottish Legal Complaints Commission

Status

- 1 (1) The Commission is a body corporate.

Membership of the Commission

- 2 (1) The Commission is to consist of the following members—...

Terms of appointment etc.

- 3 (1) Subject to sub-paragraph (2), each member is to be...
- 4 In appointing members, the Scottish Ministers are to have regard...

Removal of members

- 5 (1) Subject to sub-paragraph (2), the chairing member may, by...

Disqualification from membership

- 6 (1) A person is disqualified from appointment, and from holding...

Remuneration, allowances and pensions for members

- 7 (1) The Commission is to pay to its members such...

Chief executive and other employees

- 8 (1) The Commission is to employ a chief executive.

Accountable officer

- 9 (1) The chief executive is the accountable officer for the...

Changes to legislation: *Legal Profession and Legal Aid (Scotland) Act 2007 is up to date with all changes known to be in force on or before 04 April 2021. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Procedure

- 10 (1) Subject to sub-paragraph (2)— (a) any quorum of the...

Committees

- 11 (1) The Commission— (a) must establish one or more determination...
11A (1) The Commission must establish an independent advisory panel.

General powers

- 12 (1) The Commission may do anything which appears to it...

Delegation of functions

- 13 (1) The Commission may, subject to sub-paragraphs (2), (3) and...

Location of office

- 14 (1) Subject to sub-paragraph (2), the Commission's determination of the...

Accounts

- 15 (1) The Commission must— (a) keep proper accounts and accounting...

Reports

- 16 (1) As soon as practicable after the end of each...

SCHEDULE 2 — Further powers of Commission under section 17 or 37

- 1 Where the Commission— (a) gives notice under subsection (1) of...
2 Where the Commission takes possession of any such documents or...
3 Before the expiry of the period of 14 days after...
4 If no application is made to the court under paragraph...

SCHEDULE 3 — Rules as to Commission's practice and procedure

Provision which must be included

- 1 The rules as to the Commission's practice and procedure made...

Provision which may in particular be included

- 2 The rules as to the Commission's practice and procedure made...
3 In this schedule— “lawyer member” has the meaning given by...

SCHEDULE 4 — Further powers of relevant professional organisations under section 48

- 1 Where a relevant professional organisation gives notice—
2 Where a relevant professional organisation takes possession of any such...
3 Before the expiry of the period of 14 days after...
4 If no application is made to the court under paragraph...

SCHEDULE 5 — Minor and consequential modifications

Changes to legislation: Legal Profession and Legal Aid (Scotland) Act 2007 is up to date with all changes known to be in force on or before 04 April 2021. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

Solicitors (Scotland) Act 1980 (c. 46)

- 1 (1) The 1980 Act is amended as follows.

Legal Aid (Scotland) Act 1986 (c. 47)

- 2 (1) The 1986 Act is amended as follows.

Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (c. 40)

- 3 (1) The 1990 Act is amended as follows.

Ethical Standards in Public Life etc. (Scotland) Act 2000 (asp 7)

- 4 In the Ethical Standards in Public Life etc. (Scotland) Act...

Freedom of Information (Scotland) Act 2002 (asp 13)

- 5 In the Freedom of Information (Scotland) Act 2002, in schedule...

Public Appointments and Public Bodies etc. (Scotland) Act 2003 (asp 4)

- 6 In the Public Appointments and Public Bodies etc. (Scotland) Act...

Changes to legislation:

Legal Profession and Legal Aid (Scotland) Act 2007 is up to date with all changes known to be in force on or before 04 April 2021. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- s. 23(1) word substituted by [S.S.I. 2014/232 reg. 2\(11\)](#) (Amendment not needed - s. 23(1) substituted on same date)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 1 para. 2(6)(ba) inserted by [2010 asp 16 s. 118\(4\)](#)