

These notes relate to the Public Appointments and Public Bodies etc. (Scotland) Act 2003 (asp 4) which received Royal Assent on 11 March 2003

PUBLIC APPOINTMENTS AND PUBLIC BODIES ETC. (SCOTLAND) ACT 2003

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Law Society functions etc. as to certain legal services

Section 14 – Exercise by certain practitioners of notarial and other functions

51. This section provides practitioners with a limited range of notarial powers of direct relevance to their conveyancing duties with effect from the date of transfer of regulatory responsibility. The intention is that independent conveyancing practitioners, in particular, should be able to compete with solicitors on a level playing field. As independent conveyancing practitioners have not had the notarial powers required for certain conveyancing transactions, they have been obliged to date to engage the services of a notary in certain circumstances. Such action has been needed for example in cases where it has been necessary to notarise renunciations by a non-entitled spouse of occupancy rights under the Matrimonial Homes (Family Protection) (Scotland) Act 1981 or the execution of a discharge of a burdens certificate under the Abolition of Feudal Tenure (Scotland) Act 2000.
52. This section also permits conveyancing practitioners to subscribe dispositions and standard securities, and executry practitioners to subscribe testamentary documents, on behalf of people who are blind or unable to write.