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*Changes to legislation: Legal Profession and Legal Aid (Scotland) Act 2007, Paragraph 13 is up to date with all changes known to be in force on or before 11 May 2023. 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*

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## SCHEDULE 1 THE SCOTTISH LEGAL COMPLAINTS COMMISSION

### *Delegation of functions*

- 13 (1) The Commission may, subject to sub-paragraphs (2), (3) and (4), authorise—
- (a) the chief executive;
  - (b) any of its committees;
  - (c) any of its members;
  - (d) any of its other members of staff,
- to exercise such of its functions (to such extent) as it may determine.
- (2) The Commission may authorise—
- (a) [<sup>F1</sup>a decision] under section 2(4)(a) [<sup>F2</sup>that] a complaint is frivolous, vexatious or totally without merit to be [<sup>F3</sup>taken] only by any of its committees or by one of the Commission's members;
  - (b) the function of deciding under section 3(1) whether—
    - (i) any element of a complaint is capable of being dealt with under a specified regulatory scheme;
    - (ii) the extent (if any) to which the Commission is able to take the preliminary steps referred to in section 2(4) in relation to the complaint and to deal with it under Part 1,to be exercised only by one of the Commission's members;
  - (c) the function of deciding whether any element of a complaint is about the exercise of discretion by any Crown Counsel or procurator fiscal in relation to the prosecution of crime or investigation of deaths to be exercised only by one of the Commission's members;
  - (d) the following functions to be exercised only by a determination committee—
    - (i) the making of a determination under section 9(1);
    - (ii) the making of a determination or direction under section 10(2);
    - (iii) the making of any decision or the publication of a report under section 13;
    - (iv) the making of a decision under section 23(2);
    - (v) the making of a direction under section 24(6).
- (3) The Commission may not authorise the exercise of any of the following functions under sub-paragraph (1)—
- (a) the approval of annual reports and accounts;
  - (b) making of rules under section 32(1);
  - (c) determining the amount of the annual general levy and the complaints levy under section 29(1);
  - (d) the approval of any budget or other financial plan.
- (4) Sub-paragraph (1) does not affect the responsibility of the Commission for the exercise of its functions.

#### **Textual Amendments**

- F1** Words in Sch. 1 para. 13(2)(a) substituted (1.4.2011) by [Legal Services \(Scotland\) Act 2010 \(asp 16\)](#), ss. 144(c)(i), 150(2); S.S.I. 2011/180, art. 3, Sch.

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| <p><b>F2</b> Word in Sch. 1 para. 13(2)(a) substituted (1.4.2011) by <a href="#">Legal Services (Scotland) Act 2010 (asp 16)</a>, <a href="#">ss. 144(c)(ii)</a>, 150(2); S.S.I. 2011/180, art. 3, Sch.</p> <p><b>F3</b> Word in Sch. 1 para. 13(2)(a) substituted (1.4.2011) by <a href="#">Legal Services (Scotland) Act 2010 (asp 16)</a>, <a href="#">ss. 144(c)(iii)</a>, 150(2); S.S.I. 2011/180, art. 3, Sch.</p> |
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**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\(4\)](#)