



Legal Services (Scotland) Act 2010

2010 asp 16

PART 2

REGULATION OF LICENSED LEGAL SERVICES

CHAPTER 2

LICENSED LEGAL SERVICES PROVIDERS

Professional practice etc.

72 Employing disqualified lawyer

- (1) Subsection (2) applies in relation to—
- (a) a person who has been struck off the roll of solicitors or suspended from practice as a solicitor,
 - (b) a person—
 - (i) who has been suspended from practice as a registered European lawyer or whose registration as a registered European lawyer has been withdrawn, or
 - (ii) who has been suspended from practice as a registered foreign lawyer or whose registration as a registered foreign lawyer has been withdrawn,
 - (c) a person who has been prohibited (including by reason of a disqualification or another removal of a right to provide services) from—
 - (i) practising as an advocate,
 - (ii) acting as a conveyancing or executry practitioner,
 - (iii) acting as a litigation practitioner, or
 - (iv) acting as a confirmation agent or will writer within the meaning of Part 3,
 - (d) a body whose certificate of recognition as an incorporated practice has been revoked.

Status: Point in time view as at 02/07/2012.

Changes to legislation: There are currently no known outstanding effects for the Legal Services (Scotland) Act 2010, Section 72. (See end of Document for details)

- (2) A licensed legal services provider must not employ or remunerate as a designated person—
- (a) the person while the person is so debarred (however described in subsection (1)), or
 - (b) the body while the revocation subsists.
- (3) But subsection (2) is inoperative in relation to the person or (as the case may be) body if the licensed provider has its approved regulator's written authority that it is so inoperative in the circumstances of the particular case.
- (4) Any authority under subsection (3) may be given—
- (a) for a specified period,
 - (b) with conditions attached.
- (5) A licensed provider may appeal to the Court of Session if it is aggrieved by—
- (a) the withholding of any such authority, or
 - (b) any conditions attached under subsection (4)(b).
- (6) On an appeal under subsection (5)—
- (a) the Court may direct the approved regulator on the matter as the Court considers appropriate,
 - (b) the Court's determination is final.
- (7) If a licensed provider wilfully contravenes—
- (a) subsection (2), or
 - (b) any conditions attached under subsection (4)(b),
- its approved regulator may revoke or suspend its licence.

Commencement Information

II S. 72 in force at 2.7.2012 by S.S.I. 2012/152, art. 2, Sch.

Status:

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