



# Solicitors (Scotland) Act 1980

## 1980 CHAPTER 46

### PART II

#### RIGHT TO PRACTISE AS A SOLICITOR

##### *Unqualified persons acting as solicitors*

### **32 Offence for unqualified persons 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 [<sup>F1</sup>action or proceedings in any court]; 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 [<sup>F2</sup>(other than by way of remuneration paid under a contract of employment)]; or
- (b) to an advocate; or
- (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 [<sup>F3</sup>or
- (e) an incorporated practice.]

[<sup>F4</sup>(2A) Subsection (1)(a) shall not apply to a qualified conveyancer providing conveyancing services within the meaning of section 23 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990.

(2B) Subsection (1)(b) shall not apply to a person who is, by virtue of an act of sederunt made under section 32 (power of Court of Session to regulate procedure) of the

*Status: Point in time view as at 01/02/1991. This version of this provision has been superseded.*

*Changes to legislation: Solicitors (Scotland) Act 1980, Section 32 is up to date with all changes known to be in force on or before 20 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)*

<sup>M1</sup>Sheriff Courts (Scotland) Act 1971, permitted to represent a party to a summary cause.

(2C) Subsection (1)(c) shall not apply to an executry practitioner or a recognised financial institution providing executry services within the meaning of section 23 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990.]

(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.

#### Textual Amendments

- F1** Words substituted by [Solicitors \(Scotland\) Act 1988 \(c. 42, SIF 76:2\)](#), s. 6(1), **Sch. 1 para. 7**
- F2** Words inserted by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1990 \(c. 40, SIF 76:2\)](#), s. 74, **Sch. 8 Pt. II para. 29(6)(a)**
- F3** S. 32(2)(e) inserted by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1985 \(c. 73, SIF 76:2\)](#), s. 56, **Sch. 1 Pt. I para. 9**
- F4** S. 32(2A)–(2C) inserted (*prosp.* except as to subsection (2B) the insertion of which is in force) by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1990 \(c. 40, SIF 76:2\)](#), ss. 74, 75(2), **Sch. 8 Pt. II para. 29(6)(b)**

#### Marginal Citations

- M1** 1971 c.58(36:3).

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