



# Legal Services (Scotland) Act 2010

## 2010 asp 16

### PART 2

#### REGULATION OF LICENSED LEGAL SERVICES

#### CHAPTER 1

#### APPROVED REGULATORS

#### *Change of regulator*

#### **43 Change of approved regulator**

- (1) A licensed legal services provider may transfer voluntarily to the regulation of a different approved regulator (a “new regulator”) from the one which issued its current licence (the “current regulator”).
- (2) But the transfer requires the new regulator's written consent (and its agreement to issue the licensed provider with a licence having effect from the date on which the transfer is to occur).
- (3) Where a licensed provider wishes to do so, it must—
  - (a) give a notice which complies with subsection (4) to—
    - (i) the current regulator, and
    - (ii) the Scottish Ministers, and
  - (b) provide such further information as may reasonably be required by either of them.
- (4) A notice complies with this subsection if it—
  - (a) explains why the licensed provider wishes to transfer to the regulation of a new regulator,
  - (b) specifies—
    - (i) the new regulator,
    - (ii) the date on which the transfer is to occur (which must be within 28 days of the date of the notice), and

*Status: Point in time view as at 02/07/2012.*

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

- (c) is accompanied by a copy of the new regulator's written consent to the transfer.
- (5) On the coming into effect of a licence issued to the licensed provider by a new regulator, the licence issued to it by the current regulator ceases to have effect.
- (6) The Scottish Ministers may by regulations make further provision about the transfer by a licensed provider to the regulation of a new regulator.

#### Commencement Information

- I1** S. 43 in force at 1.4.2011 for specified purposes by S.S.I. 2011/180, art. 3, Sch.
- I2** S. 43 in force at 2.7.2012 in so far as not already in force by S.S.I. 2012/152, art. 2, Sch.

#### 44 Step-in by Ministers

- (1) The Scottish Ministers may by regulations make provision which establishes a body with a view to its becoming an approved regulator.
- (2) The Scottish Ministers may by regulations make provision which allows them to act as an approved regulator in such circumstances as the regulations may prescribe.
- (3) Regulations under subsection (2) may provide for this Part to apply with or subject to such modifications as the regulations may specify.
- (4) No regulations are to be made under subsection (1) or (2)—
- (a) without the Lord President's agreement, and
  - (b) unless the Scottish Ministers believe that their intervention under this section is necessary, as a last resort, in order to ensure that the provision of legal services by licensed providers is regulated effectively.

#### Commencement Information

- I3** S. 44 in force at 1.4.2011 by S.S.I. 2011/180, art. 3, Sch.

**Status:**

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**Changes to legislation:**

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