



Legal Services (Scotland) Act 2010

2010 asp 16

PART 4

THE LEGAL PROFESSION

CHAPTER 3

SOLICITORS AND OTHER REPRESENTATIVES

Guarantee Fund

129 Contributions to the Fund

(1) In Schedule 3 (the Scottish Solicitors Guarantee Fund) to the 1980 Act, in paragraph 1—

- (a) in sub-paragraph (2A)—
 - (i) the words “directors of incorporated practices” become head (a),
 - (ii) after “directors” (in that head), insert “or members”,
 - (iii) after that head (as so numbered) insert “, or
 - (b) investors in licensed legal services providers.”,
- (b) in sub-paragraph (2B)—
 - (i) the words from “by every” to the end become head (a),
 - (ii) in that head (as so numbered), for “scale of such” substitute “relevant scale of annual corporate”,
 - (iii) after that head (as so numbered) insert “, and
 - (b) by every licensed provider, in respect of each year during which or part of which it operates as such under the licence issued by its approved regulator, a contribution (also an “annual corporate contribution”) in accordance with the relevant scale of annual corporate contributions referred to in sub-paragraph (3).”,
- (c) in sub-paragraph (3)—

Status: This is the original version (as it was originally enacted).

- (i) for “scale” in the first place where it occurs substitute “scales”,
- (ii) the words from “, which scale” to the end are repealed,
- (d) after sub-paragraph (3) insert—
 - “(3A) The scales of annual corporate contributions—
 - (a) are to be fixed under sub-paragraph (3) by reference to all relevant factors, including—
 - (i) in the case of incorporated practices, the number of solicitors that they have as directors, members or employees,
 - (ii) in the case of licensed providers, the number of solicitors that they have as investors or employees,
 - (b) may otherwise make different provision as between incorporated practices and licensed providers.”,
 - (e) in sub-paragraph (4), after “incorporated practice” insert “or a licensed provider”,
 - (f) in sub-paragraph (5), after “incorporated practice” insert “and licensed provider”,
 - (g) in sub-paragraph (8), after “incorporated practice” insert “or a licensed provider”.
- (2) In Schedule 3 to the 1980 Act, after paragraph 1B insert—
 - “1C (1) Paragraph 1 applies to a conveyancing or executry practitioner as it applies to a solicitor.
 - (2) But it does so with the following of its provisions to be disregarded—
 - (a) the reference in sub-paragraph (1) to an application for a practising certificate,
 - (b) sub-paragraphs (2), (2A), (6) and (9).
 - (3) If a conveyancing or executry practitioner fails to pay an annual contribution due by virtue of this paragraph, the Council may suspend (pending payment) the relevant entry in the register maintained by them under section 17(1) or 18(1) of the 1990 Act.
 - (4) For the purposes of section 43 and this paragraph, the references to a conveyancing or executry practitioner (or conveyancing or executry services) are to be construed in accordance with section 23 of the 1990 Act.”.
- (3) In Schedule 3 to the 1980 Act, in paragraph 3(2)—
 - (a) for “and incorporated practices” substitute “, incorporated practices and licensed providers”,
 - (b) for “or incorporated practice or practices” substitute “, incorporated practice or practices or licensed provider or providers”.