

*These notes relate to the Council of the Law Society of Scotland
Act 2003 (asp 14) which received Royal Assent on 1 May 2003*

COUNCIL OF THE LAW SOCIETY OF SCOTLAND ACT 2003

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 1: Discharge of functions of the Council of the Law Society of Scotland

Delegation to an individual

16. A question arose in England and Wales under section 74 of the [Solicitors Act 1974 \(c.47\)](#) as to whether the Council was required to delegate to a named individual rather than simply to the holder of a particular office from time to time, such as the director and assistant director of the Solicitors Complaints Bureau. The Court of Appeal held that the latter was sufficient in **R v The Law Society ex parte Curtin 1993 TLR 620** but it is not clear whether this was because the function involved in that case was a regulatory function as distinct from a disciplinary function. In order to avoid such a question arising under this Act, subsection (6) of the new section 3A provides that the individual to whom functions may be delegated may be identified by name or by reference to the post or office which that individual holds. This will enable the functions to be delegated to, for example, the Secretary or Director of the Society, without naming that person.