



Legal Services (Scotland) Act 2010

2010 asp 16

PART 5

GENERAL

146 Regulations

- (1) Any power of the Scottish Ministers to make regulations under the preceding Parts of this Act is exercisable by statutory instrument.
- (2) The regulations may—
 - (a) make different provision for different purposes,
 - (b) include such incidental, consequential, transitional, transitory or saving provision as the Scottish Ministers consider necessary or expedient for the purposes of or in connection with the regulations.
- (3) But—
 - (a) a statutory instrument containing regulations under—
 - (i) section 6(6),
 - (ii) section 12(2)(c) or (5),
 - (iii) section 38(7),
 - (iv) section 44(1),
 - (v) section 45(1),
 - (vi) section 48(6)(a)(i),
 - (vii) section 49(4),
 - (viii) section 67(3),
 - (ix) section 70(10),
 - (x) section 93(2)(f),
 - (xi) section 100(5)(b),
 - (xii) section 104(2)(f),
 - (xiii) section 111(5)(b), or
 - (xiv) section 112(1),

is not to be made unless a draft of the instrument has been laid before, and approved by resolution of, the Scottish Parliament,

Changes to legislation: There are currently no known outstanding effects for the Legal Services (Scotland) Act 2010, Part 5. (See end of Document for details)

- (b) a statutory instrument containing any other regulations under the preceding Parts of this Act is subject to annulment in pursuance of a resolution of the Parliament.

147 Further modification

- (1) The Scottish Ministers may by regulations made by statutory instrument—
 - (a) amend the percentage specified in subsection (1) of section 49, or
 - (b) repeal section 49 (and consequentially the references in this Act to that section).
- (2) But regulations may be made under subsection (1) only if the Scottish Ministers believe that the effect of the amendment or (as the case may be) repeal would be—
 - (a) compatible with the regulatory objectives, and
 - (b) appropriate in any other relevant respect.
- (3) Before making regulations under subsection (1), the Scottish Ministers must consult—
 - (a) the Lord President,
 - (b) the Law Society,
 - (c) every approved regulator,
 - (d) the [^{F1}CMA], and such other organisation (appearing to them to represent the interests of consumers in Scotland) as they consider appropriate,
 - (e) such other person or body as they consider appropriate.
- (4) A statutory instrument containing regulations under subsection (1) is not to be made unless a draft of the instrument has been laid before, and approved by resolution of, the Scottish Parliament.

Textual Amendments

- F1** Word in s. 147(3)(d) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), Sch. 6 para. 203; S.I. 2014/416, art. 2(1)(d) (with Sch.)

148 Ancillary provision

- (1) The Scottish Ministers may by regulations made by statutory instrument make such—
 - (a) supplemental provision, or
 - (b) incidental, consequential, transitional, transitory or saving provision,
 as they consider necessary or expedient for the purposes of or in connection with this Act.
- (2) But—
 - (a) a statutory instrument containing regulations under subsection (1) which adds to, replaces or omits any part of the text of an Act (including this Act) is not to be made unless a draft of the instrument has been laid before, and approved by resolution of, the Scottish Parliament,
 - (b) a statutory instrument containing any other regulations under that subsection is subject to annulment in pursuance of a resolution of the Parliament.

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149 Definitions

- (1) In this Act (unless the context otherwise requires)—
- “the 1980 Act” means the Solicitors (Scotland) Act 1980,
 - “the 1986 Act” means the Legal Aid (Scotland) Act 1986,
 - “the 1990 Act” means the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990,
 - “the 2007 Act” means the Legal Profession and Legal Aid (Scotland) Act 2007,
 - [^{F2} “CMA ” means Competition and Markets Authority,]
 - “Faculty” means Faculty of Advocates,
 - “Law Society” means Law Society of Scotland,
 - “Lord President” means Lord President of the Court of Session,
 - ^{F3} ...
- (2) In this Act (unless the context otherwise requires)—
- (a) the following expressions are to be construed in accordance with section 65(1) (interpretation) of the 1980 Act—
 - “advocate”,
 - “incorporated practice”,
 - “practising certificate”,
 - “registered European lawyer”,
 - “registered foreign lawyer”,
 - “solicitor”,
 - (b) the following expressions are to be construed in accordance with section 23 (interpretation) of the 1990 Act—
 - “conveyancing practitioner”,
 - “executry practitioner”,
 - (c) a reference to a litigation practitioner is to a person having a right to conduct litigation, or a right of audience, by virtue of section 27 of the 1990 Act.
- (3) In this Act (unless the context otherwise requires), a reference to a professional association or body includes—
- (a) the Law Society,
 - (b) any other organisation which serves a profession (for example, the Institute of Chartered Accountants of Scotland).
- (4) Schedule 9 is an index of expressions introduced for—
- (a) the whole Act,
 - (b) Parts 2 and 3.

Textual Amendments

- F2** Words in s. 149(1) inserted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 6 para. 204\(1\)\(a\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F3** Words in s. 149(1) omitted (1.4.2014) by virtue of [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 6 para. 204\(1\)\(b\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)

Changes to legislation: There are currently no known outstanding effects for the Legal Services (Scotland) Act 2010, Part 5. (See end of Document for details)

150 Commencement and short title

- (1) This section and sections 146 to 149 come into force on the day after Royal Assent.
- (2) The other provisions of this Act come into force on the day that the Scottish Ministers by order made by statutory instrument appoint.
- (3) An order under subsection (2) may appoint different days for different provisions.
- (4) An order under subsection (2) may—
 - (a) make different provision for different purposes,
 - (b) include such transitional, transitory or saving provision as the Scottish Ministers consider necessary or expedient in connection with the commencement of this Act.
- (5) The short title of this Act is the Legal Services (Scotland) Act 2010.

Changes to legislation:

There are currently no known outstanding effects for the Legal Services (Scotland) Act 2010, Part 5.