

SCHEDULE

Regulation 12

Consequential amendments and further transitional provision

Solicitors (Scotland) Act 1980

1.—(1) The Solicitors (Scotland) Act 1980(1) is amended as follows.

(2) In section 12A (keeping the register)(2)—

- (a) in subsection (1) after “2000” insert “as those regulations have effect by virtue of regulation 6 or 7 of the Services of Lawyers and Lawyer’s Practice (EU Exit) (Scotland) (Amendment etc.) Regulations 2019”,
- (b) in subsection (2) after “regulations” insert “as it has effect by virtue of regulation 6 or 7 of the Services of Lawyers and Lawyer’s Practice (EU Exit) (Scotland) (Amendment etc.) Regulations 2019”.

(3) In section 25A (rights of audience in the Court of Session, the Supreme court, the Judicial Committee of the Privy Council and the High Court of Justiciary)(3), in subsection (1), after “2000” insert “as those regulations have effect by virtue of regulation 6 or 7 of the Services of Lawyers and Lawyer’s Practice (EU Exit) (Scotland) (Amendment etc.) Regulations 2019”.

(4) In section 26 (offence for solicitors to act as agents for unqualified persons), after subsection (4), insert—

“(5) In this section, any reference to the European Communities (Lawyer’s Practice) (Scotland) Regulations 2000 is to those Regulations as they have effect by virtue of the Services of Lawyers and Lawyer’s Practice (EU Exit) (Scotland) (Amendment etc.) Regulations 2019.”.

(5) In section 32 (offence for unqualified persons to prepare certain documents) in subsection (1) after “2000” insert “as those regulations have effect by virtue of regulation 6 or 7 of the Services of Lawyers and Lawyer’s Practice (EU Exit) (Scotland) (Amendment etc.) Regulations 2019”.

(6) In section 33 (unqualified persons not entitled to fees, etc.) in subsection (1) after “2000” insert “as those regulations have effect by virtue of regulation 6 or 7 of the Services of Lawyers and Lawyer’s Practice (EU Exit) (Scotland) (Amendment etc.) Regulations 2019”.

(7) In section 65(1) (interpretation), in the definition of “registered European lawyer”, after “2000” insert “, as those Regulations have effect by virtue of regulation 6 or 7 of the Services of Lawyers and Lawyer’s Practice (EU Exit) (Scotland) (Amendment etc.) Regulations 2019”.

(8) In schedule 3 (the Scottish solicitors guarantee fund), in paragraph 1A(4)—

- (a) in sub-paragraph (2)(a), after “home State” insert “or Switzerland, in the case of a Swiss lawyer within the meaning of regulation 7(2) of the Services of Lawyers and Lawyer’s Practice (EU Exit) (Scotland) (Amendment etc.) Regulations 2019”,
- (b) in sub-paragraph (5), after “2000” insert “as that regulation has effect by virtue of regulation 6 or 7 of the Services of Lawyers and Lawyer’s Practice (EU Exit) (Amendment etc.) (Scotland) Regulations 2019.

(1) [1980 c.46](#), as relevantly amended by schedule 8, paragraph 29(5)(c) of, the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (c.40), schedule 4, paragraph 31 of, the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995 (c.40), [S.S.I. 2000/121](#), [S.S.I. 2004/383](#), [S.S.I. 2005/465](#), schedule 2, paragraph 1 of, the Adult Support and Protection (Scotland) Act 2007 (asp 10), sections 123(1), 123(5) 125(1), 128(1)(a)(i), 133(2), 134(2), 135(2), 137(3) and (4) and 138(1) of, the Legal Services (Scotland) Act 2010 (asp 16), and [S.I. 2017/1301](#).

(2) Section 12A was inserted by schedule 1, paragraph 1(2) of, the European Communities (Lawyer’s Practice) (Scotland) Regulations 2000/121.

(3) Section 25A was inserted by section 24 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990.

(4) Paragraph 1A was inserted by schedule 1, paragraph 1(13) of, the European Communities (Lawyer’s Practice) (Scotland) Regulations 2000/121.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: *The Services of Lawyers and Lawyer's Practice (EU Exit) (Scotland) (Amendment etc.) Regulations 2019 No. 127*

2.—(1) The provisions of the Solicitors (Scotland) Act 1980⁽⁵⁾ mentioned in paragraph (2) continue to have effect as applied by regulation 37(2) and schedule 2 of the 2000 Regulations as if not revoked by regulation 3—

- (a) on or after exit day, in relation to an individual who—
 - (i) was a registered European lawyer (within the meaning of regulation 2(1) of the 2000 Regulations as it had effect immediately before exit day), registered with the Law Society of Scotland, at a time before exit day, but
 - (ii) is not an individual to whom regulation 6 or 7 of these Regulations applies,
- (b) at or after the end of the transitional period, in relation to an individual who is on or after exit day registered with the Law Society of Scotland under regulation 17 of the 2000 Regulations (registration by professional body), as that regulation has effect by virtue of regulation 6 or 7 of these Regulations,

as those provisions had effect before exit day in relation to an individual who had ceased to be registered with the Law Society of Scotland under regulation 17 of the 2000 Regulations.

(2) The provisions referred to in sub-paragraph (1) are—

- (a) section 34 (rules as to professional practice, conduct and discipline),
- (b) section 42C (powers to examine documents and demand explanations in connection with complaints),
- (c) section 43 (guarantee fund),
- (d) section 44 (professional indemnity),
- (e) section 45 (safeguarding interests of clients of solicitor struck off or suspended),
- (f) section 46 (safeguarding interests of clients in certain other cases),
- (g) section 47 (restriction on employing solicitor struck off or suspended),
- (h) section 51 (complaints to tribunal),
- (i) section 52(1) and (2) (procedure on complaints and appeals to Tribunal),
- (j) section 53 (powers of tribunal),
- (k) section 53D (suspension etc. of investment business certificates: appeal to Tribunal),
- (l) section 54 (appeals from decisions of Tribunal),
- (m) section 55 (powers of court),
- (n) section 56 (saving for jurisdiction of courts),
- (o) paragraph 4(1) and (4) of Part 1 of schedule 3, and
- (p) schedule 4 (constitution, procedure and powers of tribunal).

(5) 1980 c.46, as relevantly amended by sections 21B and 31(3), schedule 8, paragraphs 29(9), 29(10), 29(12), 29(17)(a)(i) to (iii), 29(17)(b) to (e), 29(17)(f)(ii), and 29(17)(g), 31(3)(b) and schedule 9 of, the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 c.40, S.I. 1992/2890, S.I. 1999/1042, S.I. 1999/1820, S.S.I. 2000/121, S.I. 2001/3649, section 2(3) to, the Enterprise Act 2002 c.40, sections 13(b) and (c)(i) to, the Public Appointments and Public Bodies etc. (Scotland) Act 2003 (asp 4), S.S.I. 2004/383, sections 56(1) to (2), 57(1), 58(2) to (6), 60(2), and schedule 5, paragraphs 1(6), 1(13), 1(14), 1(15), 1(16), 1(17), 1(18)(a) to (c), (19), (20), (21) and (26) of, the Legal Profession and Legal Aid (Scotland) Act 2007 (asp 5), schedule 23, paragraph 1 of, the Legal Services Act 2007 (c.29), S.S.I. 2008/332, 124(2)(a), 128(1) to (2), 129(1), 130(a), 136(2) and 139 of, the Legal Services (Scotland) Act 2010 (asp 16), S.S.I. 2011/235, S.I. 2017/692, S.I. 2018/1337, and schedule 1 paragraph 4 of, the Civil Litigation (Expenses and Group Proceedings) (Scotland) Act 2018 (asp 10). There are other amending instruments not relevant to these Regulations.