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## SCHEDULES

### SCHEDULE 3

#### PART 1

#### THE SCOTTISH SOLICITORS GUARANTEE FUND

##### *Contributions by Solicitors*

- 1 (1) Subject to the provisions of this Act, there shall be paid to the Society on behalf of the Guarantee Fund by every solicitor in respect of each year during which, or part of which, he is in practice as a solicitor, along with his application for a practising certificate, a contribution (hereafter referred to as an “annual contribution”). . . <sup>F1</sup>
- (2) The sum payable by a solicitor in respect of the year in which he first commences to practise after admission and in respect of each of the 2 years immediately following shall be one half of the annual contribution.
- <sup>F2</sup>(2A) Sub-paragraphs (1) and (2) do not apply to solicitors who are
- <sup>F3</sup>(a) [ directors<sup>F4</sup> or members] of incorporated practices][<sup>F5</sup> or
- (b) investors in licensed legal services providers.]
- (2B) Subject to the provisions of this Act, there shall be paid to the Society on behalf of the Guarantee Fund
- <sup>F6</sup>(a) [ by every incorporated practice in respect of each year during which, or part of which, it is recognised under section 34(1A) a contribution (hereafter referred to as an “ annual corporate contribution ”) in accordance with the [<sup>F7</sup>relevant scale of annual corporate] contributions referred to in sub-paragraph (3).][<sup>F8</sup>, and
- (b) by every licensed provider, in respect of each year during which or part of which it operates as such under the licence issued by its approved regulator, a contribution (also an “annual corporate contribution”) in accordance with the relevant scale of annual corporate contributions referred to in sub-paragraph (3).]
- (3) The Council shall not later than [<sup>F9</sup>30 September] in each year fix the amount, if any, of the annual contribution to be paid in respect of the following year [<sup>F10</sup>and the [<sup>F11</sup>scales] of the annual corporate contributions to be so paid<sup>F12</sup>....]
- <sup>F13</sup>(3A) The scales of annual corporate contributions—
- (a) are to be fixed under sub-paragraph (3) by reference to all relevant factors, including—
- (i) in the case of incorporated practices, the number of solicitors that they have as directors, members or employees,

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- (ii) in the case of licensed providers, the number of solicitors that they have as investors or employees,
- (b) may otherwise make different provision as between incorporated practices and licensed providers.]
- (4) No annual contribution shall be payable by a solicitor [<sup>F10</sup>and no annual corporate contribution by an incorporated practice][<sup>F14</sup>or a licensed provider] so long as the amount of the Guarantee Fund including the value of all investments forming part of the Fund and after providing for all outstanding liabilities, is in the opinion of the Council not less than £250,000 or such other sum as the Council may from time to time determine.
- (5) If at any time the Council are of the opinion that the liabilities of the Guarantee Fund render it expedient in order to secure the financial stability of the Fund, the Council may, by resolution of which not less than 10 days' previous notice in writing has been given to each member of the Council impose upon every solicitor a contribution (hereafter referred to as a "special contribution") of the amount specified in the resolution, and [<sup>F15</sup>upon every incorporated practice [<sup>F16</sup>and licensed provider] a contribution (hereafter referred to as a "special corporate contribution") in accordance with a scale of such contributions fixed by the Council as under subparagraph (3), and a special or special corporate] contribution shall be payable to the Society in one sum or, if the Council so determine, by instalments on or before such date or dates as may be specified in the resolution.
- (6) No special contribution shall be payable by a solicitor in the year in which he first commences to practise after admission nor in either of the 2 years immediately following.
- (7) ..... <sup>F17</sup>
- (8) No annual contribution and no special contribution shall be payable by any solicitor who is in the employment of another solicitor or of a firm of solicitors [<sup>F10</sup>or of an incorporated practice][<sup>F18</sup>or a licensed provider] and who does not engage in practice as a solicitor on his own account.
- (9) Without prejudice to any other method of recovering contributions payable to the Society under this Schedule whether annual or special a practising certificate shall not be issued to a solicitor except on production of evidence of payment of the contributions (if any) due by him to the Fund on or before the issue of the certificate.
- (10) In this schedule the expression "year" means the period of 12 months commencing on 1 November or such other day as may be fixed by the Council.

#### Textual Amendments

- F1** Words repealed by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1985 \(c. 73, SIF 76:2\), s. 56, Sch. 1 Pt. II para. 8\(a\)](#), Sch. 4
- F2** Sub-paras. (2A) and (2B) inserted by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1985 \(c. 73, SIF 76:2\), s. 56, Sch. 1 Pt. I para. 34\(a\)](#)
- F3** Words in Sch. 3 para. 1(2A) renumbered as Sch. 3 para. 1(2A)(a) (1.4.2011) by [Legal Services \(Scotland\) Act 2010 \(asp 16\), ss. 129\(1\)\(a\)\(i\), 150\(2\); S.S.I. 2011/180, art. 3, Sch.](#)
- F4** Words in Sch. 3 para. 1(2A)(a) inserted (1.4.2011) by [Legal Services \(Scotland\) Act 2010 \(asp 16\), ss. 129\(1\)\(a\)\(ii\), 150\(2\); S.S.I. 2011/180, art. 3, Sch.](#)

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- F5** Sch. 3 para. 1(2A)(b) and word inserted (2.7.2012) by Legal Services (Scotland) Act 2010 (asp 16), **ss. 129(1)(a)(iii)**, 150(2); S.S.I. 2012/152, art. 2, sch.
- F6** Words in Sch. 3 para. 1(2B) renumbered as Sch. 3 para. 1(2B)(a) (2.7.2012) by Legal Services (Scotland) Act 2010 (asp 16), **ss. 129(1)(b)(i)**, 150(2); S.S.I. 2012/152, art. 2, sch.
- F7** Words in Sch. 3 para. 1(2B)(a) substituted (2.7.2012) by Legal Services (Scotland) Act 2010 (asp 16), **ss. 129(1)(b)(ii)**, 150(2); S.S.I. 2012/152, art. 2, sch.
- F8** Sch. 3 para. 1(2B)(b) and word inserted (2.7.2012) by Legal Services (Scotland) Act 2010 (asp 16), **ss. 129(1)(b)(iii)**, 150(2); S.S.I. 2012/152, art. 2, sch.
- F9** Words substituted by Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (c. 73, SIF 76:2), s. 56, **Sch. 1 Pt. II para. 8(b)**
- F10** Words inserted by Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (c. 73, SIF 76:2), s. 56, **Sch. 1 Pt. I para. 34(a)**
- F11** Word in Sch. 3 para. 1(3) substituted (2.7.2012) by Legal Services (Scotland) Act 2010 (asp 16), **ss. 129(1)(c)(i)**, 150(2); S.S.I. 2012/152, art. 2, sch.
- F12** Words in Sch. 3 para. 1(3) repealed (2.7.2012) by Legal Services (Scotland) Act 2010 (asp 16), **ss. 129(1)(c)(ii)**, 150(2); S.S.I. 2012/152, art. 2, sch.
- F13** Sch. 3 para. 1(3A) inserted (2.7.2012) by Legal Services (Scotland) Act 2010 (asp 16), **ss. 129(1)(d)**, 150(2); S.S.I. 2012/152, art. 2, sch.
- F14** Words in Sch. 3 para. 1(4) inserted (2.7.2012) by Legal Services (Scotland) Act 2010 (asp 16), **ss. 129(1)(e)**, 150(2); S.S.I. 2012/152, art. 2, sch.
- F15** Words substituted by Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (c. 73, SIF 76:2), s. 56, **Sch. 1 Pt. I para. 34(a)**
- F16** Words in Sch. 3 para. 1(5) inserted (2.7.2012) by Legal Services (Scotland) Act 2010 (asp 16), **ss. 129(1)(f)**, 150(2); S.S.I. 2012/152, art. 2, sch.
- F17** Para 1(7) repealed by Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (c. 73, SIF 76:2), s. 56, **Sch. 1 Pt. II para. 8(c)**, Sch. 4
- F18** Words in Sch. 3 para. 1(8) inserted (2.7.2012) by Legal Services (Scotland) Act 2010 (asp 16), **ss. 129(1)(g)**, 150(2); S.S.I. 2012/152, art. 2, sch.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 12A(2)(ba) inserted by [2010 asp 16 s. 118\(3\)](#)
- s. 32(1)(d) and word inserted by [2010 asp 16 s. 118\(2\)\(a\)\(i\)](#)
- s. 32(2D) inserted by [2010 asp 16 s. 118\(2\)\(a\)\(iv\)](#)
- Sch. 4 para. 1A(b)(iia) inserted by [2010 asp 16 s. 118\(2\)\(b\)](#)