



Legal Services (Scotland) Act 2010

2010 asp 16

PART 2

REGULATION OF LICENSED LEGAL SERVICES

CHAPTER 3

FURTHER PROVISION

Complaints

79 Complaints about regulators

- (1) Any complaint about an approved regulator is to be made to the Scottish Legal Complaints Commission.
- (2) The Commission is to determine whether or not the complaint is—
 - (a) one for which section 57E(1) of the 2007 Act makes provision,
 - (b) frivolous, vexatious or totally without merit.
- (3) And—
 - (a) if the Commission determines that the complaint falls within subsection (2)(a), the Commission is to proceed by reference to section 57E(1) of the 2007 Act,
 - (b) if the Commission determines that the complaint falls within subsection (2)(b), the Commission—
 - (i) must notify the complainer and the approved regulator accordingly (with reasons),
 - (ii) is not required to take any further action,
 - (c) if the Commission determines that the complaint does not fall within subsection (2)(a) or (b), the Commission must refer the complaint to the Scottish Ministers.
- (4) The Scottish Ministers must investigate any complaint about an approved regulator that is referred to them under subsection (3)(c).

Changes to legislation: There are currently no known outstanding effects for the Legal Services (Scotland) Act 2010, Section 79. (See end of Document for details)

- (5) Where the Scottish Ministers do not uphold the complaint, they must notify the complainer and the approved regulator accordingly (with reasons).
- (6) Where the Scottish Ministers uphold the complaint, they must—
 - (a) notify the complainer and the approved regulator accordingly (with reasons), and
 - (b) decide whether to proceed under section 38.
- (7) The Scottish Ministers may delegate to the Commission any of their functions under subsections (4), (5) and (6)(a) (and, if they so delegate their function under subsection (4), they may also waive the referral requirement under subsection (3)(c)).
- (8) The Scottish Ministers may by regulations make further provision about complaints made about approved regulators (and how they are to be dealt with).

Commencement Information

- I1** S. 79 in force at 1.4.2011 for specified purposes by S.S.I. 2011/180, art. 3, Sch.
- I2** S. 79 in force at 2.7.2012 in so far as not already in force by S.S.I. 2012/152, art. 2, Sch.

Changes to legislation:

There are currently no known outstanding effects for the Legal Services (Scotland) Act 2010, Section 79.