

Status: Point in time view as at 02/07/2012.

Changes to legislation: Solicitors (Scotland) Act 1980, Cross Heading: Grants 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 3

PART 1

THE SCOTTISH SOLICITORS GUARANTEE FUND

Grants

- 4 (1) Every application for a grant from the Guarantee Fund shall be in such form as may be prescribed by rules made under this Schedule and shall be accompanied, if so required, by the Council by a statutory declaration and the applicant shall produce to the Council such documents and other evidence as they demand.
- (2) The Council may, as a condition of making a grant out of the Guarantee Fund, require the person to whom the grant is made to assign to the Society at the expense of the Society any rights and remedies competent to him against the solicitor in question, his partner or employee [^{F1}or the incorporated practice in question or its employee] or any other person in respect of the loss.
- (3) A grant from the Guarantee Fund may at the discretion of the Council be paid in one sum or in such instalments as the Council may determine.
- [^{F2}(3A) The amount of an individual grant from the Guarantee Fund may not exceed £1.25 million.]
- (4) The Council may make rules with regard to the procedure to be followed in giving effect to the provisions of this Act relating to the Guarantee Fund, including matters to be prescribed thereunder, and also with respect to any matters incidental, ancillary or supplemental to those provisions or concerning the administration, management or protection of the Guarantee Fund.

Textual Amendments

F1 Words inserted by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1985 \(c. 73, SIF 76:2\)](#), s. 56, [Sch. 1 Pt. 1 para. 34\(c\)](#)

F2 [Sch. 3 para. 4\(3A\)](#) inserted (1.4.2011) by [Legal Services \(Scotland\) Act 2010 \(asp 16\)](#), [ss. 130\(a\)](#), 150(2); [S.S.I. 2011/180](#), art. 3, sch.

Modifications etc. (not altering text)

C1 [Sch. 3 para. 4\(1\)\(4\)](#) modified (1.10.2004) by [The Solicitors \(Scotland\) Act 1980 \(Foreign Lawyers and Multi-national Practices\) Regulations \(S.S.I. 2004/383\)](#), {reg. 14}

- [^{F35} (1) The Scottish Ministers may by regulations amend the sum specified in paragraph 4(3A).

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- (2) Before making regulations under sub-paragraph (1), the Scottish Ministers must consult the Council (and take account of sections 4 and 5 of the 2010 Act).
- (3) The power to make regulations under sub-paragraph (1) is exercisable by statutory instrument; but a statutory instrument containing any such regulations is not to be made unless a draft of the instrument has been laid before, and approved by resolution of, the Scottish Parliament.]

Textual Amendments

- F3** Sch. 3 para. 5 inserted (1.4.2011) by [Legal Services \(Scotland\) Act 2010 \(asp 16\)](#), **ss. 130(b)**, 150(2); [S.S.I. 2011/180](#), art. 3, Sch.

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