



Law Reform (Miscellaneous Provisions) (Scotland) Act 1990

1990 CHAPTER 40

PART II

LEGAL SERVICES

Scottish legal services ombudsman

34 Scottish legal services ombudsman.

- (1) The Secretary of State may, after consultation with the Lord President, and subject to subsection (9) below, appoint a person, to be known as the Scottish legal services ombudsman, to examine any written complaint (a “handling complaint”) made by or on behalf of a member of the public concerning the treatment by a professional organisation within the meaning of section 33 of this Act of a conduct complaint such as is mentioned in that section made by that member of the public or on his behalf.
- (2) The ombudsman shall make such investigation of any handling complaint as seems to him to be appropriate; and for that purpose he may request the organisation concerned to provide him with such information as he may reasonably require.
- (3) Where the organisation concerned have not completed an investigation under section 33(1) of this Act within such period as the Secretary of State may from time to time determine, the ombudsman may request a report from them on the progress of the investigation.
- (4) The ombudsman—
 - (a) may, at any stage in the investigation of a handling complaint, make an interim report in relation to that investigation; and
 - (b) shall, at the conclusion of such an investigation, report the result of that investigation,to the complainer and to the organisation concerned.

Status: Point in time view as at 01/04/1991. This version of this provision has been superseded.

Changes to legislation: Law Reform (Miscellaneous Provisions) (Scotland) Act 1990, Section 34 is up to date with all changes known to be in force on or before 13 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (5) The ombudsman may—
- (a) if so requested by any person appointed to carry out equivalent functions in relation to the provision of legal services in England and Wales, investigate a complaint against a professional body in England and Wales on that person's behalf; and
 - (b) request any person appointed as mentioned in paragraph (a) above to investigate a complaint against an organisation in Scotland on his behalf.
- (6) The Secretary of State may by regulations extend the jurisdiction of the ombudsman by providing for this section to apply, with such modifications (if any) as he thinks fit, in relation to the investigation by the ombudsman of such categories of handling complaints as may be specified in the regulations with respect to the provision of executry services by persons other than executry practitioners within the meaning of section 23 of this Act.
- (7) Without prejudice to the generality of subsection (6) above, regulations under that subsection may make provision for the investigation of handling complaints with respect to particular persons or categories of person.
- (8) Regulations under subsection (6) above shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- (9) The following shall not be eligible to be appointed as the ombudsman—
- (a) advocates;
 - (b) solicitors;
 - (c) members and officers of the Scottish Conveyancing and Executry Services Board established by section 16 of this Act;
 - (d) subject to paragraph (e) below, executry practitioners within the meaning of section 23 of this Act;
 - (e) where any such executry practitioner is a partnership or a body corporate, the partners or, as the case may be, the directors, secretary or other similar officers;
 - (f) the directors, secretary or other similar officers of any recognised financial institution within the meaning of section 19(2) of this Act;
 - (g) qualified conveyancers within the meaning of section 23 of this Act; or
 - (h) any member or employee of a professional or other body any of whose members has acquired any right to conduct litigation or right of audience by virtue of section 27 of this Act.
- (10) Schedule 3 to this Act shall have effect in relation to the ombudsman.

Commencement Information

- II** S. 34 partly in force: s. 34(1)(9)(a)-(c)(10) wholly in force at 1.4.1991. See s. 75(2) and [S.I. 1991/822, art. 3, Schedule](#).

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