



Legal Services (Scotland) Act 2010

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PART 3

CONFIRMATION AND WILL WRITING SERVICES

CHAPTER 1

CONFIRMATION SERVICES

Regulation of confirmation agents

93 Regulatory schemes

- (1) An approving body must—
 - (a) make a regulatory scheme for—
 - (i) conferring on any of the individual persons within its membership the right to provide confirmation services, and
 - (ii) regulating the provision of confirmation services by the persons on whom (in accordance with the scheme) that right is conferred, and
 - (b) apply the scheme in relation to them.
- (2) The regulatory scheme is to—
 - (a) describe the training requirements to be met by a prospective confirmation agent,
 - (b) incorporate a code of practice to which a confirmation agent is subject,
 - (c) require that a confirmation agent keep in place sufficient arrangements for professional indemnity,
 - (d) include rules about—
 - (i) the making and handling of any complaint about a confirmation agent,
 - (ii) the measures that may be taken by the approving body, in relation to a confirmation agent, if a conduct complaint (as construed by reference to section 2(1)(a) of the 2007 Act (and as if the confirmation agent were a practitioner to whom that section relates)) about the confirmation agent is upheld,

Status: This is the original version (as it was originally enacted).

- (e) allow a confirmation agent to make representations to the approving body before it takes any of the measures available to it by virtue of paragraph (d)(ii),
 - (f) cover such other regulatory matters as the Scottish Ministers may by regulations specify (and in such manner as they may so specify).
- (3) The code of practice mentioned in subsection (2)(b) must—
- (a) set out the standards to be met by confirmation agents,
 - (b) make such further arrangements as to the professional practice, conduct or discipline of confirmation agents for which provision is (in the approving body's opinion) necessary or expedient,
 - (c) allow for—
 - (i) the rescission or suspension of, or attaching of conditions to the exercise of, the right of a confirmation agent to provide confirmation services if the agent contravenes the code of practice,
 - (ii) the suspension of that right of a confirmation agent if a complaint, suggesting that the agent is guilty of professional misconduct in relation to the provision of confirmation services, is made about the agent.
- (4) A confirmation agent may appeal against a decision taken under the regulatory scheme to rescind or suspend, or attach conditions to the exercise of, the agent's right to provide confirmation services—
- (a) to the sheriff,
 - (b) within the period of 3 months beginning with the date on which that decision is intimated to the agent.
- (5) An approving body must, so far as practicable when exercising its functions under this Chapter, observe the regulatory objectives.