



Law Reform (Miscellaneous Provisions) (Scotland) Act 1990

1990 CHAPTER 40

PART II

LEGAL SERVICES

Miscellaneous and supplementary

37 Admission of solicitors and notaries public.

(1) For subsection (2) of section 6 of the 1980 Act (admission of persons as solicitors) there shall be substituted the following subsection—

“(2) Where—

- (a) a person has complied with the requirements of subsection (1); but
- (b) the Council have not lodged a petition for his admission as a solicitor within one month of his having so complied,

he may apply by petition to the court for admission as a solicitor; and if he produces the certificate mentioned in paragraph (b) of subsection (1) the court shall make an order admitting him as a solicitor.”

(2) Section 57 of that Act (admission of notaries public) shall be amended as follows—

(a) for subsection (1) there shall be substituted—

“(1) The offices and functions of—

- (a) the clerk to the admission of notaries public; and
- (b) the keeper of the register of notaries public,

are hereby transferred to the Council.”;

(b) in subsection (2), for the words from “grant” to the end there shall be substituted “direct the Council to register him in the register of notaries public.””;

Changes to legislation: Law Reform (Miscellaneous Provisions) (Scotland) Act 1990, Section 37 is up to date with all changes known to be in force on or before 30 January 2018. 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)

- (c) after subsection (2) there shall be inserted the following subsections—
- “(2A) A petition by the Council under section 6(3A) for the admission of a person as a solicitor may, if the person so requests, include an application for the person’s admission as a notary public; and an order on any such petition admitting that person as a solicitor may admit him as a notary public and direct the Council to register him in the register of notaries public.
- (2B) A petition by a person under section 6(2) for his admission as a solicitor may include an application for his admission as a notary public; and an order on any such petition admitting that person as a solicitor may admit him as a notary public and direct the Council to register him in the register of notaries public.”;
- (d) in subsection (4) for the word “solicitor” there shall be substituted “ person””; and
- (e) for subsection (5) there shall be substituted—
- “(5) The Council may charge such reasonable fees as they consider appropriate in respect of the admission of any person as a notary public.”.
- (3) In section 58 of that Act (removal from and restoration to the register of names of notaries public)—
- (a) in subsection (1), for the words from “give” to the end there shall be substituted “ strike off or, as the case may be, remove his name from the register of notaries public””;
- (b) in subsection (2), for the words from “it” to “thereupon” there shall be substituted “ the Council shall forthwith””;
- (c) at the end of that section there shall be added the following subsections—
- “(3) Where a person who is both a solicitor and a notary public is suspended from practising as a solicitor under this Act the Council shall forthwith remove the person’s name from the register of notaries public.
- (4) If the suspension of such a person as is mentioned in subsection (3) is terminated or otherwise comes to an end the Council shall restore the person’s name to the register.”.

Annotations:

Commencement Information

II S. 37 wholly in force at 20.7.1992 see s. 75(2) and S.I. 1992/1599, art.4, Sch. 2.

Changes to legislation:

Law Reform (Miscellaneous Provisions) (Scotland) Act 1990, Section 37 is up to date with all changes known to be in force on or before 30 January 2018. 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.

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\(11\)](#)