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## EXPLANATORY NOTE

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

These Regulations make further provision about complaints made about approved regulators. Approved regulators are professional or other bodies approved by the Scottish Ministers under section 7 of the Legal Services (Scotland) Act 2010 (“the 2010 Act”) to licence and regulate the provision of legal services by licensed legal service providers.

Section 79 of the 2010 Act sets out the process for dealing with complaints about approved regulators. Complaints about approved regulators are made to the Scottish Legal Complaints Commission (“the Commission”). The Commission is responsible for determining whether a complaint is about how an approved regulator has dealt with a regulatory complaint in respect of a licensed legal service provider and so one to which section 57E(1) of the Legal Profession and Legal Aid (Scotland) Act 2007 applies or is frivolous, vexatious or totally without merit. Where a complaint does not fall into either of these categories, the complaint must be referred to the Scottish Ministers to investigate the complaint and, thereafter, notify the complainer and approved regulator of the outcome.

The function of the Scottish Ministers to investigate and notify the complainer and approved regulator can be delegated to the Commission under section 79(7) of the 2010 Act. Regulation 3 of the Licensed Legal Services (Complaints and Compensation Arrangements) (Scotland) Regulations 2012 (SSI 2012/153) makes provision for notification to the Scottish Ministers by the Commission where the Commission upholds a complaint about an approved regulator.

Regulation 3 makes provision for dealing with multiple complaints against an approved regulator or regulators.

Regulation 4 allows the Scottish Ministers, or where the investigation function is delegated, the Commission to produce an interim written report which must be sent to the person making the complaint and the approved regulator.

Regulation 5 makes provision for the Scottish Ministers or, where the investigation function is delegated, the Commission to obtain information, documents or explanations from an approved regulator.

A partial Business and Regulatory Impact Assessment has been prepared and placed in the Scottish Parliament Information Centre. Copies may be obtained from the Scottish Government, Scottish Government Justice Directorate, St Andrews House, Edinburgh EH1 3DG, and online at [www.legislation.gov.uk](http://www.legislation.gov.uk).