

COUNCIL OF THE LAW SOCIETY OF SCOTLAND ACT 2003

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 2: Committees and sub-committees of the Council of the Law Society of Scotland

24. **Section 2** amends Schedule 1 to the 1980 Act to give effect to the second and third proposals mentioned above.
25. The Council is required by paragraph 2 of Schedule 1 to prepare a scheme providing for various matters including the constitution, election and proceedings of the Council and “(d) the appointment and constitution of committees”. Paragraph 3 of that Schedule allows the scheme to contain certain other matters. In terms of paragraph 4 of that Schedule, a scheme requires to be approved by a majority of the members present in person or by proxy at a general meeting of the Society before it can come into effect.
26. Subsection (2) of section 2 amends paragraph 2(d) of that Schedule so as to require the scheme to provide for the appointment and constitution not only of committees but of sub-committees as well. The existing scheme for the constitution of the Council will require to be amended to provide for such matters and, when this is done, this will remove any doubt about the power of the Council to provide for the appointment of sub-committees.
27. Subsection (3) of section 2 amends paragraph 3 of that Schedule so as to enable the scheme to make provision for the appointment of non solicitors to be members of a committee or sub-committee of the Council. It should be noted that non-solicitors feature as members of the Society’s committees at the moment but it is thought appropriate to provide this statutory power. It also enables provision to be made for such non-solicitors to form a majority of the members of the committee or sub-committee. The existing scheme for the constitution of the Council may therefore be amended to provide for such matters and, when this is done, this will remove any doubt about the power of the Council to provide for the appointment of such non-solicitors.