

Status: Point in time view as at 01/08/1995.

Changes to legislation: Solicitors (Scotland) Act 1980, SCHEDULE 1 is up to date with all changes known to be in force on or before 15 July 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)

SCHEDULES

SCHEDULE 1

Section 1.

THE LAW SOCIETY OF SCOTLAND

Constitution and Proceedings

- 1 The Society shall be a body corporate with a common seal and may sue and be sued in its own name.
- 2 The Council shall prepare a scheme providing for—
 - (a) the constitution, election, and proceedings of the Council;
 - (b) the meetings of the Society;
 - (c) the appointment of a chairman, vice-chairman, secretary and other officers and employees of the Society;
 - (d) the appointment and constitution of committees.
- 3 The scheme prepared under paragraph 2—
 - (a) may make provision enabling the Council to admit as honorary members of the Society persons who have ceased to be practising solicitors, no such honorary member being entitled to vote at meetings of the Society or liable to pay an annual subscription;
 - (b) shall make provision for the admission on application made in that behalf and on payment of the annual subscription as a member of the Society of any solicitor who by virtue of the provisions of section 24 is exempted from taking out a practising certificate;
 - (c) may contain such other provisions with respect to the administration, management and proceedings of the Society as are considered necessary or proper and are consistent with the provisions of this Act.
- 4 A scheme prepared under paragraph 2 shall have effect on being approved by a resolution passed by a majority of the members present in person or by proxy at a general meeting of the Society, or at an adjournment of such meeting.
- 5 The Society may by a resolution passed by a majority consisting of not less than two-thirds of the members of the Society present in person or by proxy at a meeting of the Society of which due notice specifying the intention to propose the resolution has been given, or at any adjournment of such meeting, rescind, add to or amend any of the provisions of the scheme so approved.

Revenue

- [^{F16} Subject to paragraph 7, every member of the Society shall, for each year, pay to the Society such subscription as may be fixed from time to time by the Society in general meeting.]

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Textual Amendments

- F1** Paras. 6 and 6A substituted for para. 6 by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1985 \(c. 73, SIF 76:2\)](#), s. 56, [Sch. 1 Pt. II para. 7\(a\)](#)

6A The subscription payable under paragraph 6 by a practising member (or the proportion of it so payable, calculated by reference to the number of months remaining in the practice year) shall be paid at the time of submission of his application for a practising certificate.

7 The . . . ^{F2} subscription payable by a solicitor in respect of the year [^{F3}or part thereof] in which he is first included in the roll of solicitors and in respect of each of the two years immediately following shall be one half of the amount of the . . . ^{F2} subscription fixed under paragraph 6 [^{F4}(reduced, in the case of a solicitor first included in the roll for only part of a year, in that year proportionately)].

Textual Amendments

- F2** Word repealed by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1985 \(c. 73, SIF 76:2\)](#), s. 56, [Sch. 1 Pt. II para. 7\(b\)](#), Sch. 4
- F3** Words inserted by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1985 \(c. 73, SIF 76:2\)](#), s. 56, [Sch. 1 Pt. II para. 7\(b\)](#)
- F4** Words added by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1985 \(c. 73, SIF 76:2\)](#), s. 56, [Sch. 1 Pt. II para. 7\(b\)](#)

[^{F5}7A The Society shall have power, subject to paragraphs 7B to 7D, to impose in respect of any year a special subscription on all members of the Society of such amount and payable at such time and for such specified purposes as it may determine.]

Textual Amendments

- F5** Paras. 7A–7D inserted by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1985 \(c. 73, SIF 76:2\)](#), s. 56, [Sch. 1 Pt. II para. 7\(c\)](#)

7B The Society may determine that an imposition under paragraph 7A shall not be payable by any category of member or shall be abated as respects any category of member.

7C An imposition under paragraph 7A or a determination under that paragraph or paragraph 7B may be made only in general meeting.

7D No imposition may be made under paragraph 7A above unless a majority of those members [^{F6}voting] at the general meeting at which it is proposed has, whether by proxy or otherwise, voted in favour of its being made.

Textual Amendments

- F6** Word substituted by [Solicitors \(Scotland\) Act 1988 \(c. 42, SIF 76:2\)](#), s. 6(1), [Sch. 1 para. 21](#)

8 Except as otherwise provided in this Act, the expenses of the Society shall be defrayed out of the subscriptions and other income received by the Society or the Council and out of other property belonging to the Society.

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In this paragraph “expenses of the Society” includes the expenses of the Tribunal so far as not otherwise defrayed and any expenses incurred by the Council in the exercise of their functions under this Act, and the reasonable travelling and maintenance expenses of members of the Council or committees of the Council incurred in attending meetings of the Council or committees, or otherwise incurred in the business of the Society.

9 Paragraph 8 does not affect any trust constituted for a special purpose.

Powers

10 The Society may—

- (a) purchase or otherwise acquire land for any of the purposes of this Act;
- (b) sell, lease or otherwise dispose of land so acquired;
- (c) borrow for any of the purposes of this Act in such manner and on such security as they may determine;
- (d) invest any monies not immediately required to meet expenses and other outlays of the Society in any investment in which trustees in Scotland are by law authorised to invest (but nothing in this sub-paragraph prevents the investment of any monies forming any part of any property held in trust for a special purpose in any class of investment authorised by the deed constituting the trust);
- (e) accept any gift of property for the purposes of the Society;
- (f) accept, hold and administer any gift of property or hold as trustees any property for any purpose which the Society consider to be for the benefit of solicitors in Scotland or their dependants or employees or any substantial body of such solicitors or dependants or employees; and
- (g) subject to the provisions of this Act exercise the functions formerly exercised by the General Council of Solicitors in Scotland.

11 The Council may—

- (a) act for and in the name of the Society in any matter other than a matter which in accordance with the provisions of this Schedule is to be determined by the Society in general meeting;
- (b) without prejudice to any other powers they may have, take into consideration and make recommendations or representations with regard to any matters which are in their opinion of importance to solicitors in Scotland

^{F7} Exemption from liability for damages

Textual Amendments

F7 Sch. 1 para. 11A inserted (3.6.1991) by Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (c. 40, SIF 76:2), s. 74, Sch. 8 Pt. II para. 29(16); S.I. 1991/1252, art. 3, Sch. 1

^{F8}11A Neither the Society nor any of its officers or servants shall be liable in damages for anything done or omitted in the discharge or purported discharge of its functions unless the act or omission is shown to have been in bad faith.]

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Textual Amendments

F8 Sch. 1 para. 11A inserted (3.6.1991) by Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (c. 40, SIF 76:2), s. 74, **Sch. 8 Pt. II para. 29(16)**; S.I. 1991/1252, art. 3, **Sch.1**

Attestation

^{F9}12

Textual Amendments

F9 Sch. 1 para. 12 repealed (1.8.1995) by 1995 c. 7, s. 14(2), **Sch.5** (with ss. 9(3)(5)(7), 13, 14(3))

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