



Solicitors (Scotland) Act 1980

1980 CHAPTER 46

PART VI

MISCELLANEOUS AND GENERAL

General

65 Interpretation.

(1) In this Act, except in so far as the context otherwise requires—

“accounts rules” has the meaning given by section 35;

“accountant’s certificate rules” has the meaning given by section 37(3);

[^{F1}“accounts fee” has the meaning given by section 37A(1);]

“advocate” means a member of the Faculty of Advocates;

[^{F2}“anti-money laundering fee” has the meaning given by section 37A(1);]

[^{F3} “ building society ” means a building society within the meaning of the ^{M1} Building Societies Act 1986;]

[^{F4}“citizens advice body” means an association which is formed (and operates)—

(a) otherwise than for the purpose of making a profit, and

(b) with the sole or primary objective of providing legal and other advice (including information) to the public for no fee, gain or reward;]

“client account” means a current or deposit or savings account [^{F5}at a bank or with a building society], or a deposit receipt, at a bank, being an account or, as the case may be, a deposit receipt in the title of which the word “client”, “trustee”, “trust” or other fiduciary term appears, including—

(a) an account or deposit receipt for a client whose name is specified in the title of the account on deposit receipt, and

(b) an account such as is mentioned in paragraphs (a) and (b) of section 35(1);

[^{F6} “ the Commission ” means the Scottish Legal Complaints Commission;]

Status: Point in time view as at 31/12/2020.

Changes to legislation: Solicitors (Scotland) Act 1980, Section 65 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)

- [^{F7}“the CMA” means the Competition and Markets Authority;]
- [^{F7}“the CMA Board” has the same meaning as in Schedule 4 to the Enterprise and Regulatory Reform Act 2013;]
- “the Council” has the meaning given by section 3;
- “the Court” means the Court of Session;
- ^{F8}[^{F9} ...
- “ foreign lawyer ” means a person who is not a solicitor or an advocate but who is a member, and entitled to practise as such, of a legal profession regulated within a jurisdiction outwith Scotland;]
- ^{F10}
- “functions” includes powers and duties;
- ^{F11}
- [^{F12}“ incorporated practice ” has the meaning given by section 34(1A)(c);]
- “judge” includes sheriff;
- [^{F13} “ law centre ” means a body—
- (a) established for the purpose of providing legal services to the public generally as well as to individual members of the public; and
- (b) which does not distribute any profits made either to its members or otherwise, but reinvests any such profits for the purposes of the law centre;]
- [^{F14}“licensed legal services provider” (or “licensed provider”)” is to be construed in accordance with Part 2 of the 2010 Act;]
- ^{F15}
- “Lord President” means the Lord President of the Court of Session;
- ^{F16}[^{F17} ...
- “ multi-national practice ” means—
- (a) a partnership whose members are solicitors or incorporated practices and registered foreign lawyers; or
- (b) a body corporate whose members include registered foreign lawyers, and membership of which is restricted to solicitors, incorporated practices, registered foreign lawyers and other multi-national practices;]
- [^{F18} “ the 1990 Act ” means the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (c. 40);]
- [^{F19} “ the 2007 Act ” means the Legal Profession and Legal Aid (Scotland) Act 2007 (asp 5);]
- [^{F20} “ the 2010 Act ” means the Legal Services (Scotland) Act 2010;]
- “notary public” means a notary public duly admitted in Scotland;
- “practice year” means the year ending on 31st October;
- “practising certificate” has the meaning given by section 4;
- “property” includes property, whether heritable or moveable, and rights and interests in, to or over such property;
- [^{F21}“registered European lawyer” means a person registered with the Society in accordance with regulation 17 of the European Communities (Lawyer’s Practice) (Scotland) Regulations 2000 [^{F22}, 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];]

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[^{F23} “ registered foreign lawyer ” means a foreign lawyer who is registered under section 60A;]

[^{F24} “regulatory committee” means the regulatory committee formed in accordance with section 3B(1);]

“the roll” has the meaning given by section 7;

“the Society” has the meaning given by section 1;

[^{F25} “ Scottish legal services ombudsman ” means the ombudsman appointed under section 34 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990;]

“solicitor” means any person enrolled or deemed to have been enrolled as a solicitor in pursuance of this Act;

“the Tribunal” has the meaning given by section 50;

“unqualified person” means a person ^{F26}... who is not qualified under section 4 to act as a solicitor [^{F27};

“unsatisfactory professional conduct” as respects a solicitor has the meaning given (as respects a practitioner who is a solicitor) by section 46 of the 2007 Act].

- (2) Unless the context otherwise requires a reference—
- (a) in any enactment to law agents includes solicitors [^{F28}and registered European lawyers];
 - (b) in any enactment to the register of law agents kept in pursuance of the ^{M2}Law Agents (Scotland) Act 1873 includes the roll;
 - (c) in any enactment or instrument to the Solicitors Discipline (Scotland) Committee shall be construed as a reference to the Tribunal;
 - (d) in any enactment or instrument or other document to the General Council of Solicitors in Scotland shall be construed as a reference to the Council;
 - (e) in any enactment to a solicitor’s [^{F29}or registered European lawyer’s] being entitled to practise in the Court, or in any other court, or to act in any matter, by reason of his being enrolled in, or of his having subscribed, the list of solicitors practising in that court, shall be construed as a reference to his being entitled so to practise or act be reason of his name being included in the appropriate list provided under section 20.
- (3) In this Act references to any enactment shall, except in so far as the context otherwise requires, be construed as references to that enactment as amended, extended or applied by or under any other enactment, including any enactment contained in this Act.
- (4) In this Act, except in so far as the context otherwise requires,—
- (a) any reference to a numbered Part, section or Schedule is a reference to the Part or Section of, or the Schedule to, this Act so numbered;
 - (b) a reference in a section to a numbered subsection is a reference to the subsection of that section so numbered;
 - (c) a reference in a section, subsection or Schedule to a numbered or lettered paragraph is a reference to the paragraph of that section, subsection or Schedule so numbered or lettered; and
 - (d) a reference to any provision of an Act (including this Act) includes a reference to any Schedule incorporated in the Act by that provision.

[^{F30}(5) ^{F31}.....]

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Textual Amendments

- F1** Words in s. 65(1) inserted (1.5.2011) by Legal Services (Scotland) Act 2010 (asp 16), **ss. 138(2), 150(2)**; S.S.I. 2011/180, art. 4(a)
- F2** Words in s. 65(1) inserted (18.1.2018) by The Oversight of Professional Body Anti-Money Laundering and Counter Terrorist Financing Supervision Regulations 2017 (S.I. 2017/1301), regs. 1(1), **28(4)**
- F3** Definition inserted by Solicitors (Scotland) Act 1988 (c. 42, SIF 76:2), s. 6(1), **Sch. 1 para. 20(a)**
- F4** Words in s. 65(1) inserted (1.4.2011) by Legal Services (Scotland) Act 2010 (asp 16), **ss. 125(2), 150(2)**; S.S.I. 2011/180, art. 3, Sch.
- F5** Words inserted by Solicitors (Scotland) Act 1988 (c. 42, SIF 76:2), s. 6(1), **Sch. 1 para. 20(b)**
- F6** S. 65(1): definition of "the Commission" inserted (1.10.2008) by Legal Profession and Legal Aid (Scotland) Act 2007 (asp 5), ss. 81, 82, **Sch. 5 para. 1(23)(b)** (with s. 77); S.S.I. 2008/311, **art. 2**
- F7** Words in s. 65(1) inserted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 6 para. 14(1)(a)**; S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F8** Words in s. 65(1) omitted (1.4.2014) by virtue of Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 6 para. 14(1)(b)**; S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F9** Definitions in s. 65(1) 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(15)(a)**; S.I. 1991/1252, art. 3, **Sch. 1**
- F10** Definition, which was inserted by Law Reform (Miscellaneous Provisions) (Scotland) Act 1980 (c. 55, SIF 63:3), **s. 25(c)**, now repealed by Solicitors (Scotland) Act 1988 (c. 42, SIF 76:2), s. 6(2), **Sch. 2**
- F11** S. 65(1): definition of "inadequate professional services" repealed (1.10.2008) by Legal Services Act 2007 (c. 29), ss. 195, 210, 211, Sch. 20 para. 1(17)(a), **Sch. 23** (with ss. 29, 192, 193); S.I. 2008/1436, **art. 3**
- F12** Definition inserted by Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (c. 73, SIF 76:2), s. 56, **Sch. 1 Pt. I para. 33**
- F13** Definition inserted (17.3.1993) by Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (c. 40, SIF 76:2), s. 74, **Sch. 8 Pt. II para. 29(15)(b)**; S.I. 1993/641, art. 3, **Sch.**
- F14** Words in s. 65(1) inserted (2.7.2012) by Legal Services (Scotland) Act 2010 (asp 16), **ss. 123(6)(b), 150(2)**; S.S.I. 2012/152, art. 2, sch.
- F15** Definition in s. 65(1) repealed (15.8.1991) by Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (c. 40, SIF 76:2), s. 74, **Sch. 9**; S.I. 1991/1252, art. 4, **Sch. 2**
- F16** Words in s. 65(1) repealed (2.7.2012) by Legal Services (Scotland) Act 2010 (asp 16), **ss. 124(2)(e)(i), 150(2)**; S.S.I. 2012/152, art. 2, sch.
- F17** Definitions inserted (17.3.1993) by Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (c. 40, SIF 76:2), s. 74, **Sch. 8 Pt. II para. 29(15)(c)**; S.I. 1993/641, art. 3, **Sch.**
- F18** S. 65(1): definition of "the 1990 Act" inserted (15.8.2003) by Public Appointments and Public Bodies etc. (Scotland) Act 2003 (asp 4), **ss. 12(c), 21(2)(3)**; S.S.I. 2003/384, **art. 2**
- F19** S. 65(1): definition of "the 2007 Act" inserted (1.10.2008) by Legal Profession and Legal Aid (Scotland) Act 2007 (asp 5), ss. 81, 82, **Sch. 5 para. 1(23)(a)** (with s. 77); S.S.I. 2008/311, **art. 2**
- F20** Words in s. 65(1) inserted (2.7.2012) by Legal Services (Scotland) Act 2010 (asp 16), **ss. 123(6)(a), 150(2)**; S.S.I. 2012/152, art. 2, sch.
- F21** S. 65(1): definition of "registered European lawyer" inserted (22.5.2000) by S.S.I. 2000/121, regs. 1(1), 37(1), **Sch. 1 para. 1(12)(a)**
- F22** Words in s. 65(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(7)**; 2020 c. 1, Sch. 5 para. 1(1)
- F23** Definition inserted (17.3.1993) by Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (c. 40, SIF 76:2), s. 74, **Sch. 8 Pt. II para. 29(15)(d)**; S.I. 1993/641, art. 3, **Sch.**
- F24** Words in s. 65(1) inserted (1.4.2011 for specified purposes, 1.6.2011 in so far as not already in force) by Legal Services (Scotland) Act 2010 (asp 16), **ss. 133(3), 150(2)**; S.S.I. 2011/180, art. 3, 5(d), Sch.
- F25** Definition in s. 65(1) 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(15)(e)**; S.I. 1991/1252, art. 3, **Sch. 1**

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- F26** Words in s. 65(1) repealed (2.7.2012) by Legal Services (Scotland) Act 2010 (asp 16), **ss. 124(2)(e)(ii), 150(2)**; S.S.I. 2012/152, art. 2, sch.
- F27** S. 53(6): definition of "unsatisfactory professional conduct" inserted (1.10.2008) by Legal Profession and Legal Aid (Scotland) Act 2007 (asp 5), **ss. 53(6), 82** (with s. 77); S.S.I. 2008/311, **art. 2**
- F28** Words in s. 65(2)(a) added (22.5.2000) by S.S.I. 2000/121, regs. 1(1), 37(1), **Sch. 1 para. 1(12)(b)**
- F29** Words in s. 65(2)(e) inserted (22.5.2000) by S.S.I. 2000/121, regs. 1(1), 37(1), **Sch. 1 para. 1(12)(c)**
- F30** S. 65(5) inserted (1.10.2008) by Legal Profession and Legal Aid (Scotland) Act 2007 (asp 5), ss. 81, 82, **Sch. 5 para. 1(24)** (with s. 77); S.S.I. 2008/311, **art. 2**
- F31** S. 65(5) repealed (1.10.2008) by Legal Services Act 2007 (c. 29), ss. 195, 210, 211, Sch. 20 para. 1(17)(b), **Sch. 23** (with ss. 29, 192, 193); S.I. 2008/1436, **art. 3**

Modifications etc. (not altering text)

- C1** S. 65(1) power to modify conferred (1.4.2011) by Legal Services (Scotland) Act 2010 (asp 16), **s. 125(3)(4)150(2)**; S.S.I. 2011/180, art. 3, Sch.

Marginal Citations

- M1** 1986 c.53(16).
M2 1873 c.63.

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