

SOLICITORS IN THE SUPREME COURTS OF SCOTLAND (AMENDMENT) ACT 2021

EXPLANATORY NOTES

SUMMARY OF AND BACKGROUND TO THE ACT

4. The SSC Society was incorporated by a Royal Charter dated 24 January 1797 and sealed on 23 February 1797. In 1817, some of the members of the SSC Society established a scheme for the provision of annuities for widows and orphans of members. In due course, the society sought to make membership of the Widows and Orphans' Fund compulsory for all members and also to incorporate various bye-laws, regulations, minutes and resolutions made over the previous 74 years or so. It was then deemed expedient to re-incorporate the SSC Society and that was done by a private Act of Parliament. Further legislation was thought unnecessary, or at any rate was not pursued, until an amending Act of 1979.
5. Conditions, socially and financially, have changed in modern Scotland. In particular, firstly, while members continue to apply to join on a frequent and regular basis the numbers have not been as high as they have been in the past. Membership of the SSC Society is voluntary (unlike membership of the Law Society of Scotland, which is a requirement in law for all solicitors qualified in Scotland) and there appears to be a tendency now amongst recently qualified solicitors in Scotland not to join legal societies in the manner in which they did until recent years. Moreover, secondly, the demographic balance of the membership has altered so there is an increasing number of members in the category described as 'retired' rather than in practice. This raises possible doubts about the long-term viability of the SSC Society, doubts that may come to nothing. Finally, the concept of marriage and partnership has altered markedly in recent generations and it is thought desirable to reflect that in the definitions and rules of the society.
6. The President and the Council of the SSC Society, accordingly, wished to amend the existing legislation to reflect the reality of the Scotland in which the Society exists and its members live and work. There is no known call for, or even any thought of, the Society ceasing to exist, but it has to be recognised, with the altered demographic balance among the membership, that the continued viability of the society may become uncertain. The terms of the 1871 Act suggest that the founding members and those engaged in promoting that legislation did not expect the SSC Society ever to go out of business.
7. The Act introduces into the 1871 Act additional statutory powers to allow for the better administration of the SSC Society.