

2008 No. 352

LEGAL PROFESSION

**The Legal Profession and Legal Aid (Scotland) Act 2007
(Abolition of the Scottish legal services ombudsman)
Order 2008**

Made - - - - - *29th October 2008*

Coming into force *16th November 2008*

The Scottish Ministers make the following Order in exercise of the power conferred by section 26(1) of the Legal Profession and Legal Aid (Scotland) Act 2007(a).

Citation and commencement

1. This Order may be cited as the Legal Profession and Legal Aid (Scotland) Act 2007 (Abolition of the Scottish legal services ombudsman) Order 2008 and comes into force on 16th November 2008.

Abolition of the office of the Scottish legal services ombudsman

2. The office of the Scottish legal services ombudsman is abolished on 16th November 2008.

KENNY MACASKILL
A member of the Scottish Executive

St Andrew's House,
Edinburgh
29th October 2008

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides that the office of the Scottish legal services ombudsman (“the ombudsman”) is abolished on 16th November 2008. The functions of the ombudsman were repealed by the Legal Services Act 2007 (c.29) and by the Legal Profession and Legal Aid (Scotland) Act 2007 (Transitional, Savings and Consequential Provisions) Order 2008 (S.S.I. 2008/332) and the relevant provisions have been commenced. The law relating to any functions of the ombudsman which were required for transitional purposes to the new complaints system were saved and transferred to the Scottish Legal Complaints Commission by the above Order for devolved purposes and by the Legal Services Act 2007 (Transitional, Savings and Consequential Provisions) (Scotland) Order 2008 (S.I. 2008/2341) for reserved purposes, both of which came into force on 1st October 2008. Section 26(2) of the Legal Profession and Legal Aid (Scotland) Act 2007 provides that the Scottish Ministers may not make an order unless the ombudsman has no exercisable functions. Since the ombudsman has no exercisable functions, the office of the ombudsman can now be abolished.

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