
Changes to legislation: Law Reform (Miscellaneous Provisions) (Scotland) Act 1985, Part II is up to date with all changes known to be in force on or before 11 April 2024. 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

SCHEDULES

SCHEDULE 1

PART II

AMENDMENTS OF LEGAL AID AND SOLICITORS (SCOTLAND) ACT 1949 AND SOLICITORS (SCOTLAND) ACT 1980

Legal Aid and Solicitors (Scotland) Act 1949 (c. 63)

1 Section 25 (provisions as to taking apprentices) is hereby repealed.

Solicitors (Scotland) Act 1980 (c. 46)

2 In section 6 (admission as solicitor)—

- (a) in subsection (1)(b) the words “by affidavit or otherwise” are hereby repealed.
- (b) after subsection (3) there shall be inserted the following subsections—

“(3A) The Council may petition the court for the admission as a solicitor of an applicant who has complied with the requirements of subsection (1) above; and, where it does so it shall lodge the petition not later than one month after the applicant has first so complied.

(3B) The Court shall, on a petition being made to it under subsection (3A) above, make an order admitting the applicant as a solicitor.”.

3 Section 15(2)(a) (Council to have discretion as to issue of practising certificates where applicant still has to serve post-qualifying year of practical training) is hereby repealed.

4 In section 35(1) (power to make accounts rules)—

- (a) the word “and” immediately preceding paragraph (d) shall be omitted;
- (b) after that paragraph there shall be added the following—

“; and

- (e) as to the recovery from solicitors of fees and other costs incurred by the Council in ascertaining whether or not a solicitor who has failed to comply with the accounts rules has remedied that failure and is complying with the rules.”.

5 Section 48 (restriction on number of apprentices) is hereby repealed.

6 After section 62 there shall be inserted the following section—

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“62A Council’s power to recover expenses incurred under section 38, 45 or 46.

- (1) Without prejudice to the Society’s entitlement under section 46(4) to recover expenses, the Council shall be entitled to recover from a solicitor or incorporated practice in respect of whom it has taken action under section 38, 45 or 46, any expenditure reasonably incurred by it in so doing.
- (2) Expenditure incurred in taking action under section 38 is recoverable under subsection (1) above only where notice has been served under paragraph 5(2) of Schedule 3 in connection with that action and—
 - (a) no application has been made in consequence under paragraph 5(4) of that Schedule; or
 - (b) the Court, on such an application, has made a direction under paragraph 5(5) of that Schedule.”.

7 In Schedule 1 (constitution etc. of the Law Society of Scotland)—

- (a) for paragraph 6 (subscriptions) there shall be substituted the following paragraphs—
 - “6 Subject to paragraph 7, every member of the Society shall, for each year, pay to the Society such subscription as may be fixed from time to time by the Society in general meeting.
 - 6A The subscription payable under paragraph 6 by a practising member (or the proportion of it so payable, calculated by reference to the number of months remaining in the practice year) shall be paid at the time of submission of his application for a practising certificate.”;
- (b) in paragraph 7 (subscription in first three years of enrolment)—
 - (i) the word “annual”, in both places where it occurs, is hereby repealed;
 - (ii) after the word “year” there shall be inserted the words “ or part thereof ”; and
 - (iii) there shall be added at the end the words “ (reduced, in the case of a solicitor first included in the roll for only part of a year, in that year proportionately) ”; and
- (c) after the said paragraph 7 there shall be inserted the following paragraphs—
 - “7A The Society shall have power, subject to paragraphs 7B to 7D, to impose in respect of any year a special subscription on all members of the Society of such amount and payable at such time and for such specified purpose as it may determine.
 - 7B The Society may determine that an imposition under paragraph 7A shall not be payable by any category of member or shall be abated as respects any category of member.
 - 7C An imposition under paragraph 7A or a determination under that paragraph or paragraph 7B may be made only in general meeting.
 - 7D No imposition may be made under paragraph 7A above unless a majority of those members entitled to attend and vote at the general

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meeting at which it is proposed has, whether by proxy or otherwise, voted in favour of its being made.”.

- 8 In Schedule 3 (the Scottish Solicitors Guarantee Fund)—
- (a) in paragraph 1(1) (annual contributions to Guarantee Fund) the words “not exceeding the sum of £25” are hereby repealed.
 - (b) in paragraph 1(3) (Council to fix amount of contributions for each year by previous 31 July) for the words “31 July” there shall be substituted the words “30 September”; and
 - (c) paragraph 1(7) (limit to special contributions to Guarantee Fund) is hereby repealed.

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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. 8(5A) inserted by [2007 asp 3 s. 48\(3\)](#)