# Public Appointments and Public Bodies etc. (Scotland) Act 2003

**2003 asp 4**

## PART 2

PROVISION AS TO CERTAIN PUBLIC BODIES ETC.

*Law Society functions etc. as to certain legal services*

### 11 Property etc. of the Scottish Conveyancing and Executry Services Board

All property, rights and liabilities of the Scottish Conveyancing and Executry Services Board are transferred to, and vested in, the Scottish Ministers; and any property or rights so transferred may be transferred by the Scottish Ministers to the Law Society of Scotland.

### 12 Regulation by the Law Society of conveyancing and executry services

In the Solicitors (Scotland) Act 1980 (c. 46) (in this Act referred to as the "1980 Act") —

(a) in section 1 (establishment and objects of Law Society of Scotland), in subsection (1), after the word "Act" in the second place where it appears there is inserted "and sections 16 to 23 (which relate to the provision of conveyancing and executry services) of the 1990 Act";

(b) in section 3 (establishment and functions of the Council of the Law Society), in subsection (2), after the word "Act" there is inserted "and sections 16 to 23 of the 1990 Act"; and

(c) in section 65(1) (interpretation), at the appropriate place there is inserted—

> ""the 1990 Act" means the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (c. 40);".

### 13 Scottish Solicitors' Discipline Tribunal and certain practitioners

In the 1980 Act—

(a) in section 50 (the Tribunal), in subsection (1), after the word "Act" in the first place where it appears there is inserted "and sections 16 to 23 (which relate to the provision of conveyancing and executry services) of the 1990 Act";

(b) in section 51 (complaints to Tribunal), after subsection (1) there is inserted—

"(1A) In subsection (1) above, without prejudice to the generality of that subsection, the reference to a complaint includes a complaint in respect of conveyancing and executry practitioners and the provision by them of conveyancing and executry services (those expressions having the meanings given in section 23 of the 1990 Act).."; and

(c) in section 52 (procedure on complaints to the Tribunal), in subsection (2)—

(i) after the word "Part" there is inserted ", the provisions of sections 16 to 23 of the 1990 Act"; and

(ii) after paragraph (aa) there is inserted—

"(ab) for regulating the making, hearing and determining of—

(i) inquiries under subsection (2A) of section 20 of the 1990 Act; and

(ii) appeals under subsection (11)(b) of that section.".

**14 Exercise by certain practitioners of notarial and other functions**

(1) The functions of a notary public specified in subsection (2) may be exercised in any case by an independent conveyancing practitioner instead of a notary public provided that the exercise of any such function by the practitioner is in connection with other conveyancing services being provided by the practitioner in the case.

(2) The functions are the functions of a notary public exercisable in pursuance of—

(a) sections 1(5) and (6), 6(3)(e), 8(2) and (2A) (which concern administering oaths and receiving affirmations in relation to certain matters) of the Matrimonial Homes (Family Protection) (Scotland) Act 1981 (c. 59); and

(b) section 18(4) (administering oaths and receiving affirmations in relation to reallotment of real burdens) of the Abolition of Feudal Tenure etc. (Scotland) Act 2000 (asp 5).

(3) The functions exercisable in pursuance of section 9 (subscription of documents on behalf of granter who is blind or unable to write) of the Requirements of Writing (Scotland) Act 1995 (c. 7) by a relevant person (within the meaning of subsection (6) of that section) may be exercised in any case, instead of by a relevant person—

(a) in so far as relating to the execution of dispositions or standard securities, by a conveyancing practitioner; or

(b) in so far as relating to testamentary documents, by an executry practitioner.

(4) In this section, the expressions "conveyancing practitioner", "conveyancing services", "executry practitioner" and "independent conveyancing practitioner" are to be construed in accordance with section 23 (interpretation of sections 16 to 22) of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (c. 40) (in this Act referred to as "the 1990 Act").

(5) The Scottish Ministers may by order amend the specification of provisions in subsection (2).