



3 May 2011

Our ref: ICAEW Rep 50/11

Graham Ackerman
Courts and Legal Services Reform
Legal System Division
2W
St. Andrew's House
Regent Road
Edinburgh
EH1 3DG

By email: legalservicesreform@scotland.gsi.gov.uk

Dear Mr Ackerman

OWNERSHIP AND CONTROL OF FIRMS PROVIDING LEGAL SERVICES UNDER THE LEGAL SERVICES (SCOTLAND) ACT 2010

ICAEW welcomes the opportunity to comment on the consultation paper *Ownership and control of firms providing legal services under the Legal Services (Scotland) Act 2010* published by The Scottish Government in February 2011.

ICAEW operates under a Royal Charter, working in the public interest. Its regulation of its members, in particular its responsibilities in respect of auditors, is overseen by the Financial Reporting Council.

We have c1400 members living and/or working in Scotland.

As a world leading professional accountancy body, we provide leadership and practical support to over 136,000 members in more than 160 countries, working with governments, regulators and industry in order to ensure the highest standards are maintained. We are a founding member of the Global Accounting Alliance with over 775,000 members worldwide.

Please contact me should you wish to discuss any of the points raised in this response.

Yours sincerely

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CONSULTATION QUESTIONS

Question 1: Should the following groups be included in the definition of “regulated profession” in the Legal Services (Scotland) Act 2010, and so be permitted to own a majority or controlling share in a firm providing legal services (a licensed provider) under that Act?

a) Chartered accountants regulated by the Institute of Chartered Accountants of Scotland.

Yes

No

Comments

b) Accountants regulated by the bodies set out in paragraph 2.13.

Yes

No

Comments

c) Members of the Association of Commercial Attorneys.

Yes

No

We do not know enough about this organisation to comment further

Question 2: Should any other regulated professions be included in the definition?

Yes

No

If so, please indicate which professions you think should be included and why (it would be helpful if you could indicate the bodies which regulate the professions in question, rather than simply naming the professional group).

We are not aware of any at this stage but presume this will be kept under close review

Question 3: Do you agree that the Scottish Government should consider confirmation agents and non-solicitor will writers for inclusion in the definition of “regulated profession” once the regulatory schemes for such individuals are fully operational?

Yes

No

We would prefer to defer comment until the schemes are developed further