

**SOLICITORS (SCOTLAND) PROFESSIONAL INDEMNITY INSURANCE RULES 2005 IN
RELATION TO THE RENEWAL OF PRACTISING CERTIFICATES.**

1. Members who are principals in private practice are reminded that in terms of the Solicitors (Scotland) Professional Indemnity Insurance Rules 2005 they require, along with their application for a practising certificate, to produce a certificate from the Society's brokers, Marsh, certifying that they hold insurance under the Master Policy. It will be sufficient for the purposes of the Rules to send the duplicate schedule of insurance (issued by Marsh) with the application.
2. You are reminded of the provisions of Section 17(1) of the Act whereby practising certificates issued prior to 30th November 2006 will be dated 1st November. Thereafter the practising certificates will be dated as at the date of issue. For those in private practice the application must be accompanied by a current schedule of insurance under the Master Policy for Professional Indemnity Insurance and no practising certificate will be issued until the duplicate schedule of insurance is also received.
3. **Members should be aware that if a claim is notified against the solicitor's certificate of insurance under the Master Policy during the period from 31st October (when their practising certificate and certificate of insurance expired) to the date of the issue of their practising certificate if that is on or after 1st December 2006, indemnity may be excluded by the insurers on the basis that at the time the claim was notified the member was without a practising certificate and Master Policy cover. All claims by members notified at a time when they have a practising certificate and Master Policy cover are accepted, subject to the policy terms and conditions.**
4. Members who are NOT deemed to be in private practice as principals, as defined in Rule 4 of the Solicitors (Scotland) Professional Indemnity Insurance Rules, do not require to produce evidence of insurance, BUT are required to complete the declaration contained in the application form for a practising certificate. Members who are **not** deemed to be principals in private practice include: consultants, associates, qualified assistants and those in full-time employment in public service, commerce and industry and who do not additionally practise on their own account.
5. Members who require to provide evidence that they are insured under the Master Policy and who have not yet completed the proposal form should do so immediately and send it to the Society's brokers, Marsh Ltd, Orchard Brae House, 30 Queensferry Road, Edinburgh EH4 2HS or LP 1 Edinburgh 15 or DX 539940 – Edinburgh-19.
6. In terms of Rule 5 of the Solicitors (Scotland) Practising Certificate Rules 1988, the Council shall not issue a practising certificate to any solicitor unless he or she provides evidence of insurance OR makes the appropriate declaration above referred to.
7. Special provision is made for those solicitors who will voluntarily restrict their practice to criminal court work only. By so doing a 75% premium discount will be given. Members who wish to obtain the benefit of this discount should provide the Secretary with the pro forma undertaking (available from Marsh) to this effect. A copy of this undertaking should also be sent to Marsh along with your Master Policy Proposal form. A fresh undertaking is required in respect of each period of practice/insurance. The Scottish Law Directory's categories of work for your firm must be adjusted to reflect the undertaking.