



# Legal Services (Scotland) Act 2010

## 2010 asp 16

### PART 3

#### CONFIRMATION AND WILL WRITING SERVICES

#### CHAPTER 2

#### WILL WRITING SERVICES

#### *Other regulatory matters*

#### **108 Revocation of certification**

- (1) Subsection (2) applies where the Scottish Ministers are satisfied that an approving body has failed to comply with a direction under section 111(3).
- (2) The Scottish Ministers may—
  - (a) revoke the certification given to the approving body under section 103,
  - (b) require the approving body to take specified action (or refrain from doing something) if they consider that to be necessary or expedient in connection with the revocation.
- (3) The revocation under subsection (2) of the certification of an approving body has the effect, from the date on which the revocation becomes effective, of rescinding the right of each of its will writers to provide will writing services (so far as that right is conferred by the approving body in question).

#### **109 Surrender of certification**

- (1) An approving body may, with the prior agreement of the Scottish Ministers, surrender the certification given to it under section 103.
- (2) The approving body must—
  - (a) take all reasonable steps to mitigate such disruption to the clients of its will writers as is likely to result from the surrender,

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*Status: This is the original version (as it was originally enacted).*

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- (b) in particular, take steps for ensuring that any relevant work is—
  - (i) completed, or
  - (ii) taken over by a suitably qualified person,before the date from which subsection (5) is operative.
- (3) The Scottish Ministers may direct the approving body to take specified action (or refrain from doing something) if they consider that to be necessary or expedient—
  - (a) for the purpose of subsection (2), or
  - (b) otherwise in connection with the surrender.
- (4) Before the Scottish Ministers may agree to the surrender, they must be satisfied that the approving body has complied (or will comply) with—
  - (a) subsection (2), and
  - (b) any direction given to it under subsection (3).
- (5) The surrender of an approving body's certification under subsection (1) has, from the date on which the surrender becomes effective, the effect of extinguishing the right of each of its will writers to provide will writing services (so far as that right is conferred by the approving body in question).

## **110 Register and list**

- (1) The Scottish Ministers—
  - (a) must keep and publish a register of approving bodies,
  - (b) may do so in such manner as they consider appropriate.
- (2) The register is to include the following information in relation to each approving body—
  - (a) its contact details (including its address, website and telephone number),
  - (b) the date on which it was given the relevant certification under section 103.
- (3) An approving body must—
  - (a) keep a list of its will writers,
  - (b) give the Scottish Ministers a copy of the list whenever they request it.
- (4) An approving body must give the Scottish Ministers such information about its will writers as the Scottish Ministers may reasonably request.