



Legal Services (Scotland) Act 2010

2010 asp 16

PART 1

THE REGULATORY OBJECTIVES ETC.

Role of Ministers

4 Ministerial oversight

- (1) Subsections (2) and (3) apply in relation to the exercise by the Scottish Ministers of their functions—
 - (a) under Parts 2 and 3, or
 - (b) under section 125(3) or otherwise arising by virtue of Part 4 (except sections 141(c) and 145(1)).
- (2) The Scottish Ministers must, so far as practicable, act in a way which—
 - (a) is compatible with the regulatory objectives, and
 - (b) they consider most appropriate with a view to meeting those objectives.
- (3) The Scottish Ministers must adopt best regulatory practice under which (in particular) regulatory activities should be—
 - (a) carried out—
 - (i) effectively (but without giving rise to unnecessary burdens),
 - (ii) in a way that is transparent, accountable, proportionate and consistent,
 - (b) targeted only at such cases as require action.

5 Consultation by Ministers

- (1) Subsection (2) applies in relation to the exercise by the Scottish Ministers of their functions—
 - (a) under Parts 2 and 3, or
 - (b) under section 125(3) or otherwise arising by virtue of Part 4 (except sections 141(c) and 145(1)).

Status: This is the original version (as it was originally enacted).

- (2) Where (and to the extent that) the Scottish Ministers consider it appropriate to do so in the case of an individual function, they must consult such persons or bodies as appear to them to have a significant interest in the particular subject-matter to which the exercise of the function relates.
- (3) The general requirement to consult under subsection (2) has effect in conjunction with, or in the absence of, any particular consultation requirement to which the Scottish Ministers are subject in a specific (and relevant) context.