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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order is made under the Legal Profession and Legal Aid (Scotland) Act 2007 (“the Act”). It specifies interest rates for the purposes of the annual general levy and the complaints levy, and also sets a time limit for investigation of handling complaints by the Scottish Legal Complaints Commission (“the Commission”).

Section 23(4)(a) of the Act provides that the Commission must not investigate a handling complaint where the relevant professional organisation has not completed its investigation of the conduct complaint to which the handling complaint relates. The effect of article 2 of this Order is that under section 23(4)(b) of the Act the Commission must not also investigate a handling complaint where it is made after the expiry of the period of 6 months after the date on which the relevant professional organisation sent its written decision on its investigations of the conduct complaint to the complainer and practitioner concerned.

Section 27 of the Act provides for the payment of the annual general levy to the Commission. Article 3 of this Order specifies that the interest rate for any sums due but late is two per cent per annum above the base rate of the Bank of England. As provided by section 27(3)(b) of the Act, any interest which is due on a sum may be recovered by the Commission as a debt from the relevant professional organisation which is liable under 27(2)(b) of the Act to pay the sum. Interest runs from the date it is due under rules made under section 32(1) of the Act until it is paid.

Section 28 of the Act provides for the payment of the complaints levy to the Commission. Article 4 of this Order specifies that the interest rate for any sums due but late is four per cent per annum above the base rate of the Bank of England. As provided by section 28(3)(b) of the Act, any interest which is due on a sum may be recovered by the Commission as a debt from the practitioner. Interest runs from the date it is due under rules made under section 32(1) of the Act until it is paid.