

2011 No. 312

COURT OF SESSION

Act of Sederunt (Regulation of Advocates) 2011

Made - - - - *26th August 2011*

Laid before the Scottish Parliament *30th August 2011*

Coming into force - - *27th September 2011*

The Lords of Council and Session, under and by virtue of the powers conferred upon them by section 5 of the Court of Session Act 1988(a) and sections 120 and 121 of the Legal Services (Scotland) Act 2010(b) and all other powers enabling them in that behalf, and having consulted the Faculty of Advocates in accordance with the said section 121, do hereby enact and declare:

Citation and commencement

1.—(1) This Act of Sederunt may be cited as the Act of Sederunt (Regulation of Advocates) 2011 and comes into force on 27th September 2011.

(2) A certified copy of this Act of Sederunt is to be inserted in the Books of Sederunt.

Admission to the office of advocate

2.—(1) A person is to be admitted to the office of advocate if the person meets criteria prescribed in rules made by the Faculty of Advocates.

(2) An application for admission is to be made by petition to the court.

(3) On presentation of the petition, the court is to pronounce an interlocutor remitting to the Faculty to assess whether the petitioner meets the criteria for admission and to report accordingly to the court.

(4) Rule 57.3 of the Rules of the Court of Session 1994(c) (admission as advocate) is revoked.

Removal from the office of advocate

3.—(1) A person is to be removed from the office of advocate if the person meets criteria prescribed in rules made by the Faculty of Advocates.

(2) An application for removal is to be made by petition to the court.

(a) 1988 c.36. Section 5 was amended by section 2(3) of the Civil Evidence (Scotland) Act 1988 (c.32), Schedule 9 to the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (c.40), paragraph 5 of Schedule 4 to the Children (Scotland) Act 1995 (c.36), section 14(1) of the Vulnerable Witnesses (Scotland) Act 2004 (asp 3) and section 46(3) of the Judiciary and Courts (Scotland) Act 2008 (asp 6).

(b) 2010 asp 16.

(c) S.I. 1994/1443, last amended by S.S.I. 2011/303.

Professional practice, conduct and discipline

4. The professional practice, conduct and discipline of advocates are to be regulated by rules made by the Faculty of Advocates.

A.C. HAMILTON
Lord President
I.P.D.

Edinburgh
26th August 2011

EXPLANATORY NOTE

(This note is not part of the Act of Sederunt)

This Act of Sederunt makes provision in consequence of the enactment of Chapter 2 of Part 4 of the Legal Services (Scotland) Act 2010 concerning—

- (a) admission to and removal from the office of advocate;
- (b) the professional practice, conduct and discipline of advocates.

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