
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments to the Legal Profession and Legal Aid (Scotland) Act 2007 (“the 2007 Act”) to adjust the duties and powers of the Scottish Legal Complaints Commission (“the Commission”) and to impose new duties and new powers on it.

Regulation 2(2) to (8) amends sections 2, 4 to 9 and 15 of the 2007 Act to rearrange the order in which the Commission has to categorise a complaint as conduct or services, decide whether to reject a complaint as frivolous, vexatious or totally without merit, and decide whether a complaint has not been made timeously or has been made prematurely.

Regulation 2(9) amends section 9 of the 2007 Act to give the Commission the ability to discontinue and reinstate services complaints.

Regulation 2(10) inserts a new section 9A into the 2007 Act which gives the Commission the ability to reject a complaint when it becomes aware of new information which suggests that it should have been rejected earlier.

Regulation 2(13) to (14) amends sections 23 and 24 of the 2007 Act to allow practitioners concerned in conduct complaints to make handling complaints about the manner in which a conduct complaint was dealt with by the relevant professional organisation.

Regulation 2(16) amends schedule 1 to the 2007 Act to require the Commission to establish an independent advisory panel.

A Business and Regulatory Impact Assessment has been prepared and placed in the Scottish Parliament Information Centre. Copies can be obtained from the Scottish Government, Civil Law and Legal System Division, GW.15, St Andrew’s House, Regent Road, Edinburgh EH1 3DG.