



Law Reform (Miscellaneous Provisions) (Scotland) Act 1990

1990 CHAPTER 40

PART II

LEGAL SERVICES

Rights of audience

25 Rights to conduct litigation and rights of audience.

- (1) Any professional or other body may, for the purpose of enabling any of their members who is a natural person to acquire—
 - (a) rights to conduct litigation on behalf of members of the public; and
 - (b) rights of audience,make an application in that regard to the Lord President and the Secretary of State.
- (2) An application under subsection (1) above shall include a draft scheme—
 - (a) specifying—
 - (i) the courts;
 - (ii) the categories of proceedings;
 - (iii) the nature of the business; and
 - (iv) the rights to conduct litigation and the rights of audience, in relation to which the application is made;
 - (b) describing—
 - (i) the training requirements which the body would impose upon any of their members who sought to acquire any right such as is mentioned in subsection (1) above; and
 - (ii) the code of practice which they would impose upon their members in relation to the exercise by those members of any rights acquired by them by virtue of [F1 section 27 of this Act],

Changes to legislation: Law Reform (Miscellaneous Provisions) (Scotland) Act 1990, Section 25 is up to date with all changes known to be in force on or before 22 August 2023. 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

- in the event of the application being granted; and
- (c) proposing arrangements for—
- (i) the indemnification of members of the public against loss suffered by them through the actings of the body's members in the exercise by those members of any rights acquired by them by virtue of [F²section 27 of this Act in the event of the application being granted]; and
 - (ii) the treatment by the body of complaints [F³remitted to the body under section [F⁴6(2)(a)] or 15(5)(a) of the 2007 Act] in relation to F⁵... members of the body exercising rights acquired by virtue of [F⁶section 27 of this Act in the event of the application being granted],
- and shall state that the body have complied with the provisions of Schedule 2 to this Act.
- (3) A code of practice such as is mentioned in subsection (2)(b)(ii) above shall include provision with regard to revoking, suspending or attaching conditions to the exercise of any right acquired by a member of the body by virtue of [F⁷section 27 of this Act] in consequence of a breach by that member of that code of practice; and shall in particular include provision enabling the body to comply with the provisions of section 27(4) of this Act.
- (4) A draft scheme submitted under this section shall also include the proposals of the body in relation to such other matters as may be prescribed by the Secretary of State in regulations made under this section.
- (5) Regulations under this section shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) Schedule 2 shall have effect in relation to the publication of applications made under subsection (1) above.

Textual Amendments

- F1** Words in s. 25(2)(b)(ii) substituted (19.3.2007) by [Legal Profession and Legal Aid \(Scotland\) Act 2007 \(asp 5\)](#), s. 82(2), [Sch. 5 para. 3\(10\)\(a\)](#) (with s. 77); S.S.I. 2007/140, art. 2(f)
- F2** Words in s. 25(2)(c)(i) substituted (19.3.2007) by [Legal Profession and Legal Aid \(Scotland\) Act 2007 \(asp 5\)](#), s. 82(2), [Sch. 5 para. 3\(10\)\(b\)](#) (with s. 77); S.S.I. 2007/140, art. 2(f)
- F3** Words in s. 25(2)(c)(ii) substituted (19.3.2007) by [Legal Profession and Legal Aid \(Scotland\) Act 2007 \(asp 5\)](#), s. 82(2), [Sch. 5 para. 3\(10\)\(c\)\(i\)](#) (with s. 77); S.S.I. 2007/140, art. 2(f)
- F4** Word in s. 25(2)(c)(ii) substituted (1.1.2015) by [The Scottish Legal Complaints Commission \(Modification of Duties and Powers\) Regulations 2014 \(S.S.I. 2014/232\)](#), regs. 1(2), [3\(3\)](#) (with reg. 4)
- F5** Words in s. 25(2)(c)(ii) repealed (19.3.2007) by [Legal Profession and Legal Aid \(Scotland\) Act 2007 \(asp 5\)](#), s. 82(2), [Sch. 5 para. 3\(10\)\(c\)\(ii\)](#) (with s. 77); S.S.I. 2007/140, art. 2(f)
- F6** Words in s. 25(2)(c)(ii) substituted (19.3.2007) by [Legal Profession and Legal Aid \(Scotland\) Act 2007 \(asp 5\)](#), s. 82(2), [Sch. 5 para. 3\(10\)\(c\)\(iii\)](#) (with s. 77); S.S.I. 2007/140, art. 2(f)
- F7** Words in s. 25(3) substituted (19.3.2007) by [Legal Profession and Legal Aid \(Scotland\) Act 2007 \(asp 5\)](#), s. 82(2), [Sch. 5 para. 3\(10\)\(d\)](#) (with s. 77); S.S.I. 2007/140, art. 2(f)

Commencement Information

- I1** S. 25 in force at 19.3.2007 by [S.S.I. 2007/141](#), [art. 2\(a\)](#)

Changes to legislation:

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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. 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\(11\)](#)