



Legal Services (Scotland) Act 2010

2010 asp 16

PART 2

REGULATION OF LICENSED LEGAL SERVICES

CHAPTER 1

APPROVED REGULATORS

Performance and measures

38 Measures open to Ministers

- (1) The Scottish Ministers may, in relation to an approved regulator, take one or more of the measures mentioned in subsection (4) if they consider that to be appropriate in the circumstances of the case.
- (2) When considering the appropriateness of taking any of those measures, or a combination of them, the Scottish Ministers must (except in the case of a measure mentioned in paragraph (f) of that subsection) have particular regard to the effect that it may have on the approved regulator's observance of the regulatory objectives.
- (3) Schedules 1 to 6 (to which subsection (1) is subject) respectively make provision concerning the measures mentioned in subsection (4).
- (4) The measures are—
 - (a) setting performance targets,
 - (b) directing that action be taken,
 - (c) publishing a statement of censure,
 - (d) imposing a financial penalty,
 - (e) amending an authorisation given under section 10,
 - (f) rescinding an authorisation given under that section.
- (5) The rescission of an authorisation by virtue of subsection (4)(f) has the effect of terminating the associated approval (of the approved regulator) given under section 7,

Changes to legislation: There are currently no known outstanding effects for the
Legal Services (Scotland) Act 2010, Section 38. (See end of Document for details)

except where it is stated under paragraph 5(3)(b) of schedule 6 that the approval is preserved.

- (6) The Lord President's agreement is required for the taking of any of the measures mentioned in subsection (4) except paragraph (d).
- (7) The Scottish Ministers may by regulations—
- (a) specify other measures that may be taken by them,
 - (b) make further provision about the measures that they may take (including for the procedures to be followed),
- in relation to approved regulators.
- (8) Before making regulations under subsection (7), the Scottish Ministers must—
- (a) have the Lord President's agreement, and
 - (b) consult every approved regulator.

Commencement Information

- I1** S. 38 in force at 1.4.2011 for specified purposes by [S.S.I. 2011/180, art. 3, Sch.](#)
- I2** S. 38 in force at 2.7.2012 in so far as not already in force by [S.S.I. 2012/152, art. 2, Sch.](#)

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