



Solicitors (Scotland) Act 1980

1980 CHAPTER 46

PART II

RIGHT TO PRACTISE AS A SOLICITOR

Unqualified persons acting as solicitors

31 Offence for unqualified person to pretend to be solicitor

Any unqualified person (including a body corporate) who either by himself or together with others, wilfully and falsely—

- (a) pretends to be a solicitor or notary public ; or
- (b) takes or uses any name, title, addition or description implying that he is duly qualified to act as a solicitor or a notary public or recognised by law as so qualified ;

shall be guilty of an offence.

32 Offence for unqualified person to prepare certain documents

(1) Subject to the provisions of this section, any unqualified person (including a body corporate) who draws or prepares—

- (a) any writ relating to heritable or moveable estate; or
- (b) any writ relating to any legal proceedings; or
- (c) any papers on which to found or oppose an application for a grant of confirmation in favour of executors,

shall be guilty of an offence.

(2) Subsection (1) shall not apply—

- (a) to an unqualified person if he proves that he drew or prepared the writ or papers in question without receiving, or without expecting to receive, either directly or indirectly, any fee, gain or reward ; or
- (b) to an advocate; or

Status: This is the original version (as it was originally enacted).

- (c) to any public officer drawing or preparing writs in the course of his duty ; or
- (d) to any person employed merely to engross any writ.

(3) In this section " writ " does not include—

- (a) a will or other testamentary writing;
- (b) a document in *re mercatoria*, missive or mandate;
- (c) a letter or power of attorney;
- (d) a transfer of stock containing no trust or limitation thereof.

33 Unqualified persons not entitled to fees, etc.

No fee, reward, outlay or expenses on account of or in relation to any act or proceeding done or taken by any person who—

- (a) acts as a solicitor or as a notary public without being duly qualified so to act; or
- (b) not being so qualified, gives legal advice or frames or draws any writs to which section 32 applies,

shall be recoverable by any person in any action or matter.