



# Legal Services (Scotland) Act 2010

## 2010 asp 16

### PART 4

#### THE LEGAL PROFESSION

### CHAPTER 3

#### SOLICITORS AND OTHER REPRESENTATIVES

##### *Removal of practising restrictions*

#### **123 Licensed providers as qualified persons**

- (1) In section 26 (offence for solicitors to act as agents for unqualified persons) of the 1980 Act, in subsection (3), after “does not include” insert “ a licensed legal services provider, ”.
- (2) In section 30 (liability for fees of other solicitor) of the 1980 Act—
  - (a) after “incorporated practice” in the second place where it occurs insert “ or a licensed legal services provider ”,
  - (b) for “other solicitor or incorporated practice” substitute “ employed party ”,
  - (c) for “other solicitor's or incorporated practice's” substitute “party's”.
- (3) In section 31 (offence for unqualified persons to pretend to be solicitor or notary public) of the 1980 Act—
  - (a) the unnumbered block of text (from “In” to “practice.”) between subsections (1) and (2) is repealed,
  - (b) after subsection (2) insert—
    - “(2A) This section does not apply to an incorporated practice.
    - (2B) This section does not apply in relation to the taking or using by a licensed legal services provider of a name, title, addition or description if the licensed provider has the Society's written authority for using it.

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*Changes to legislation: There are currently no known outstanding effects for the Legal Services (Scotland) Act 2010, Section 123. (See end of Document for details)*

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- (2C) For the purpose of subsection (2B), the Council are to make rules which—
- (a) set the procedure for getting the Society's authority (and specify the conditions that the Society may impose if it gives that authority),
  - (b) specify the grounds on which the Society may refuse to give that authority (and require the Society to give reasons in writing if it refuses to give that authority)."
- (4) In section 32 (offence for unqualified persons to prepare certain documents) of the 1980 Act, after paragraph (e) of subsection (2) insert “; or  
 (ea) a licensed legal services provider;”.
- (5) In section 33 (unqualified persons not entitled to fees etc.) of the 1980 Act—
- (a) the first unnumbered block of text (from “Subject” to “matter.”) becomes subsection “ (1) ” and the second unnumbered block of text (from “This” to “cause.”) becomes subsection “ (2) ”,
  - (b) in subsection (2) (as so numbered), after “incorporated practice” insert “ or a licensed legal services provider ”.
- (6) In section 65(1) (interpretation) of the 1980 Act—
- (a) after the entry for “the 2007 Act” insert—  
 ““the 2010 Act” means the Legal Services (Scotland) Act 2010;”,
  - (b) at the appropriate alphabetical place insert—  
 ““licensed legal services provider” (or “licensed provider”) is to be construed in accordance with Part 2 of the 2010 Act;”.
- (7) In section 17 (qualified conveyancers) of the 1990 Act, in subsection (23)—
- (a) after paragraph (b) insert—  
 “(ba) a licensed legal services provider within the meaning of Part 2 of the Legal Services (Scotland) Act 2010;”,
  - (b) after the subsequent “incorporated practice” insert “ , licensed provider ”.

**Annotations:**

**Commencement Information**

**II** S. 123 in force at 2.7.2012 by **S.S.I. 2012/152, art. 2, Sch.**

**Changes to legislation:**

There are currently no known outstanding effects for the Legal Services (Scotland) Act 2010, Section 123.