



Legal Services (Scotland) Act 2010

2010 asp 16

PART 4

THE LEGAL PROFESSION

CHAPTER 4

OTHER BODIES

Scottish Legal Aid Board

140 Exclusion from giving legal assistance

In section 31 (solicitors and counsel) of the 1986 Act—

- (a) in subsections (3), (4) and (5), for “relevant body” wherever appearing substitute “Board”,
- (b) subsections (6) and (10) are repealed.

141 Availability of legal services

In the 1986 Act—

- (a) in section 1 (the Scottish Legal Aid Board), after subsection (2) insert—
 - “(2A) The Board also has the general function of monitoring the availability and accessibility of legal services in Scotland (including by reference to any relevant factor relating particularly to rural or urban areas).”
- (b) in section 2 (powers of the Board), after subsection (2)(d) insert—
 - “(da) to give the Scottish Ministers such advice as it may consider appropriate in relation to the availability and accessibility of legal services in Scotland;”
- (c) in section 3 (duties of the Board), after subsection (2) insert—
 - “(2A) The Board is, from time to time, to give the Scottish Ministers such information as they may require relating to the availability and accessibility of legal services in Scotland.”

142 Information about legal services

After section 35A of the 1986 Act insert—

“35AA Information about legal services

- (1) For the purpose mentioned in subsection (4)(a), each of the bodies mentioned in subsection (3)(a), (b) and (c) must provide the Board with such information as the Board may reasonably require.
- (2) For the purpose mentioned in subsection (4)(b)—
 - (a) each of the bodies mentioned in subsection (3)(a) and (b) must—
 - (i) inform the Board whenever it upholds a conduct complaint about a solicitor or (as the case may be) an advocate, and
 - (ii) give the Board a summary of the relevant facts,
 - (b) the body mentioned in subsection (3)(d) must—
 - (i) inform the Board whenever it upholds a services complaint about a solicitor or an advocate, and
 - (ii) give the Board a summary of the relevant facts.
- (3) The bodies are—
 - (a) the Law Society,
 - (b) the Faculty of Advocates,
 - (c) the Scottish Court Service,
 - (d) the Scottish Legal Complaints Commission.
- (4) The purposes are the Board’s exercise of its functions under—
 - (a) section 1(2A),
 - (b) section 31(3).
- (5) In subsection (2), a reference to a services or a conduct complaint is to be construed in accordance with Part 1 of the Legal Profession and Legal Aid (Scotland) Act 2007.”.