

Constitution of the Law Society of Scotland

Scheme under the Solicitors (Scotland) Act 1980, approved at a General Meeting of the Society held on 23rd September 1988 and having, by virtue of section 1 of, and Schedule 1 to, the said Act, effect as if enacted in that Act.

TITLE AND INTERPRETATION

Title

1.—(1) This Scheme may be cited as the Constitution of the Law Society of Scotland.

(2) This constitution shall come into operation on 1st November 1988.

Interpretation

¹ 2.—(1) In this Constitution unless the context otherwise requires:—

“the Act” means the Solicitors (Scotland) Act 1980;

“the Council” means the Council of the Society;

“financial year” means the period of twelve months ending on 31st October.

“a member of the Society” means a solicitor who in terms of Section 2(1) of the Act has in force a practising certificate, and any other solicitor who has paid the current annual membership subscription to the Society and whose name appears upon the Roll of Solicitors kept by the Council;

“place of business”, in relation to a member of the Society means the member’s place of business, or if the member has more than one place of business, the member’s principal place of business, as specified in the member’s practising certificate, if the member has one, or in a notice of change of place of business given by the member to the Society after the issue of the member’s practising certificate, if the member has given such a notice, or if the member does not have a place of business, his residence, and references to the constituency in which a member practises shall be construed as a reference to the constituency in which such member has his place of business;

² “the President” means the chairman of the Society provided for in terms of paragraph 2(c) of Schedule 1 to the Act and includes, in the case of the absence of the President or his inability to act as President, the Vice-President;

“the Secretary” means the Secretary of the Society and includes any person authorised by the President to act on behalf of the Secretary;

“the Society” means The Law Society of Scotland established by the Solicitors (Scotland) Act 1949;

² “the Vice-President” means the vice-chairman of the Society provided for in terms of paragraph 2(c) of Schedule 1 to the Act;

(2) The Interpretation Act 1978 applies to the interpretation of this Constitution as it applies to the interpretation of an Act of Parliament.

NOTES

¹ As amended by a Council Resolution to amend the Constitution of the Law Society of Scotland (effective May 2004).

² Inserted by a Council Resolution to amend the Constitution of the Law Society of Scotland (effective May 2004).

CONSTITUTION AND ELECTION OF MEMBERS OF COUNCIL

Constitution of the Council

¹ 3. The Council shall consist of 44 members of the Society elected in accordance with the provisions in this Constitution, together with such *ex officio* members as there may be from time to time in terms hereof and such number of members, not exceeding nine, as may be co-opted by the Council in terms of Article 4 hereof.

NOTE

¹ As amended, 27th September 1991.

Election of members of Council by constituencies

¹ 4.—(1) For the purpose of the election of members of Council, there shall be the several geographical constituencies listed in the first column of Part 1 of the First Schedule to this Constitution, and there shall be a separate election in each constituency. For the purposes of this Article and of the First and Second Schedules to this Constitution, a member of the Society having a place of business which is not in any such constituency shall be treated as having a place of business within such constituency as such member may select.

(2) A member of the Society shall be entitled to vote in the constituency in which such member's place of business is situated and in that constituency only.

(3) The members of the Society in each of the several constituencies shall elect the number of members of Council as set out in the second column of the said Part of the said Schedule opposite to the constituency.

(4) Constituencies shall be arranged in three groups as set out in Part II of the said Schedule and the Council shall arrange that in each year there will be an annual election in one of such groups taken in rotation.

(5) The Council may co-opt as full members of Council such number of members of the Society not exceeding nine in all as the Council may determine. Such persons shall hold office for such term not exceeding three years as the Council may fix and different terms may be fixed for different persons. There shall be no limitation upon the number of terms for which such a person may be co-opted.

(6) Only a member of the Society may be elected or co-opted or continue to be a member of Council.

NOTE

¹ Substituted by a Council Resolution to amend the Constitution of the Law Society of Scotland (effective May 2004).

Term of office of members of Council

5. A member of Council shall retire from office on the day immediately before the day fixed by the Council for the annual election of members of the Council in the third year after such member's election. A retiring member shall be eligible for re-election.

Date of election of members of Council

6. The annual election of members of Council in terms of Article 4(4) hereof shall be held in the month of May in each year on a date to be fixed by the Council.

Returning officer

7. The Secretary shall act as returning officer for the election in each constituency.

Conduct of election

8.—(1) Subject to the provisions of this Constitution the election of members of Council for a constituency shall be conducted in accordance with the provisions of the Second Schedule hereto and of any regulations made thereunder.

(2) No election held under this Constitution shall be invalidated by reason of any misdescription or non-compliance with the provisions thereof or of any regulations thereunder or by reason of any miscount or of the non-delivery, loss or miscarriage of any document required to be sent under this Constitution or regulations thereunder, if it appears to the Returning Officer that the election was conducted substantially in accordance with this Constitution and the regulations and that the result of such misdescription, non-compliance, miscount, non-delivery, loss or miscarriage does not affect the return of any candidate at the election.

Expenses of election

9. All expenses properly incurred by the returning officer or by the Society in relation to the holding of an election of members of Council shall be paid by the Society.

Failure of constituency to elect members of Council

¹ **10.** If the members of the Society in a constituency fail to elect the number of members of Council for the constituency as herein prescribed, the Council may fill the vacancy by appointing a member of the Society to be a member of Council representing the constituency. Such member of the Society shall have his place of business within such constituency or as close thereto as may be reasonably practicable.

NOTE

¹ As amended by a Council Resolution to amend the Constitution of the Law Society of Scotland (effective May 2004).

Casual vacancies in Council

11.—(1) A member of Council may at any time resign from office by a notice in writing signed by such member and delivered to the Secretary. The resignation shall take effect upon the delivery of the notice or on a date not later than such member's date of retirement from office in terms of Article 5 hereof specified by such member in such notice, whichever is the later.

(2) The office of a member of Council shall be vacated if such member is absent, without leave of the President, from three consecutive meetings of the Council, with effect from the conclusion of that third meeting of Council. Such leave may be given retrospectively.

(3) Council may by a majority of three-quarters of members present and voting, suspend a member of Council from attendance at meetings of Council and its committees.

(4) If the office of a member of Council becomes vacant before the expiration of such member's term of office whether by death, resignation or otherwise, an election by the electors in the constituency shall be held as soon as practicable in order to fill the vacancy on a date to be fixed by the Council and shall be conducted in the same manner as an election in ordinary course; and the provisions of this Constitution including the Second Schedule hereto relating to elections shall apply subject to any necessary modifications: provided that if the vacancy arises within three months before the date on which the vacating member would have retired in ordinary course the vacancy shall not be filled until the next election in the constituency. A person elected to fill a casual vacancy under this provision shall hold office only for the unexpired period of office of the member in whose place such person is elected and shall be eligible for re-election.

MEETINGS OF SOCIETY

Meetings of Society

12.—(1) General Meetings of the Society shall comprise the Annual General Meeting and Special General Meetings.

(2) An Annual General Meeting shall be held each year at such time on such date and at such place as the Council may appoint but not more than 15 months after the last preceding Annual General Meeting.

(3) Special General Meetings of the Society shall be convened by the Secretary on the instructions of the President or of the Council or on a requisition signed by not less than 20 members of the Society. The requisition must state the objects of the meeting. It must be deposited with the Secretary and may consist of several documents in like form each signed by one or more requisitionists. A Special General Meeting required by requisition shall be held within 28 days of receipt of the requisition at such time on such date and at such place as the President, whom failing the Vice-President, may appoint.

(4) Fourteen days' notice at least (exclusive of the day on which the notice is sent but inclusive of the day for which the notice is given), specifying the place, day, and hour of any General Meeting and the business to be considered shall be given to each member of the Society. A notice of a General Meeting shall be deemed to have been effected at the expiration of 24 hours after the letter containing the notice is sent. The accidental omission to give notice of a meeting to, or the non-receipt of notice of a meeting by any member shall not invalidate the proceedings at the meeting.

Proceedings at General Meetings of the Society

13.—(1) The President, whom failing the Vice-President, shall preside at a General Meeting, and if at any meeting neither the President nor the Vice-President is present, the members present shall choose one of their number who is a member of Council to preside.

(2) The business of the Annual General Meeting shall be to consider the Report of the Council, the statement of accounts of the Society and the report of the auditors thereon, to elect auditors, and any other business specified in the notice of the meeting. A copy of the Report of the Council shall be made available to the members of the Society on the Society's website from the date the notice of the Annual General Meeting is sent to the members of the Society. If, after the notice of Annual General Meeting has been sent to the members of the Society, a member requests a copy of the Report, the Council shall promptly send a copy to the member. At the option of the member that copy shall be sent either in paper or electronic form to the member at his place of business.

(3) The Council shall include in the notice of the Annual General Meeting any item relating to the business of the Society specified in a requisition made by not less than 10 members of the Society and received by the Secretary not less than 42 days before the meeting. The business of any Special General Meeting shall be to consider only the business specified in the notice of meeting.

(4) No business shall be transacted at any General Meeting unless a quorum of members of the Society is present within half an hour after the time appointed for the meeting. Twenty members personally present shall be a quorum. A meeting at which a quorum is not present, if not convened on a requisition shall stand adjourned to a day and hour to be fixed by the majority of the members present, and if convened on a requisition shall fail and not be held.

(5) Subject to the provisions of this Constitution and to any directions given by the Society in General Meeting, the Council may make standing orders with regard to the conduct of the business at meetings of the Society, including the adjournment of meetings.

(6) Subject to the provisions of paragraph 5 of Schedule 1 to the Act, no resolution passed at a General Meeting shall be binding on the Society until it has been adopted by the Council or has been confirmed at the next General Meeting, and it shall be the duty of the Council, if it does not adopt the resolution, to bring the same before the next General Meeting accordingly, but this provision shall not apply to a resolution proposed by the Council and passed at the meeting at which it has been proposed.

Voting at General Meetings

14.—(1) At any General Meeting a resolution put to the vote of the meeting shall be decided by a show of hands unless a poll is (before or on the declaration of the result of the show of hands) demanded by at least three members present in person and unless a poll is so demanded a declaration by the chairman of the meeting that a resolution has, on a show of hands, been carried or carried unanimously or by a particular majority or lost, and an entry to that effect in the minutes of the proceedings of the Society shall be conclusive evidence of the fact, without proof of the number or proportion of the votes recorded in favour of, or against, that resolution: always provided that a poll may not be demanded in the case of a resolution with regard to the appointment of a chairman of the meeting or the adjournment of the meeting or in the case of a motion that the question be now put or that the meeting move to the next business.

(2) If a poll is demanded, it shall be taken at once in such manner as the chairman directs, and the result of the poll shall be deemed to be the resolution of the meeting at which the poll was demanded.

(3) In the case of an equality of votes, whether on a show of hands or on a poll, the chairman of the meeting at which the show of hands takes place or at which the poll is taken shall be entitled to a second or casting vote.

(4) On a show of hands every member present in person shall have one vote.

(5) On a poll, votes may be given either personally or by proxy.

(6) The instrument appointing a proxy shall be deposited with the Secretary at any time after the notice is sent calling the General Meeting and not less than 48 hours before the time for holding the meeting or adjourned meeting at which the person named in the instrument proposes to vote, and in default the instrument of proxy shall not be treated as valid. A proxy must be a member of the Society.

PRESIDENT, VICE-PRESIDENT, PAST PRESIDENT AND HONORARY
VICE-PRESIDENT OF THE SOCIETY

President, Vice-President, Past President and Honorary Vice-President

15.—(1) The Council shall at its first meeting after the 1st day of November in each year, receive nominations for the office of President and Vice-President and shall thereafter elect at its first meeting after the 1st day of December in each year one of its number who has been a member of Council for at least three years to be President of the Society, and another of its number who has also been a member of Council for at least three years to be Vice-President of the Society, to hold office as from the date of the first meeting of the Council held after the next annual election of members of the Council; provided always that if at or prior to the latter date the President elect or Vice-President elect ceases to be a member of Council, his election as President or Vice-President shall be void as at the date of such cessation, and the Council shall at its first meeting held not less than four weeks after the date of such cessation, proceed to a new election of President or Vice-President as the case may be. Provided that if there are two or more nominations for either office the resulting competition shall be decided by postal ballot. If there are three or more nominations for either office the election shall be conducted by the single transferable vote method.

(2) Notwithstanding Article 5 hereof, the President and Vice-President shall hold office until the date from which their respective successors take office. A President or Vice-President shall cease to hold office if he ceases to be a member of the Society. The President shall be eligible for re-election to that office for each of the two succeeding years, but shall not again be eligible to be President until a period of at least two years has elapsed since he last held that office.

(3) The Vice-President shall not again be eligible to be Vice-President until at least one year has elapsed since he last held that office.

(4) The President or Vice-President may resign at any time from office as such by a signed notice in writing delivered to the Secretary, and the resignation shall take effect upon the delivery of the notice or on a date not later than the date on which he would otherwise have demitted office specified in the said notice, whichever is the later.

(5) (a) On a casual vacancy occurring in the office of President or Vice-President at a time when there is a President elect or Vice-President elect as the case may be appointed to take up office in the ensuing month of May, the President elect or Vice-President elect shall immediately assume office as President or Vice-President as the case may be; and the resulting additional period of office, which will terminate at the first meeting of the Council held after the next annual election of members of the Council, shall be disregarded in applying the provisions of Articles 15(2) and 15(3) hereof.

(b) On a casual vacancy occurring in the office of President at a time when there is no President elect, the Vice-President shall assume the additional office of Interim President until the next meeting of the Council held less than four weeks after the date of the occurrence of the said vacancy, when the Council shall elect a new President.

(c) On a casual vacancy occurring in the office of Vice-President at a time when there is no Vice-President elect, the Council shall as soon as practicable appoint one of its number to fill the vacancy until the date of the first meeting of the Council held after the next annual election of members of the Council.

(6) From the date upon which the President ceases to hold office as such except when he has resigned in terms of Article 15(4) hereof he shall serve as Past President of the Society for a period of one year. If the Past President is not or if during his period of office he should cease to be a member of Council, he shall *ex officio* be a member of Council until the expiry of his period of office. The Past President may resign as provided in Article 15(4) hereof and shall cease to hold office if he ceases to be a member of the Society.

(7) The Council may at any meeting elect one of its number or a former one of its number to be Honorary Vice-President of the Society to hold office until the next annual election of members of Council and to carry out such duties as may from time to time be prescribed by the Council. If the Honorary Vice-President is not a member of Council or if during his period of office he should cease to be a member of Council, he shall *ex officio* be a member of Council until the expiry of his period of office. An Honorary Vice-President shall not be eligible for re-election as such. An Honorary Vice-President may resign as provided in Article 15(4) hereof and shall cease to hold office if he ceases to be a member of the Society.

ADMISSION OF HONORARY AND OTHER MEMBERS OF SOCIETY

Honorary members of Society

16.—(1) The Council may admit as an honorary member of the Society any person of distinction in the legal profession whether or not such person is or has been a member of the Society.

(2) Unless he is a member of the Society an honorary member shall have no right to vote at meetings of the Society or in elections of members of

Council and shall not be liable in payment of any annual subscription to the Society.

Admission as members of solicitors exempt from holding practising certificates

17. The Council shall, on application and on payment of the annual subscription, admit as a member of the Society any solicitor who is exempt from taking out a practising certificate.

HONORARY PRESIDENTS OF SOCIETY

Honorary Presidents

18. [*Deleted by a Council Resolution to amend the Constitution of the Law Society of Scotland (effective May 2004).*]

SECRETARY AND STAFF

Secretary and staff

19.—(1) The Council shall appoint a Secretary of the Society who shall be

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chief executive officer of the Council and it shall pay a suitable remuneration for his services and may make such provision for pension or other rights for his benefit as it thinks proper. The Secretary shall perform such duties as the Council may from time to time determine.

(2) The Council shall appoint such other staff as it thinks necessary for the efficient discharge of the functions of the Society and of the Council, and shall pay to every member of staff appointed under this Article suitable remuneration and may make such provision for pension or other rights for his benefit as it thinks proper.

ACCOUNTS

Accounts

20.—(1) The Council shall keep proper books of accounts with regard to all sums of money received and expended by the Society, the Council and staff of the Society, and the matters in respect of which the receipt and expenditure take place.

(2) The Council shall keep such bank accounts in name of the Society as the Council may determine, and, save as otherwise directed by the Council, there shall be paid into the said bank accounts all sums received by the Society or the Council or staff of the Society or otherwise all payments due to be met by the Society or the Council or otherwise payable out of the funds of the Society. The Council may give directions with respect to keeping, paying money into, and operating on the several bank accounts.

Accounts to be made up yearly and submitted for audit

21.—(1) Immediately after the end of each financial year the Council shall cause the accounts of the Society for that year to be brought to a balance and a balance sheet prepared.

(2) The Council shall cause the accounts for the financial year to be audited as soon as practicable after the end of the year by the auditors appointed by the Society at the Annual General Meeting. A copy of the accounts, or an abstract thereof, and of the auditors' certificate thereon shall be made available to the members of the Society on the Society's website from the date the notice of the Annual General Meeting at which the statement of accounts of the Society and the report of the auditors thereon are to be considered is sent to the members of the Society. If, after the notice of the Annual General Meeting has been sent to the members of the Society, a member requests a copy of the accounts, or an abstract thereof, and of the auditor's certificate thereon to the member. At the option of the member that copy shall be sent either in paper or electronic form to the member at his place of business.

(3) If a vacancy arises in the office of auditor of the accounts of the Society between Annual General Meetings, the Council may appoint an auditor to fill the vacancy until the next Annual General Meeting and fix the remuneration.

MISCELLANEOUS

Committees and Sub-Committees of the Council

¹ **22.**—(1) The Council may constitute committees and sub-committees and shall specify their remit and duties and may specify any restriction or condition on the committee or sub-committee which it considers appropriate.

(2) A committee may constitute sub-committees and shall specify their remit and duties and may specify any restriction or condition on the sub-committee which it considers appropriate.

(3) A sub-committee constituted by a committee shall not have any remit or duty beyond those of that committee, and shall obey any restriction or condition placed upon that committee.

(4) The Council may appoint or remove any member of a committee or sub-committee. A committee may appoint or remove a member of any sub-committee constituted by it.

(5) A committee, or the Convener thereof, shall (if so authorised by the Council in the remit of the committee) have the power to co-opt any person as a member of that committee.

(6) A member of a committee or sub-committee need not be a member of the Council or of the Society and a committee or sub-committee may have a majority of members who are not members of the Council or of the Society.

NOTE

¹ As substituted, September 1, 2003.

Notice to members of Society

23. Any notice or other document required by or under this Constitution to be sent to a member of the Society shall be sent to such member at his place of business.

Council may hold referendum of members of the Society

24. The Council may if it thinks fit and shall on a requisition signed by not fewer than 50 members of the Society and deposited with the Secretary ascertain the views of the members of the Society at any time on any question affecting the Society or the members thereof by holding a referendum of its members and the Council shall make such arrangements as it considers proper for that purpose, including issuing to every member of the Society a voting paper and arranging for the scrutiny of voting papers. The Council shall include in its annual report a report of any referendum taken during the year.

Standing orders

¹ **25.**—(1) Subject to the provisions of this Constitution, the Council may by standing orders make provision with respect to—

- (a) keeping minutes of General Meetings of the Society; and
- (b) any other matters which the Council considers would facilitate the conduct of business of meetings of the Society, or of the Council, or of any committee or sub-committee of the Council.

(2) Standing orders made under this Article or under any other provision of this Constitution may be varied or revoked at any time by the Council.

NOTE

¹ As substituted, September 1, 2003.

Validity of acts of Council

26. The acts and proceedings of the Council shall not be invalidated by any vacancy among its members or by any defect in the election or qualification of any member.

Expenses of members of Council and committees

27. There shall be paid to the members of the Council and of committees thereof such travelling and other expenses in respect of attendance at meetings as may be approved by the Council.

COMMON SEAL OF SOCIETY

Common seal of Society

28. The Secretary shall be responsible for the custody of the common seal of the Society. The seal shall not be affixed to any instrument except by order of the Council or of a committee of the Council specifically authorised for the purpose.

FIRST SCHEDULE

¹ *PART I*

NOTE

¹ As amended, March 22, 1996.

Constituencies for election of members of Council of the Law Society of Scotland.

Constituencies	Number of members of Council to be elected by constituency
Sheriff Court District of Aberdeen	2
Sheriff Court Districts of Stonehaven, Peterhead and Banff	1
Sheriff Court Districts of Airdrie and Lanark	1
Sheriff Court District of Hamilton	1
Sheriff Court Districts of Arbroath and Forfar	1

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Constituencies	Number of members of Council to be elected by constituency
Sheriff Court District of Ayr	1
Sheriff Court District of Kilmarnock	2
Sheriff Court Districts of Campbeltown, Dunoon, Oban, Rothesay and Fort William	1
Sheriff Court District of Greenock	1
Sheriff Court District of Paisley	1
Sheriff Court Districts of Dumfries, Kirkcudbright and Stranraer	2
Sheriff Court District of Dundee	2
Sheriff Court District of Dunfermline	1
Sheriff Court District of Kirkcaldy	1
Sheriff Court District of Cupar	1
Sheriff Court District of Edinburgh	7
Sheriff Court Districts of Elgin and Nairn	1
Sheriff Court Districts of Haddington, Peebles, Jedburgh, Duns and Selkirk	2
Sheriffdom of Glasgow and Strathkelvin	7
Sheriff Court District of Perth	1
Sheriff Court District of Stirling, Falkirk and Alloa	2
Sheriff Court Districts of Kirkwall, Lerwick, Portree, Lochmaddy and Stornoway	1
Sheriff Court District of Dumbarton	1
Sheriff Court District of Linlithgow	1
Sheriff Court Districts of Inverness, Dingwall, Tain, Dornoch and Wick	1
England and Wales	<u>1</u>
	<u>44</u>

PART II

Grouping of constituencies for purposes of Article 4 so as to determine the rotation of the retirement of members of Council and of elections.

¹ First Group

Sheriffdom of Glasgow and Strathkelvin	7
Sheriff Court Districts of Campbeltown, Dunoon, Oban, Rothesay and Fort William	1
Sheriff Court District of Greenock	1
Sheriff Court District of Paisley	1
Sheriff Court District of Dunfermline	1
Sheriff Court District of Kirkcaldy	1
Sheriff Court District of Cupar	1
Sheriff Court District of Perth	1
Sheriff Court Districts of Arbroath and Forfar	1
England and Wales	<u>1</u>
	<u>16</u>

NOTE

¹ As amended, March 22, 1996.

Second Group

Sheriff Court District of Edinburgh	7
Sheriff Court District of Aberdeen	2
Sheriff Court Districts of Stonehaven, Peterhead and Banff	1
Sheriff Court Districts of Dumfries, Kirkcudbright and Stranraer	2
Sheriff Court Districts of Airdrie and Lanark	1
Sheriff Court District of Hamilton	<u>1</u>
	<u>14</u>

Third Group

Sheriff Court District of Dundee	2
Sheriff Court District of Ayr	1
Sheriff Court District of Kilmarnock	2
Sheriff Court Districts of Stirling, Falkirk and Alloa	2
Sheriff Court Districts of Haddington, Peebles, Jedburgh, Duns and Selkirk	2
Sheriff Court Districts of Elgin and Nairn	1
Sheriff Court Districts of Kirkwall, Lerwick, Portree, Lochmaddy and Stornoway	1
Sheriff Court District of Dumbarton	1
Sheriff Court District of Linlithgow	1
Sheriff Court Districts of Inverness, Dingwall, Tain, Dornoch and Wick	<u>1</u>
	<u>14</u>

SECOND SCHEDULE

PART I

RULES WITH REGARD TO THE ELECTION OF MEMBERS OF COUNCIL

Roll of electors

¹ 1. The Secretary shall cause to be prepared, for each election, a roll of electors showing the names and places of business of every member of the Society who, on the date six weeks before the date of the election, had his place of business in the constituency for which the election is to be held.

Notice of election

2. The returning officer shall on or before a date not later than five weeks before the day of the elections in the various constituencies concerned cause a notice of election of the members of Council for the various constituencies to be published in the Journal issued by the Society or in such other manner as the Council may determine. The notice of election shall be in the appropriate form set out in Part II of this Schedule or in a form substantially to the like effect.

Nominations

² 3. No person may be elected a member of Council unless a nomination paper in respect of such person is lodged with the returning officer at the place stated in the notice of election on or before a date specified in the notice of election, not less than three weeks before the day of election. No person may be nominated as a candidate for election by a constituency unless he is a member of the Society having a place of business in the constituency for which the election is to be held. A nomination paper in respect of a candidate shall be signed by two proposers being electors within the constituency, and shall contain a signed statement by the candidate that he consents to be nominated and that, if elected, he will act as a member of Council. The nomination paper shall be in the appropriate form set out in Part II of this Schedule or in a form substantially to the like effect. No person may sign more nomination papers in respect of candidates than there are members of Council to be elected by the constituency; and if he signs more than is permitted, his signature shall be inoperative in all but those papers up to the permitted number which are first delivered. The returning officer shall treat as null and void any nomination paper which does not comply with any of the foregoing provisions.

A nomination may be withdrawn at any time before the latest date for lodging nomination papers.

Uncontested elections

4. If on the latest date for lodging nomination papers the number of persons remaining validly nominated for a constituency does not exceed the number of persons to be elected by the constituency, the returning officer shall cause a notice to be published in the Journal of the Society or in such other manner as the Council may determine intimating the election of the persons nominated as members of Council and that no voting will take place in the constituency.

Voting in contested elections

5.—(1) If the number of persons remaining validly nominated for a constituency exceeds the number of members to be elected by the constituency, the members of Council shall be elected in accordance with the following provision of this Schedule and with the provisions of any regulations made thereunder.

(2) The returning officer shall immediately after the latest date for lodging nomination papers

cause voting papers and identification envelopes to be prepared in respect of each constituency in which the election is taking place. Voting papers prepared by the returning officer shall contain the names, places of business, date of birth, professional degrees, diplomas or qualifications, date of admission as a solicitor, date of joining practice or employer, date of assumption as a partner or position now held with employer, and (where appropriate) service to local Faculty or the Society and service on Council and committees of the Society, of the persons nominated for the constituency and state the place to which voting papers are to be returned and the latest date (being the date of election) and time by which they may be received, and the identification envelope shall bear a declaration of identity. Each voting paper and identification envelope shall be in the appropriate form set out in Part II of this Schedule or in a form substantially to the like effect.

(3) The returning officer shall on or before a date to be fixed by the Council, being not less than 10 days before the day of election, send a voting paper to each elector in the various constituencies concerned at such elector's place of business together with an identification envelope and a covering envelope. Each elector shall be entitled to receive one voting paper, an identification envelope, and a covering envelope and no more; and votes may not be given except upon the voting paper provided by the returning officer.

(4) An elector in recording his vote (a) shall place a cross (thus X) on the right-hand side of the voting paper opposite the name of each candidate for whom he votes; and (b) shall sign the declaration upon the identification envelope. Each elector shall have as many votes as there are members to be elected from the constituency.

(5) The returning officer shall in the case of each constituency immediately after the last day fixed for the return of voting papers cause the validity of the votes to be ascertained by an examination of the identification envelopes and by such other relevant evidence (if any) as there may be, and shall cause the identification envelopes found to be valid to be opened and the voting papers withdrawn, kept folded face inwards, and placed apart. An identification envelope which has not been signed by the voter shall, together with the voting paper therein contained, be treated as invalid.

(6) The returning officer shall then examine the voting papers for each constituency and shall reject as invalid any voting paper (a) on which votes are given for more candidates than the elector is entitled to vote for, or (b) on which anything is written or marked by which the elector can be identified, except the number on the back, or (c) which is unmarked or void for uncertainty, or (d) which is defaced.

Any voting paper which the returning officer has rejected shall be marked with the word "Rejected".

(7) The returning officer shall, in the case of each constituency, cause the votes found to be valid to be counted in his presence and shall declare the result of the election. The returning officer shall forthwith give to every person elected on a vote notice of his election, and shall furnish to the Society and also publish in the journal of the Society, or in such other manner as the Council may determine, a list of the persons certified by him to have been duly elected, whether as a result of an uncontested election or a contested election.

Power to returning officer to cancel election

6. Notwithstanding anything in this Schedule, if after the latest date for lodging nomination papers a candidate withdraws with the result that the number of the remaining candidates does not exceed the number of persons to be elected by the constituency, the returning officer may cancel the election and declare the remaining candidates to be the elected members for the constituency.

Provisions in case of death of candidate

7. If a candidate remaining validly nominated dies before the last day fixed for lodging nomination papers his nomination shall be treated as having been withdrawn, but if such a candidate dies after that day, but before the day of election, the returning officer shall order a fresh election to be held.

Power to make regulations varying for certain purposes provisions of schedule

8. Notwithstanding anything in this Schedule, the Council may make regulations varying the provisions of this Schedule by prescribing a method of voting otherwise than by means of the combination of the voting paper and the identification envelope as herein before provided, and by prescribing another form of voting paper and making such other consequential amendments of the provisions of this Schedule as appear to the Council to be necessary.

Decision of returning officer final

9. Any question arising with regard to the validity of a nomination paper, a voting paper, or otherwise in connection with an election held under this Constitution shall be determined by the returning officer, whose decision shall be final.

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NOTES

¹ Substituted by a Council Resolution to amend the Constitution of the Law Society of Scotland (effective May 2004).

² As amended by a Council Resolution to amend the Constitution of the Law Society of Scotland (effective May 2004).

PART II

¹ NOTICE OF ELECTION

THE LAW SOCIETY OF SCOTLAND

Election of Members of Council

NOTICE IS HEREBY GIVEN that, pursuant to the Solicitors (Scotland) Act 1980 and the Constitution of the Law Society of Scotland, an election of _____ members of Council representing the solicitors having places of business in the several constituencies undernoted is about to be held. Every member of the Society having a place of business as defined in Article 2 of the Constitution of the Society in a constituency at 1st November, 19____ is entitled to one vote for each candidate up to the number of members of Council to be elected by that constituency. A member of the Society cannot vote in more than one constituency.

Constituencies	Number of members of Council to be elected by constituency

The returning officer for the purposes of this election is

(Name and Address).

No person may be elected a member of Council unless he or she is a member of the Society and unless a nomination paper in respect of such person is sent or delivered by hand so as to reach the office of the returning officer at or before noon on the _____ day of _____ 19____

Forms of nomination papers may be obtained from the returning officer on application. Every person proposed for election for a constituency must be nominated by a separate nomination paper in the appropriate form contained in Part II of the Second Schedule to the said Constitution, and every nomination paper must be subscribed by two proposers, being electors in the constituency, and shall contain a statement subscribed by the candidate that he or she consents to be nominated and that, if elected, he or she accepts office as a member of the Council.

No person may sign more nomination papers than the number of members to be elected by the constituency.

Dated _____ 19____

Returning Officer

NOTE

¹ As amended by the Council, July 1995.

FORM OF NOMINATION PAPER

THE LAW SOCIETY OF SCOTLAND

Election of Members of Council

Constituency

We, A.B. and C.D. (here insert names of proposers and places of business), being electors in this constituency, hereby nominate E.F. (here insert name and place of business of candidate), being a member of the Society, for election as a member of the Council of the Society at the next ensuing election.

Given under our hand this (insert date) 19
A.B.
C.D.

I, the nominee for election, consent to be nominated as a candidate, and if elected agree to accept office as a member of the Council of the Society. I am a member of the Society.

E.F.

To the Returning Officer
(Name and Address).

1 FORM OF VOTING PAPER

THE LAW SOCIETY OF SCOTLAND

Election of Members of Council

CONSTITUENCY

Election of members of Council by the constituency.

Names and Places of business of candidates

Table with 2 columns and 1 row, currently empty.

DIRECTIONS FOR THE GUIDANCE OF ELECTORS

The elector may vote for candidates.
If the elector votes for more than the number of candidates referred to in the previous line his voting paper will be treated as invalid.
The elector will place a cross on the right-hand side of the voting paper opposite the name of each candidate for whom the elector votes, thus X, and will not sign or otherwise mark this voting paper.
If the elector inadvertently spoils a voting paper the elector may return it to the returning officer, who will, if satisfied of such inadvertence, if time permits, forward another paper.
This paper must be folded face inwards and placed in the "Identification Envelope", which

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must be securely fastened and signed and then placed in the covering envelope, which must be sent or delivered by hand to the returning officer (Name and Address), and must be received there before noon on the day of 19

(Back of voting paper)

Official
Stamp and
Number

Note: The number on the voting paper should be the same as that on the identification envelope issued with it.

(Form of Declaration of Identification Envelope)

To

Place of business

I, the undersigned, hereby declare that I am the person to whom the enclosed voting paper was addressed as above and that I have not marked any other voting paper in this election.

Signature

NOTE

¹ As amended by the Council, July 1995.

Standing Orders of The Law Society of Scotland

Standing Orders made by the Council of the Law Society of Scotland in terms of Article 25 of the Constitution of the Society.

Interpretation

1.—(1) “the Act” means the Solicitors (Scotland) Act 1980; and other expressions used in these Orders shall have the same respective meanings as in the Constitution of the Society.

(2) The Interpretation Act 1978 applies to the interpretation of these Standing Orders as it applied to the interpretation of an Act of Parliament.

(3) In these Orders, references to “the Secretary” include, in the event of the Secretary’s absence or incapacity, the Registrar or any other person authorised by the President to act on behalf of the Secretary.

(4) These Orders may be cited as the Law Society of Scotland Standing Orders, 2004, and have effect to regulate all proceedings of the Society on and after 1 April 2004.

CONDUCT OF BUSINESS AT GENERAL MEETINGS OF SOCIETY

Authority of the Chair

2. The decision of the Chairman of a General Meeting of the Society on any question relating to procedure or order at the meeting shall be final and conclusive.

Motions and Amendments at Meetings of Society

3.—(a) Every motion submitted to a General Meeting, except those relating to routine matters or the conduct or procedure of the meeting, shall be in writing and signed by the mover, who shall be a member, and shall relate to business specified in the notice calling the meeting.

(b) In the case of any motion, any member may propose—

(i) an amendment of the motion by substitution, deletion and/or addition.