



# Legal Services (Scotland) Act 2010

## 2010 asp 16

### PART 3

#### CONFIRMATION AND WILL WRITING SERVICES

#### CHAPTER 1

#### CONFIRMATION SERVICES

#### *Regulation of confirmation agents*

#### **93 Regulatory schemes**

- (1) An approving body must—
- (a) make a regulatory scheme for—
    - (i) conferring on any of the individual persons within its membership the right to provide confirmation services, and
    - (ii) regulating the provision of confirmation services by the persons on whom (in accordance with the scheme) that right is conferred, and
  - (b) apply the scheme in relation to them.
- (2) The regulatory scheme is to—
- (a) describe the training requirements to be met by a prospective confirmation agent,
  - (b) incorporate a code of practice to which a confirmation agent is subject,
  - (c) require that a confirmation agent keep in place sufficient arrangements for professional indemnity,
  - (d) include rules about—
    - (i) the making and handling of any complaint about a confirmation agent,
    - (ii) the measures that may be taken by the approving body, in relation to a confirmation agent, if a conduct complaint (as construed by reference to section 2(1)(a) of the 2007 Act (and as if the confirmation agent were a practitioner to whom that section relates)) about the confirmation agent is upheld,

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*Status: Point in time view as at 01/04/2011.*

*Changes to legislation: There are currently no known outstanding effects for the Legal Services (Scotland) Act 2010, Section 93. (See end of Document for details)*

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- (e) allow a confirmation agent to make representations to the approving body before it takes any of the measures available to it by virtue of paragraph (d)(ii),
  - (f) cover such other regulatory matters as the Scottish Ministers may by regulations specify (and in such manner as they may so specify).
- (3) The code of practice mentioned in subsection (2)(b) must—
- (a) set out the standards to be met by confirmation agents,
  - (b) make such further arrangements as to the professional practice, conduct or discipline of confirmation agents for which provision is (in the approving body's opinion) necessary or expedient,
  - (c) allow for—
    - (i) the rescission or suspension of, or attaching of conditions to the exercise of, the right of a confirmation agent to provide confirmation services if the agent contravenes the code of practice,
    - (ii) the suspension of that right of a confirmation agent if a complaint, suggesting that the agent is guilty of professional misconduct in relation to the provision of confirmation services, is made about the agent.
- (4) A confirmation agent may appeal against a decision taken under the regulatory scheme to rescind or suspend, or attach conditions to the exercise of, the agent's right to provide confirmation services—
- (a) to the sheriff,
  - (b) within the period of 3 months beginning with the date on which that decision is intimated to the agent.
- (5) An approving body must, so far as practicable when exercising its functions under this Chapter, observe the regulatory objectives.

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**Commencement Information**

**II** S. 93 in force at 1.4.2011 for specified purposes by [S.S.I. 2011/180](#), art. 3, [Sch.](#)

**Status:**

Point in time view as at 01/04/2011.

**Changes to legislation:**

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