
SCOTTISH STATUTORY INSTRUMENTS

2012 No. 153

The Licensed Legal Services (Complaints and Compensation Arrangements) (Scotland) Regulations 2012

PART 2

Complaints about licensed legal services providers

Modification of the operation of Part 1 of the Legal Profession and Legal Aid (Scotland) Act 2007

2.—(1) For the purposes of section 57A(1) of the 2007 Act (complaints about licensed providers), Part 1 of the 2007 Act applies as if it had been further modified in accordance with this regulation.

(2) In section 2(1)(b) of the 2007 Act (receipt of complaints: preliminary steps) the reference to “professional services” is a reference to—

- (a) legal services; and
- (b) such other professional services as are customarily provided by a practitioner.

(3) Where the Commission considers that any element of a services complaint about a licensed legal services provider—

- (a) concerns the professional activities of a person who is a member of a profession but is not a practitioner; and
- (b) is capable of being dealt with by a professional association which regulates that profession under the statutory or administrative arrangements applying to that profession,

the Commission may refer the element of the services complaint to that professional association.

(4) Where the Commission refers an element of a services complaint to a professional association under paragraph (3) and the Commission is satisfied that it is being dealt with by the professional association under the statutory or administrative arrangements applying to that profession, the Commission—

- (a) is not required to take the preliminary steps mentioned in section 2(4) of the 2007 Act, or any further action under any other provision of Part 1 of the 2007 Act, in relation to that element; and
- (b) must give notice in writing to that effect to—
 - (i) the complainer and the licensed legal services provider; and
 - (ii) any other persons that the Commission considers appropriate.

(5) In this regulation—

“legal services” has the same meaning as it does for the purposes of the 2010 Act⁽¹⁾.

(1) Regulation 2 is made under section 57A(2)(b) of the Legal Profession and Legal Aid (Scotland) Act 2007 ([asp 5](#)). See section 3 of the Legal Services (Scotland) Act 2010 ([asp 16](#)) for the meaning of “legal services”.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.
