



Legal Services (Scotland) Act 2010

2010 asp 16

PART 4

THE LEGAL PROFESSION

CHAPTER 3

SOLICITORS AND OTHER REPRESENTATIVES

Removal of practising restrictions

123 Licensed providers as qualified persons

- (1) In section 26 (offence for solicitors to act as agents for unqualified persons) of the 1980 Act, in subsection (3), after “does not include” insert “a licensed legal services provider.”
- (2) In section 30 (liability for fees of other solicitor) of the 1980 Act—
 - (a) after “incorporated practice” in the second place where it occurs insert “or a licensed legal services provider”,
 - (b) for “other solicitor or incorporated practice” substitute “employed party”,
 - (c) for “other solicitor’s or incorporated practice’s” substitute “party’s”.
- (3) In section 31 (offence for unqualified persons to pretend to be solicitor or notary public) of the 1980 Act—
 - (a) the unnumbered block of text (from “In” to “practice.”) between subsections (1) and (2) is repealed,
 - (b) after subsection (2) insert—
 - “(2A) This section does not apply to an incorporated practice.
 - (2B) This section does not apply in relation to the taking or using by a licensed legal services provider of a name, title, addition or description if the licensed provider has the Society’s written authority for using it.

Status: This is the original version (as it was originally enacted).

- (2C) For the purpose of subsection (2B), the Council are to make rules which—
- (a) set the procedure for getting the Society’s authority (and specify the conditions that the Society may impose if it gives that authority),
 - (b) specify the grounds on which the Society may refuse to give that authority (and require the Society to give reasons in writing if it refuses to give that authority).”.
- (4) In section 32 (offence for unqualified persons to prepare certain documents) of the 1980 Act, after paragraph (e) of subsection (2) insert “; or
- (ea) a licensed legal services provider;”.
- (5) In section 33 (unqualified persons not entitled to fees etc.) of the 1980 Act—
- (a) the first unnumbered block of text (from “Subject” to “matter.”) becomes subsection (1) and the second unnumbered block of text (from “This” to “cause.”) becomes subsection (2),
 - (b) in subsection (2) (as so numbered), after “incorporated practice” insert “or a licensed legal services provider”.
- (6) In section 65(1) (interpretation) of the 1980 Act—
- (a) after the entry for “the 2007 Act” insert—
““the 2010 Act” means the Legal Services (Scotland) Act 2010;”,
 - (b) at the appropriate alphabetical place insert—
““licensed legal services provider” (or “licensed provider”) is to be construed in accordance with Part 2 of the 2010 Act;”.
- (7) In section 17 (qualified conveyancers) of the 1990 Act, in subsection (23)—
- (a) after paragraph (b) insert—
“(ba) a licensed legal services provider within the meaning of Part 2 of the Legal Services (Scotland) Act 2010;”,
 - (b) after the subsequent “incorporated practice” insert “, licensed provider”.