
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2008 No.

**The Legal Profession and Legal Aid
(Scotland) Act 2007 (Transitional, Savings
and Consequential Provisions) Order 2008**

The 1990 Act: the Scottish legal services ombudsman

3.—(1) Subject to paragraph (2), the following provisions of the 1990 Act are repealed—

- (a) section 34 (Scottish legal services ombudsman);
- (b) section 34A (ombudsman’s final report and recommendations);
- (c) section 34B (advisory functions of ombudsman); and
- (d) Schedule 3 (Scottish legal services ombudsman).

(2) Despite their repeal by virtue of paragraph (1), sections 34, 34A and 34B of, and paragraph 6 of Schedule 3 to, the 1990 Act continue to have effect in relation to a relevant complaint subject to the following modifications—

- (a) references to the Scottish legal services ombudsman are to be read as references to the Scottish Legal Complaints Commission; and cognate expressions are to be construed accordingly;
- (b) in section 34, omit subsections (1) and (9).

(3) For the purposes of this article, article 4 and article 7(2), “a relevant complaint” means—

- (a) a complaint made to the Scottish legal services ombudsman under section 34(1A) of the 1990 Act which has not completed the complaint process;
- (b) a complaint made to the Commission under section 34(1A) (as modified by paragraph (2)) which relates to the manner in which a complaint, in relation to which article 2(2) has effect, has been dealt with by the professional organisation concerned.

(4) Anything (including legal proceedings) which, immediately before the Scottish legal services ombudsman’s functions cease to be exercisable, is in the process of being done by or in relation to the ombudsman may, so far as it relates to a complaint mentioned in paragraph (3)(a), be continued by or in relation to the Commission.

(5) Anything done (or having effect as if done) by or in relation to the Scottish legal services ombudsman for the purposes of or in connection with a complaint mentioned in paragraph (3)(a), if in force at the time immediately before the ombudsman’s functions cease to be exercisable, has effect as if done by or in relation to the Commission in so far as that is required for continuing its effect on or after that time.