



Legal Services (Scotland) Act 2010

2010 asp 16

PART 3 **S**

CONFIRMATION AND WILL WRITING SERVICES

CHAPTER 2 **S**

WILL WRITING SERVICES

Ministerial functions

111 Ministerial intervention **S**

- (1) An approving body must—
 - (a) provide such information about its performance in relation to its regulatory scheme as the Scottish Ministers may reasonably request,
 - (b) do so within 21 days beginning with the date of the request (or such longer period as the Scottish Ministers may allow).
- (2) An approving body—
 - (a) if directed to do so by the Scottish Ministers, must—
 - (i) review its regulatory scheme (or any relevant part of it), and
 - (ii) report to them its findings and (if appropriate) inform them of any proposed amendments to the scheme,
 - (b) may amend its regulatory scheme so as to give effect to the proposed amendment, but—
 - (i) any material amendment is invalid unless it has the prior approval of the Scottish Ministers,
 - (ii) the Scottish Ministers may not give their approval before they have consulted such person or body as they consider appropriate.
- (3) The Scottish Ministers may—
 - (a) if, after consulting such person or body as they consider appropriate, they consider that an approving body's regulatory scheme is not (or is no longer)

Status: Point in time view as at 01/04/2011.

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

- adequate, direct the approving body to amend the regulatory scheme in such manner as they may specify,
- (b) if they are satisfied that an approving body has not complied with a requirement imposed on it by or under this Chapter, direct the approving body to take specified remedial action (or refrain from doing something).
- (4) An approving body must—
- (a) review annually the performance of its will writers,
 - (b) prepare a report on the review,
 - (c) send a copy of the report to the Scottish Ministers.
- (5) The Scottish Ministers may by regulations make further provision—
- (a) about the review of will writers,
 - (b) so far as it appears to them to be necessary for safeguarding the interests of clients of will writers—
 - (i) concerning the functions of approving bodies,
 - (ii) relating to will writers.

Commencement Information

I1 S. 111 in force at 1.4.2011 for specified purposes by S.S.I. 2011/180, art. 3, Sch.

112 Step-in by Ministers S

- (1) The Scottish Ministers may by regulations make provision which establishes a body with a view to its becoming an approving body.
- (2) The Scottish Ministers may by regulations make provision which allows them to act as an approving body in such circumstances as the regulations may prescribe.
- (3) Regulations under subsection (2) may provide for this Chapter to apply with or subject to such modifications as the regulations may specify.
- (4) No regulations are to be made under subsection (1) or (2) unless the Scottish Ministers believe that their intervention under this section is necessary, as a last resort, in order to ensure that the provision of will writing services by will writers is regulated effectively.

Commencement Information

I2 S. 112 in force at 1.4.2011 for specified purposes by S.S.I. 2011/180, art. 3, Sch.

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