# Legal Services (Scotland) Act 2010

**2010 asp 16**

## PART 1

THE REGULATORY OBJECTIVES ETC.

*Introduction*

### 1 Regulatory objectives

For the purposes of this Act, the regulatory objectives are the objectives of—

(a) supporting—

(i) the constitutional principle of the rule of law,

(ii) the interests of justice,

(b) protecting and promoting—

(i) the interests of consumers,

(ii) the public interest generally,

(c) promoting—

(i) access to justice,

(ii) competition in the provision of legal services,

(d) promoting an independent, strong, varied and effective legal profession,

(e) encouraging equal opportunities (as defined in Section L2 of Part II of Schedule 5 to the Scotland Act 1998) within the legal profession,

(f) promoting and maintaining adherence to the professional principles.

**Commencement Information**

**I1** S. 1 in force at 1.4.2011 by S.S.I. 2011/180, art. 3, **Sch.**

### 2 Professional principles

For the purposes of this Act, the professional principles are the principles that persons providing legal services should—

(a) support the proper administration of justice,

(b) act with independence (in the interests of justice),
(c) act with integrity,
(d) act in the best interests of their clients (and keep clients' affairs confidential),
(e) maintain good standards of work,
(f) where—
(i) exercising before any court a right of audience, or
(ii) conducting litigation in relation to proceedings in any court,
comply with such duties as are normally owed to the court by such persons,
(g) meet their obligations under any relevant professional rules,
(h) act in conformity with professional ethics.

**Commencement Information**
**I2** S. 2 in force at 1.4.2011 by S.S.I. 2011/180, art. 3, **Sch.**

## 3 Legal services

(1) For the purposes of this Act, legal services are services which consist of (at least one of)—
(a) the provision of legal advice or assistance in connection with—
(i) any contract, deed, writ, will or other legal document,
(ii) the application of the law, or
(iii) any form of resolution of legal disputes,
(b) the provision of legal representation in connection with—
(i) the application of the law, or
(ii) any form of resolution of legal disputes.

(2) But, for those purposes, legal services do not include—
(a) judicial activities,
(b) any other activity of a judicial nature,
(c) any activity of a quasi-judicial nature (for example, acting as a mediator).

(3) In subsection (1)(a)(iii) and (b)(ii), "legal disputes" includes disputes as to any matter of fact the resolution of which is relevant to determining the nature of any person's legal rights or obligations.

**Commencement Information**
**I3** S. 3 in force at 1.4.2011 by S.S.I. 2011/180, art. 3, **Sch.**

*Role of Ministers*

## 4 Ministerial oversight

(1) Subsections (2) and (3) apply in relation to the exercise by the Scottish Ministers of their functions—
(a) under Parts 2 and 3, or

(b) under section 125(3) or otherwise arising by virtue of Part 4 (except sections 141(c) and 145(1)).

(2) The Scottish Ministers must, so far as practicable, act in a way which—

(a) is compatible with the regulatory objectives, and

(b) they consider most appropriate with a view to meeting those objectives.

(3) The Scottish Ministers must adopt best regulatory practice under which (in particular) regulatory activities should be—

(a) carried out—

(i) effectively (but without giving rise to unnecessary burdens),

(ii) in a way that is transparent, accountable, proportionate and consistent,

(b) targeted only at such cases as require action.

**Commencement Information**

**I4** S. 4 in force at 1.4.2011 by S.S.I. 2011/180, art. 3, **Sch.**

## 5 Consultation by Ministers

(1) Subsection (2) applies in relation to the exercise by the Scottish Ministers of their functions—

(a) under Parts 2 and 3, or

(b) under section 125(3) or otherwise arising by virtue of Part 4 (except sections 141(c) and 145(1)).

(2) Where (and to the extent that) the Scottish Ministers consider it appropriate to do so in the case of an individual function, they must consult such persons or bodies as appear to them to have a significant interest in the particular subject-matter to which the exercise of the function relates.

(3) The general requirement to consult under subsection (2) has effect in conjunction with, or in the absence of, any particular consultation requirement to which the Scottish Ministers are subject in a specific (and relevant) context.

**Commencement Information**

**I5** S. 5 in force at 1.4.2011 by S.S.I. 2011/180, art. 3, **Sch.**

**Changes to legislation:**
There are currently no known outstanding effects for the Legal Services (Scotland) Act 2010, Part 1.