



# Law Reform (Miscellaneous Provisions) (Scotland) Act 1985

## CHAPTER 73

### LAW REFORM (MISCELLANEOUS PROVISIONS) (SCOTLAND) ACT 1985

#### *Provisions relating to leases*

- 1 Limitation on use of property held on long lease not to apply to property held on certain renewable leases
- 2 Power of sheriff to grant renewals of certain long leases
- 3 Creation of real conditions in assignments of certain long leases
- 4 Irritancy clauses etc. relating to monetary breaches of lease
- 5 Irritancy clauses etc. not relating to monetary breaches of lease
- 6 Supplementary and transitional provisions relating to sections 4 and 5
- 7 Interpretation of sections 4 to 6

#### *Provisions relating to other contracts and obligations*

- 8 Rectification of defectively expressed documents
- 9 Provisions supplementary to section 8: protection of other interests
- 10 Negligent misrepresentation
- 11 Amendment of Bills of Exchange Act 1882 as respects countermanded cheques
- 12 Limitation of defamation and other actions
- 13 Amendments of Matrimonial Homes (Family Protection) (Scotland) Act 1981

#### *Provisions relating to civil jurisdiction and procedure*

- 14 Remit from Court of Session to sheriff

- 15 Withdrawal of privilege against self-incrimination in certain proceedings relating to intellectual property
- 16 Power of sheriff to interdict removal of child
- 17 Power of sheriff to order sheriff clerk to execute deeds relating to heritage
- 18 Small claims
- 19 Disclosure of names in certain proceedings

*Other provisions relating to courts*

- 20 Removal of prohibition of sheriffs' principal and sheriffs<sup>1</sup> accepting appointment to certain offices
- 21 Additional court holidays
- 22 Re-employment of retired judges
- 23 Replacement of general jury book by lists of men and women eligible for jury service

*Provisions relating to the care of children*

- 24 Power to increase size of Children's Panel Advisory Committees
- 25 Amendment of provisions about detention of children
- 26 Amendment of power to detain children in secure accommodation
- 27 Requirement of children's hearing for pre-adoptive supervision not to constitute making arrangements for adoption for purposes of Adoption (Scotland) Act 1978
- 28 Child subject to supervision requirement to be regarded as in the care of the local authority for the purposes of his being freed for adoption under section 18 of the Adoption (Scotland) Act 1978
- 29 Reporter's power to arrange review by children's hearing of supervision requirement

*Procedures relating to crofting tenure and the valuation of sheep stocks*

- 30 Interest on awards of compensation by Scottish Land Court
- 31 Restriction of duty to record notice of cesser of conditions relating to croft
- 32 Rules as to valuation of sheep stocks

*Criminal courts, procedure, evidence and justice*

- 33 Establishment and disestablishment of district courts
- 34 Power of Secretary of State to remove justices etc.
- 35 Provisions as to persons arrested in respect of terrorism
- 36 Evidence in trials of certain sexual offences
- 37 Evidence in replication
- 38 Corroboration not required in relation to vehicle licensing offences
- 39 Fines in respect of drug offences
- 40 Further provision as to fines
- 41 Penalties under food and drugs legislation
- 42 Amendments of Prisons (Scotland) Act 1952
- 43 Detention of young offenders
- 44 Functions of Parole Board for Scotland and local review committees in relation to children detained on conviction on indictment
- 45 Supervision of children released after detention
- 46 Post-release supervision of service offenders

*Miscellaneous and general*

- 47 Transfer of sheriff clerks and procurators fiscal
- 48 Power of Lord Advocate and Secretary of State in relation to research into law
- 49 Arrestment of National Savings Bank deposits
- 50 Registration of divorces and declarators of nullity of marriage
- 51 Amendments to Mental Health (Scotland) Act 1984 as respects hospital orders
- 52 Application of certain liquor licensing appeal provisions to certain appeals under the Lotteries and Amusements Act 1976
- 53 Amendment of definition of "alcoholic liquor"
- 54 Clarification of investment powers of Scottish Hospital Trust and Scottish Hospital Endowments Research Trust
- 55 Power of Commissioner for Local Administration to investigate Scottish Special Housing Association and new town development corporations
- 56 Amendment of enactments relating to solicitors
- 57 Power to pay extra-parliamentary Commissioners for service on inquiries under the Private Legislation Procedure (Scotland) Act 1936
- 58 Finance
- 59 Amendment and repeal of enactments
- 60 Citation, transitional provisions, commencement and extent

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SCHEDULES

SCHEDULE 1 —

PART I — INCORPORATION OF SOLICITORS' PRACTICES

*Solicitors (Scotland) Act 1980 c. 46*

- 1 In section 16(1) (appeal to Court of Session against decisions...
- 2 In section 18 (suspension of practising certificates)—
- 3 In section 21(3) (definition of "consultant" in relation to requirement...
- 4 In section 26 (offence for solicitors to act as agents...
- 5 In section 27 (offence for solicitors to share fees with...
- 6 In section 28 (disqualified solicitors not to seek employment without...
- 7 In section 30 (liability for fees of another solicitor)
- 8 Section 31 (offence for unqualified persons to pretend to be...
- 9 In section 32(2) (persons to whom offence of preparing certain...
- 10 In section 33 (unqualified persons not entitled to fees etc.)...
- 11 After section 33 there shall be inserted the following section—...
- 12 In section 34 (rules as to professional practice, conduct and...
- 13 In section 35(1) (accounts rules) after the word "solicitors...
- 14 In section 36 (interest on client's money)—
- 15 In section 37 (accountant's certificates)— (a) in subsection (2) after...
- 16 In section 38 (powers of Council where dishonesty alleged)—
- 17 In section 39 (Council's powers where delay alleged)—
- 18 In section 40 (Council's powers where failure to comply with...
- 19 In section 41 (appointment of judicial factor)—
- 20 In section 42 (distribution of sums in client bank account)—...
- 21 In section 43 (Guarantee Fund)— (a) in subsection (2) after...
- 22 In section 44 (professional indemnity)— (a) in subsection (1)—
- 23 In section 45 (safeguarding interests of clients of solicitors struck...

- 24 In section 47 (restriction on employing solicitor struck off or...
- 25 In section 49 (investigation by lay observer of Society's treatment...
- 26 In section 51(2) (complaints to Discipline Tribunal) after the words...
- 27 In section 52(1) (procedure and powers of Discipline Tribunal) there...
- 28 In section 53 (powers of Discipline Tribunal)—
- 29 In section 54 (appeals by solicitors from decisions of the...
- 30 In section 60 (offence for notaries public to act for...
- 31 In section 61 (protection of banks)— (a) in each of...
- 32 In section 64 (service of notices) there shall be inserted...
- 33 In section 65(1) (interpretation) after the definition of "functions" ...
- 34 In Schedule 3 (The Scottish Solicitors' Guarantee Fund)—
- 35 In Schedule 4 (constitution, procedure and powers of Tribunal)—

*Building Societies Act 1962 (c. 37)*

- 36 In section 34(4) (restriction on commissions for introduction of business)...

*Legal Aid (Scotland) Act 1967 (c. 43)*

- 37 In section 6(3)(a) (exclusion of certain solicitors from giving legal...

*Income and Corporation Taxes Act 1970 (c. 10)*

- 38 In sections 481(3) and 490(3) (savings for solicitors in relation...

*Legal Advice and Assistance Act 1972 (c. 50)*

- 39 In section 5(2) (definition of "the solicitor" for purposes of...

*Estate Agents Act 1979 (c. 38)*

- 40 In section 1(2)(a) (disapplication of Act to practising solicitors and...

*Finance Act 1980 (c. 48)*

- 41 In section 30(5) (saving for solicitors in relation to requirement...
- PART II — AMENDMENTS OF LEGAL AID AND SOLICITORS (SCOTLAND)  
ACT 1949 AND SOLICITORS (SCOTLAND) ACT 1980

*Legal Aid and Solicitors (Scotland) Act 1949 (c.63)*

- 1 Section 25 (provisions as to taking apprentices) is hereby repealed....

*Solicitors (Scotland) Act 1980 (c.46)*

- 2 In section 6 (admission as solicitor)— (a) in subsection (1)(b)...
- 3 Section 15(2)(a) (Council to have discretion as to issue of...
- 4 In section 35(1) (power to make accounts rules)—
- 5 Section 48 (restriction on number of apprentices) is hereby repealed....
- 6 After section 62 there shall be inserted the following section—...
- 7 In Schedule 1 (constitution etc. of the Law Society of...
- 8 In Schedule 3 (the Scottish Solicitors Guarantee Fund)—

SCHEDULE 2 — Amendment of Enactments

*The Jurors (Scotland) Act 1825 (c.22)*

- 1 In section 10 (order in which names of jurors are...

*The Juries (Scotland) Act 1826 (c.8)*

- 2 In section 4 (names of dead and disqualified jurors not...

*Lyon King of Arms Act 1867 (c.17)*

- 3 In section 10 the words from " Provided also "...

*Titles to Land Consolidation (Scotland) Act 1868 (c. 101)*

- 4 In section 159 (litigiosity not to begin before date of...  
5 In Schedule RR (form of notice of summons) after the...

*Conveyancing (Scotland) Act 1924 (c.27)*

- 6 In section 44 (limitation of effect of entries in Register...  
7 Section 46 shall be renumbered as subsection (1) thereof and...

*Administration of Justice (Scotland) Act 1933 (c.41)*

- 8 In section 16 (power to regulate procedure by Act of...

*The Social Work (Scotland) Act 1968 (c.49)*

- 9 In section 21(2) (mode of provision of accommodation and  
maintenance...  
10 In section 58B(3) for the word " child's " there...

*The Conveyancing and Feudal Reform (Scotland) Act 1970 (c.35)*

- 11 In section 41 (restriction on effect of reduction of certain...

*Sheriff Courts (Scotland) Act 1971 (c.58)*

- 12 In section 32(1) (power of Court of Session to regulate...  
13 In section 33(4) (appointment of secretary of Sheriff Court Rules...  
14 In section 35 (summary causes) after subsection (1) there shall...

*Administration of Justice (Scotland) Act 1972 (c.59)*

- 15 In subsection (2) of section (1) (extended power of court...

*The Criminal Procedure (Scotland) Act 1975 (c.21)*

- 16 In sections 88 to 91 (jurors in criminal proceedings) for...  
17 In section 98 (citation of jurors) for the words "...  
18 In subsection (1) of section 108 (which relates to the...  
19 In section 271 (forms relating to appeals), for the words...  
20 In subsection ((1)(a)) of section 447 (which relates to the...

*The Land Registration (Scotland) Act 1979 (c.33)*

- 21 In section 9 (rectification of the register)—  
22 At the end of section 12(3) (exclusion of indemnity) there...

*Status: This is the original version (as it was originally enacted).*

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*The Criminal Justice (Scotland) Act 1980 (c.62)*

- 23 In section 3(5) (which defines the terms "parent" and child...

*Civil Jurisdiction and Judgments Act 1982 (c.27)*

- 24 In section 28 (application of section 1 of Administration of...

*The Cinematograph (Amendment) Act 1982 (c.33)*

- 25 The entry in Schedule 2 relating to paragraph 4 of...

*The Transport Act 1982 (c.49)*

- 26 In section 42 (which relates to fixed penalties)—  
27 In section 43 (which relates to the endorsement of licences)—...

*The Rent (Scotland) Act 1984 (c.58)*

- 28 In section 56(2) (registration of housing association and Housing Corporation...  
29 In subsection (5) of section 106 (compulsory entry to carry...  
30 In Schedule 9 (savings and transitional provisions), at the end,...

*The Family Law (Scotland) Act 1985 (c. 37)*

- 31 In section 27(1) (interpretation) in the definition of "matrimonial...

*The Representation of the People Act 1985 (c.50)*

- 32 In Schedule 4, in paragraph 61(6) (amendments of the Representation...

SCHEDULE 3 — Transitional Provisions

*Section 36*

- 1 Sections 141 A, 141B, 346A and 346B of the Criminal...

*Section 38*

- 2 The amendment to section 120 of the Road Traffic Regulation...

*Section 39*

- 3 Section 193B of the Criminal Procedure (Scotland) Act 1975 shall...

*Section 40*

- 4 The amendments to section 407(1A) of the Criminal Procedure (Scotland)...

SCHEDULE 4 — Repeals