

THE LAW SOCIETY OF SCOTLAND

SOLICITORS (SCOTLAND) (ASSOCIATES, CONSULTANTS AND EMPLOYEES) PRACTICE RULES 2001

Rules dated 28th September 2001, made by the Council of the Law Society of Scotland under section 34(1) of the Solicitors (Scotland) Act 1980 and approved by the Lord President of the Court of Session in terms of section 34(3) of the said Act.

Citation and Commencement

- 1 (1) These rules may be cited as the Solicitors (Scotland) (Associates, Consultants and Employees) Practice Rules 2001.
- (2) These rules shall come into operation on 30th November 2001.

Definitions and Interpretation

- 2 (1) In these rules, unless the context otherwise requires:—

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

“**solicitor**” means a solicitor holding a practising certificate under the Act and includes a firm of solicitors and an incorporated practice;

“**Council**” means the Council of the Society;

“**the Society**” means the Law Society of Scotland, established under the Act;

“**consultant**” means a solicitor whose practising certificate is held by him free of conditions imposed in terms of sections 15, 24C or other relevant sections of the Act or by any Regulations made thereunder or by the Scottish Solicitors’ Discipline Tribunal or by the Court of Session and who, not being in partnership with a solicitor, or a director of an incorporated practice which is a company, or a member of an incorporated practice which is a limited liability partnership makes his services and advice available to that solicitor or incorporated practice.

“**private practice**” means practice by a solicitor acting on his own account (whether as an individual or as a partner or as an incorporated practice);

“**associate**” means a solicitor, whose practising certificate is held by him free of conditions imposed in terms of sections 15, 24C or other relevant sections of the Act or by any Regulations made thereunder or by the Scottish Solicitors’ Discipline Tribunal or by the Court of Session who is in the employment of another solicitor whether full-time or part-time and who has been afforded the status of “associate” of that other solicitor;

“**employee**” means a bona fide employee of a solicitor, whether full-time or part-time, and includes a solicitor in the employment of that other solicitor who has been afforded the status of consultant to or associate of that other solicitor; and

“**the Secretary**” means the Secretary of the Society and includes any person authorised by the Council to act on behalf of the Secretary.

- (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.

Nameplate and Professional Stationery

- 3 No solicitor engaged in private practice shall cause or permit the name of any person to appear on his nameplate or professional stationery unless that person is:
- (a) a partner of that solicitor,
 - (b) if the solicitor is an incorporated practice which is a company, a director of that incorporated practice,
 - (c) if the solicitor is an incorporated practice which is a limited liability partnership, a member of that limited liability partnership,
 - (d) a consultant to that solicitor,
 - (e) an associate of that solicitor, or
 - (f) an employee of that solicitor.

Statement as to Status

- 4 Where a solicitor in terms of rule 3 hereof causes or permits the name of a consultant, associate or employee to appear on his nameplate or professional stationery, the status and designation of such consultant, associate or employee shall be unambiguously stated in such a manner as to distinguish clearly such consultant, associate or employee from a principal solicitor, the partners of a firm of solicitors, the directors of an incorporated practice which is a company, or the members of an incorporated practice which is a limited liability partnership, as the case may be.

Contravention of these Rules

- 5 (1) In the event that the Council shall determine that a solicitor has contravened these rules, the Council may, by written notice duly given to him, require that solicitor from such date as the notice may stipulate, to amend that solicitor's nameplate or professional stationery in such a manner as shall comply with these rules.
- (2) A notice given by the Council to a solicitor under paragraph (1) hereof shall be signed by the Secretary and shall be deemed to have been duly given if it is delivered to him or left at or sent by recorded delivery post to his last known place of business.

Waiver

- 6 The Council shall have power to waive any of the provisions of these rules in any particular case.

Revocation of Previous Rules

- 7 The Solicitors (Scotland) (Associates, Consultants and Employees) Practice Rules 1996 are hereby revoked.