

SOLICITORS (SCOTLAND) PRACTISING CERTIFICATE RULES 2007

Rules dated 31st August 2007 made by the Council of the Law Society of Scotland under section 13 of the Solicitors (Scotland) Act 1980.

Citation and Commencement

- 1.- (1) These Rules may be cited as the Solicitors (Scotland) Practising Certificate Rules 2007.
- (2) These Rules shall come into operation on 1st September 2007.

Interpretation

- 2.- (1) In these Rules, unless the context otherwise requires:-
 - "the 2005 Rules" means the Solicitors (Scotland) Professional Indemnity Insurance Rules 2005;
 - "the Act" means the Solicitors (Scotland) Act 1980;
 - "application" means an application for a practising certificate;
 - "the Council" means the Council of the Society;
 - "multi-national practice" has the meaning given by section 65(1) of the Act;
 - "practice year" means a period of twelve months ending on 31 October;
 - "practising certificate" means a certificate issued by the Council in accordance with the provisions of Part II of the Act authorising a person to practise as a solicitor;
 - "principal" means a solicitor who is a sole practitioner or a partner in a firm of solicitors or a member of an incorporated practice or a member of a multi-national practice;
 - "Society" means the Law Society of Scotland.
- (2) The Interpretation Act 1978 applies to these Rules as it applies to an Act of Parliament.

Application for practising certificate

- 3.- A solicitor who wishes to obtain a practising certificate for a practice year shall complete and sign a form in or substantially in the form set out in Part I of the Schedule to these Rules.

Issue of practising certificate

- 4.- (1) Subject to sections 14(2) and 15 of the Act and to Rule 5, on receipt of an application which has been duly completed and signed, the Council shall issue a practising certificate to the applicant without delay.
- (2) A practising certificate shall be in or substantially in the form set out in Part II of the Schedule to these Rules.

Professional indemnity insurance

- 5.- The Council shall not issue a practising certificate to any solicitor making an application unless he provides, with his application:-
- (a) evidence that a certificate of insurance has been issued to the practice unit of which he is a principal for the practice year for which the application is made, in terms of the master policy taken out and maintained by the Society pursuant to Rule 5 of the 2005 Rules; or
- (b) where Rule 7 of the 2005 Rules applies, evidence that a certificate of insurance satisfying the requirements of Rule 7(2)(b) of the 2005 Rules has been issued to him or to the multi-national practice of which he is a member for the practice year for which the application is made; or
- (c) a declaration that he is not a principal.

Register of applications and practising certificates issued

- 6.- (1) The Council shall keep, in respect of each practice year, a register of applications and of practising certificates issued.
- (2) The register shall be in or substantially in the form set out in Part III of the Schedule to these Rules and may be divided into parts according to the districts in which solicitors practise as the Council may determine.
- (3) The register shall be open for inspection by any person during office hours without payment.

Revocation and saving

7.- The Solicitors (Scotland) Practising Certificate Rules 1988 are revoked, but such revocation shall not affect the validity of any application made, certificate granted or other thing done under the said Rules and any such application, certificate or thing shall have effect as if it were made, granted or done under these Rules.

Schedule
Part I
Form of application for a Practising Certificate

Principal Contact Address:	Roll Number	
Tel No:		
Email:		
		Principal <input type="checkbox"/> Associate <input type="checkbox"/> Consultant <input type="checkbox"/> Employee <input type="checkbox"/> Notary <input type="checkbox"/>
Other firms / trading names where you work (if any):		
Firm name	Country	
Regulator		
Firm name	Country	
Regulator		
Firm name	Country	
Regulator		
Regulatory Posts held (if any):		
ARTL Practice Manager <input type="checkbox"/>	Designated Cashroom Partner <input type="checkbox"/>	
ARTL Local Registration Authority <input type="checkbox"/>	Money Laundering Reporting Officer <input type="checkbox"/>	
Client Relations Partner <input type="checkbox"/>	Risk Management Contact <input type="checkbox"/>	

I declare the above information correct at today's date subject to any changes I have made in ink.

1.1 Fee Payable

Annual Membership Fee	£
Guarantee Fund Contribution	£
Fee for Retention on Roll	£
Incidental Financial Business Fee	£
Total Payable	£

1(a) I am liable to contribute to the Scottish Solicitors' Guarantee Fund.

OR:

1(b) I am exempt from payment of a contribution to the Scottish Solicitors' Guarantee Fund as I am not a principal engaged in private practice in Scotland.

2(a) I herewith provide evidence of Insurance in terms of the Solicitors (Scotland) Professional Indemnity Insurance Rules 2005.

OR:

2(b) I am exempt from providing evidence of insurance as I am not a Principal in private practice in Scotland.

3 In regard to the year ended 31 October 200?

3(a) I have complied with the Society's CPD Rules.

3(b) And: I have complied with the Solicitors (Scotland) Accounts etc Rules 2001, any exceptions having been advised to the Society.

OR:

3(c) I have not held or received clients' money at any time during the practice year.

4 I declare I am not aware of any reason why I may not be granted a Practising Certificate and hereby apply for a Practising Certificate for the year to 31 October 200?

5 I understand that the making of a false statement by a solicitor in an application for a Practising Certificate may be treated as professional misconduct for the purposes of the Solicitors (Scotland) Act 1980. (See Section 13(3))

Signature

Date

I would like the Society to keep me informed about developments in the following areas of law and practice: (please tick as appropriate)

Agricultural	<input type="checkbox"/>	Child & Family	<input type="checkbox"/>	Commercial Law	<input type="checkbox"/>
Conveyancing	<input type="checkbox"/>	Civil Court Work	<input type="checkbox"/>	Criminal Court Work	<input type="checkbox"/>
Discrimination	<input type="checkbox"/>	Employment	<input type="checkbox"/>	Human Rights	<input type="checkbox"/>
Immigration	<input type="checkbox"/>	Intellectual Property	<input type="checkbox"/>	Legal Aid	<input type="checkbox"/>
Trusts & Estates	<input type="checkbox"/>	Public Law	<input type="checkbox"/>		

Part III

Form of Register of Application for and of Issue of Practising Certificates for year to
31st October 20

Name		Designation	Place(s) of business	Date of admission	No. of Certificate	Certificate Issued	Remarks
Surname	Forename						