



Law Reform (Miscellaneous Provisions) (Scotland) Act 1990

1990 CHAPTER 40

PART II

LEGAL SERVICES

Rules of conduct

31 Rules of conduct etc.

^{F1}(1)

(2) Where it appears to the Faculty of Advocates that any rule of conduct in relation to the exercise of an advocate's right of audience in the Court of Session is more restrictive than the equivalent rule in relation to the exercise of the equivalent right in the sheriff court, they may submit that rule to the Secretary of State for his approval, and the Secretary of State shall consult the [^{F2}CMA] in accordance with section 40 of this Act, and thereafter, having—

- (a) considered any advice tendered to him by the [^{F2}CMA];
- (b) compared the rule applicable in the Court of Session with the equivalent rule applicable in the sheriff court; and
- (c) considered whether the interests of justice require that there should be such a rule in the Court of Session,

he may approve or refuse to approve the rule.

(3) In section 34 of the 1980 Act (rules as to professional practice, conduct and discipline)

—
(a) at the end of subsection (1A) there shall be inserted—

“and

- (f) make such additional or different provision as the Council think fit in relation to solicitors who, or incorporated practices

Changes to legislation: *Law Reform (Miscellaneous Provisions) (Scotland) Act 1990, Section 31 is up to date with all changes known to be in force on or before 04 August 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

which, are partners in or directors of multi-disciplinary practices.”; and

(b) after subsection (3) there shall be inserted—

“(3A) Without prejudice to subsection (3), any rule made, whether before or after the coming into force of this subsection, by the Council under this section or section 35 which has the effect of prohibiting the formation of multi-disciplinary practices shall not have effect unless the Secretary of State, after consulting the Director in accordance with section 64A, has approved it.”.

Textual Amendments

- F1** S. 31(1) repealed (1.6.2011) by [Legal Services \(Scotland\) Act 2010 \(asp 16\)](#), **ss. 122(4)**, 150(2); S.S.I. 2011/180, art. 5(c)
- F2** Word in s. 31(2) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), **Sch. 6 para. 47**; S.I. 2014/416, art. 2(1)(d) (with 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. 21A(1)(c) words substituted by [2007 asp 5 Sch. 5 para. 3\(7\)\(a\)\(iii\)](#)
- s. 33(6) inserted by [2007 asp 5 Sch. 5 para. 3\(11\)](#)