



# Legal Services (Scotland) Act 2010

## 2010 asp 16

### PART 2

#### REGULATION OF LICENSED LEGAL SERVICES

#### CHAPTER 1

#### APPROVED REGULATORS

#### *Ceasing to regulate*

#### **41 Transfer arrangements**

- (1) This section applies where—
  - (a) an approved regulator has amended its regulatory scheme so as to exclude the regulation of particular categories of licensed provider or legal services,
  - (b) the authorisation of an approved regulator is to be (or has been)—
    - (i) amended by virtue of section 38(4)(e) so as to exclude the regulation of particular categories of licensed provider or legal services,
    - (ii) rescinded by virtue of section 38(4)(f), or
    - (iii) surrendered by virtue of section 39(1), or
  - (c) the approved regulator is otherwise unable to continue to regulate some or all of its licensed providers.
- (2) The approved regulator must (as soon as reasonably practicable)—
  - (a) notify each of its licensed providers of the relevant situation within subsection (1),
  - (b) do so by reference to any effective date.
- (3) A notification under subsection (2) must inform each licensed provider as to whether it requires, in consequence of the relevant situation, to transfer to the regulation of a different approved regulator (a “new regulator”) from the one which issued its current licence (the “current regulator”).
- (4) Each licensed provider that is so required to transfer to a new regulator must—

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*Status: This is the original version (as it was originally enacted).*

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- (a) within 28 days beginning with the date of the notification, or failing which as soon as practicable, take all reasonable steps so as to transfer to the regulation of a new regulator, and
  - (b) where it does so transfer, take (as soon as practicable) such steps as are necessary to ensure that it complies with the new regulator's regulatory scheme before the end of the changeover period.
- (5) For the purpose of subsection (4)(b), the changeover period is the period of 6 months beginning with the date on which the new regulator takes over the regulation of the licensed provider.
- (6) On the coming into effect of a licence issued to the licensed provider by a new regulator, the licence issued to it by the current regulator ceases to have effect.