

SCHEDULES

SCHEDULE 1

PART I

INCORPORATION OF SOLICITORS' PRACTICES

Solicitors (Scotland) Act 1980 c. 46

- 12 In section 34 (rules as to professional practice, conduct and discipline)—
- (a) in subsection (1) at the end there shall be inserted the words " and incorporated practices " ;
 - (b) after subsection (1) there shall be inserted the following subsection—
 - “(1A) Rules made under this section may—
 - (a) provide as to the management and control by—
 - (i) solicitors holding practising certificates or their executors ;
 - (ii) other incorporated practices
of bodies corporate carrying on businesses consisting of the provision of professional services such as are provided by individuals and firms practising as solicitors being bodies the membership of which is restricted to such solicitors, executors and other incorporated practices ;
 - (b) prescribe the circumstances in which such bodies may be recognised by the Council as being suitable to undertake the provision of any such services ;
 - (c) prescribe the conditions which (subject to any exceptions provided by the rules) must at all times be satisfied by bodies corporate so recognised if they are to remain so recognised (which bodies, when and for so long as so recognised, are in this Act referred to as "incorporated practices ;
 - (d) regulate the conduct of the affairs of incorporated practices ; and
 - (e) provide—
 - (i) for the manner and form in which applications for recognition under this section are to be made, and for the payment of fees in connection with such applications ;
 - (ii) for regulating the names that may be used by incorporated practices ;

Status: This is the original version (as it was originally enacted).

- (iii) as to the period for which any recognition granted under this section shall (subject to the provisions of this Act) remain in force ;
 - (iv) for the revocation of any such recognition on the grounds that it was granted as a result of any error or fraud ;
 - (v) for the keeping by the Society of a list containing the names and places of business of all incorporated practices and for the information contained in any such list to be available for inspection;
 - (vi) for rules made under any provision of this Act to have effect in relation to incorporated practices with such additions, omissions or other modifications as appear to the Council to be necessary or expedient;
 - (vii) for empowering the Council to take such steps as they consider necessary or expedient to ascertain whether or not any rules applicable to incorporated practices by virtue of this section are being complied with.”
- (c) after subsection (4) there shall be inserted the following subsections—
- “(4A) A certificate purporting to be signed by an officer of the Society and stating that any body corporate is or is not an incorporated practice shall, unless the contrary is proved, be sufficient evidence of that fact.
 - (4B) Subject to the provisions of this Act, the Secretary of State may, by order made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament, provide for any enactment or instrument passed or made before the commencement of section (1A) above and having effect in relation to solicitors to have effect in relation to incorporated practices with such additions, omissions, or other modifications as appear to him to be necessary or expedient.”.