Legal Services (Scotland) Act 2010

2010 asp 16

PART 2

REGULATION OF LICENSED LEGAL SERVICES

CHAPTER 2

LICENSED LEGAL SERVICES PROVIDERS

Discontinuance of services

69 Inability to operate

(1) Subsections (2) to (7) apply where—

(a) through the application of section 48 or 49 or otherwise, a licensed provider is no longer eligible to remain as such,

(b) because of a vacancy within a licensed provider, the licensed provider has within it no person who is eligible to be (or act as) its—

(i) Head of Legal Services, or

(ii) Head of Practice,

(c) in respect of a licensed provider—

(i) a provisional liquidator, liquidator, receiver or judicial factor is appointed,

(ii) an administration or winding up order is made,

(iii) a resolution is passed by it for its voluntary winding up (except where that resolution is solely to facilitate reconstruction or amalgamation with another licensed provider), or

(d) for some other reason (except revocation or suspension of its licence under this Part), a licensed provider stops providing legal services.

(2) The licensed provider must—

(a) notify (without delay and no later than 7 days after the event referred to in subsection (1)) its approved regulator accordingly,

(b) provide the approved regulator with such information about the situation as the approved regulator may require.

(3) The approved regulator must revoke the licensed provider's licence except where the approved regulator is satisfied that—

(a) the situation is temporary, and

(b) there are sufficient arrangements in place to safeguard the interests of the licensed provider's clients until such time as the situation is rectified.

(4) Even if the exception mentioned in subsection (3) is made out, the approved regulator may suspend the licence pending rectification of the situation.

(5) For the purpose of subsections (3) and (4), the approved regulator must review the situation every 14 days (or, if it so chooses, more frequently).

(6) For so long as the licensed provider's licence is not revoked or suspended under subsection (3) or (4) in connection with the situation, the situation alone does not prevent the licensed provider from continuing (or recommencing) to provide legal services.

(7) Where a licensed provider has ceased to exist—

(a) its functions under subsection (2)(a) and (b) fall to its former Head of Practice or (if unavailable) its former Head of Legal Services,

(b) if neither Head is available, its function under subsection (2)(b) falls to a person nominated by its approved regulator.

(8) In this section, a reference to a licensed provider includes (as the context requires) a former licensed provider.

Commencement Information

I1 S. 69 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 69.