



Solicitors (Scotland) Act 1980

1980 CHAPTER 46

PART II **S**

RIGHT TO PRACTISE AS A SOLICITOR

[^{F1} Register of European lawyers^{F1}

Textual Amendments

F1 Ss. 12A-12D inserted (22.5.2000) by S.S.I. 2000/121, regs. 1(1), 37(1), Sch. 1 para. 1(2)

12A Keeping the register **S**

- (1) The Council shall establish and maintain the register referred to in regulation 15 of the European Communities (Lawyer's Practice) (Scotland) Regulations 2000 [^{F2}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], and shall keep the register at the office of their secretary.
- (2) The register shall consist of the names in alphabetical order of all European lawyers entered on it in accordance with regulation 17 of those regulations [^{F3}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].
[The register is also to record against the name of each lawyer entered on it the ^{F4}(2A) address of the place of business of that lawyer and related information (as given under section 12B(1)).]
- (3) Any person may inspect the register during office hours without payment.
- (4) Schedule 2 (powers of Council in relation to roll of solicitors) shall apply to the register as it does to the roll and in its application to the register the words "section 7(3)" in paragraph 4 shall be read as if the words "section 12A" were substituted therefor.

Changes to legislation: Solicitors (Scotland) Act 1980, Cross Heading: Register of European lawyers is up to date with all changes known to be in force on or before 10 June 2024. 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

Textual Amendments

- F2** Words in s. 12A(1) inserted (31.12.2020) by [The Services of Lawyers and Lawyer's Practice \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2019 \(S.S.I. 2019/127\)](#), reg. 1(1), **sch. para. 1(2)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in s. 12A(2) inserted (31.12.2020) by [The Services of Lawyers and Lawyer's Practice \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2019 \(S.S.I. 2019/127\)](#), reg. 1(1), **sch. para. 1(2)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F4** S. 12A(2A) inserted (1.5.2011) by [Legal Services \(Scotland\) Act 2010 \(asp 16\)](#), **ss. 134(2)**, 150(2); S.S.I. 2011/180, art. 4(a)

^{F5}12B Information to be provided by registered European lawyers **S**

- (1) Any registered European lawyer—
- (a) shall, on registration, inform the Council in writing of the address of his place of business, his home professional title, and the name and address of the competent authority with which he is registered in his home state; and
 - (b) shall thereafter inform the Council of any change to the information required under paragraph (a) above.
- (2) The Council shall issue a registration to any registered European lawyer who applies for it.

Textual Amendments

- F5** [Ss. 12A-12D](#) inserted (22.5.2000) by [S.S.I. 2000/121](#), regs. 1(1), 37(1), **Sch. 1 para. 1(2)**

^{F6}12C Removal of name from register on request **S**

[A registered European lawyer who wishes his name, or any annotation made against ^{F7}(1) his name under section 25A(3), to be removed from the register may make an application to the Council in that behalf, and the Council shall^{F8}... remove the name of that solicitor, or, as the case may be, the annotation against his name, from the register.]

- [^{F9}(2) But the Council are required to remove the name or annotation only if they are satisfied that—
- (a) the solicitor has made adequate arrangements with respect to the business which the solicitor then has in hand, and
 - (b) it is otherwise appropriate to do so.]

Textual Amendments

- F6** [Ss. 12A-12D](#) inserted (22.5.2000) by [S.S.I. 2000/121](#), regs. 1(1), 37(1), **Sch. 1 para. 1(2)**
- F7** [S. 12C](#) renumbered as s. 12C(1) (1.5.2011) by [Legal Services \(Scotland\) Act 2010 \(asp 16\)](#), **ss. 135(2)(a)**, 150(2); S.S.I. 2011/180, art. 4(a)
- F8** Words in s. 12C(1) repealed (1.5.2011) by [Legal Services \(Scotland\) Act 2010 \(asp 16\)](#), **ss. 135(2)(b)**, 150(2); S.S.I. 2011/180, art. 4(a)
- F9** [S. 12C\(2\)](#) inserted (1.5.2011) by [Legal Services \(Scotland\) Act 2010 \(asp 16\)](#), **ss. 135(2)(c)**, 150(2); S.S.I. 2011/180, art. 4(a)

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^{F10} **12D Restoration of name to register on request** **S**

- (1) Subject to subsection (2), a registered European lawyer whose name has been removed from the register shall be entitled to have his name restored to the register only if, on an application in that behalf made by him to the Tribunal and after such enquiry as the Tribunal thinks proper, the Tribunal so orders.
- (2) On an application to the Council by a registered European lawyer whose name, or any annotation against whose name, has been removed from the register under section 12C, the Council may, after such inquiry as they think proper, restore the name of the registered European lawyer or, as the case may be, the annotation, to the register.
- (3) Rules made by the Tribunal under section 52 may—
 - (a) regulate the making, hearing and determining of applications under subsection (1);
 - (b) provide for payment by the applicant to the council of such fee in respect of restoration to the register as the rules may specify.]

Textual Amendments

F10 Ss. 12A-12D inserted (22.5.2000) by S.S.I. 2000/121, regs. 1(1), 37(1), **Sch. 1 para. 1(2)**

Changes to legislation:

Solicitors (Scotland) Act 1980, Cross Heading: Register of European lawyers is up to date with all changes known to be in force on or before 10 June 2024. 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.

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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. 12A(2)(ba) inserted by [2010 asp 16 s. 118\(3\)](#)
- s. 32(1)(d) and word inserted by [2010 asp 16 s. 118\(2\)\(a\)\(i\)](#)
- s. 32(2D) inserted by [2010 asp 16 s. 118\(2\)\(a\)\(iv\)](#)
- Sch. 4 para. 1A(b)(iia) inserted by [2010 asp 16 s. 118\(2\)\(b\)](#)