



Legal Services (Scotland) Act 2010

2010 asp 16

PART 2

REGULATION OF LICENSED LEGAL SERVICES

CHAPTER 1

APPROVED REGULATORS

Regulatory functions etc.

30 Regulatory and representative functions

- (1) For the purposes of this Part, the regulatory functions of an approved regulator are the approved regulator's functions of regulating its licensed legal services providers including (in particular) its functions—
 - (a) in relation to its regulatory scheme,
 - (b) under section 31.
- (2) For the purposes of this Part, the representative functions of an approved regulator are any functions that the approved regulator has, in that or any other capacity, of representing or promoting the interests of the individual persons (taken collectively or otherwise) who form its membership.
- (3) Nothing in this Part permits the Scottish Ministers to interfere with an approved regulator's representative functions (but this does not prevent the Scottish Ministers from taking such action under this Part as they consider appropriate for the purpose of ensuring that an approved regulator's regulatory functions are not prejudiced by its representative functions).

31 Assessment of licensed providers

- (1) An approved regulator must assess the performance of each of its licensed providers at least once in every successive period of 3 years from (in each case) the date on which the approved regulator issued the licensed provider with its licence.

Status: This is the original version (as it was originally enacted).

- (2) The Scottish Ministers may require an approved regulator to carry out a special assessment of a licensed provider if the Scottish Legal Complaints Commission requests that they do so in a case where the Commission has significant concerns about how a complaint about a licensed provider has been dealt with.
- (3) An assessment under this section must (in particular) concern—
 - (a) the licensed provider’s compliance with section 50(1), and
 - (b) such other matters as the approved regulator considers appropriate.
- (4) When conducting the assessment, the approved regulator may—
 - (a) require from the licensed provider the production of any—
 - (i) relevant documents,
 - (ii) other relevant information,
 - (b) interview any person within the licensed provider.
- (5) The approved regulator must—
 - (a) prepare a report on the assessment, and
 - (b) send a copy of the report to the licensed provider (and, if the assessment was required under subsection (2), also send one to the Scottish Ministers and the Commission).
- (6) Before finalising the report, the approved regulator must—
 - (a) send a draft of the report to the licensed provider, and
 - (b) give it a reasonable opportunity to make representations about—
 - (i) the findings of the assessment, and
 - (ii) any recommendations contained in the report.
- (7) If the assessment discloses (or appears to disclose) any professional misconduct by a member of a professional association, the approved regulator must notify that association accordingly.
- (8) An approved regulator may delegate any of its functions under this section to any suitable person or body.
- (9) The Scottish Ministers may by regulations make further provision about the assessment of licensed providers.