

## **SOLICITORS (SCOTLAND) (ARTL MANDATES) RULES 2006**

Rules dated 27<sup>th</sup> October 2006, made by the Council of the Law Society of Scotland under section 34 of the Solicitors (Scotland) Act 1980 and approved by the Lord President of the Court of Session under section 34(3) of that Act.

### **Citation and Commencement**

1. (1) These Rules may be cited as the Solicitors (Scotland) (ARTL Mandates) Rules 2006.
- (2) These Rules shall come into effect on 1<sup>st</sup> January 2007.

### **Definitions and Interpretation**

2. (1) In these Rules, unless the context otherwise requires:-
  - “the Act means the Solicitors (Scotland) Act 1980;
  - “ARTL System” has the same meaning as in section 28(1) of the Land Registration (Scotland) Act 1979 as that section is amended by the Automated Registration of Title to Land (Electronic Communications) (Scotland) Order 2006;
  - “the Council” means the Council of the Society;
  - “electronic communication” has the same meaning as in the Electronic Communications Act 2000;
  - “the Keeper” means the Keeper of the Registers of Scotland;
  - “the Land Register” means the Land Register of Scotland;
  - “mandate” means a mandate in the form prescribed from time to time by the Council;
  - “the Society” means the Law Society of Scotland; and
  - “solicitor” means a solicitor holding a practising certificate under the Act and includes a firm of solicitors, an incorporated practice and a multi-national practice.
- (2) The Interpretation Act 1978 applies to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.
- (3) The headings to these Rules do not form part of these Rules.

### **ARTL Mandates**

3. No solicitor shall authenticate, or apply for registration in the Land Register of, a document created as an electronic communication within the ARTL System on behalf of any person unless that solicitor has obtained a mandate in his favour subscribed by that person authorising the authentication and registration of that document.

### **Archiving and Retention of Mandates**

4. (1) A solicitor shall, within 14 days of applying for registration in the Land Register within the ARTL System, send the principal of each mandate obtained in terms of rule 3 hereof to the Keeper for archiving and return to that solicitor.
- (2) A solicitor shall retain the principal of each mandate obtained in his favour in terms of rule 3 in accordance with practice guidelines issued from time to time by the Council.

### **Waiver**

5. The Council shall have power to waive any of the provisions of these rules in any particular circumstance or case.

### **Professional Misconduct**

6. If a solicitor fails to comply with these Rules that failure may be treated as professional misconduct for the purposes of Part IV of the Act.