



THE LAW SOCIETY OF SCOTLAND
EXAMINATION SYLLABUS
AND READING LIST

Revised JULY 2008

CONTENTS

	<u>Pages</u>
GUIDELINES	3-4
PUBLIC LAW AND THE LEGAL SYSTEM	5
CONVEYANCING	6
SCOTS PRIVATE LAW	7-8
EVIDENCE	9
SCOTS CRIMINAL LAW	10
TAXATION	11-12
EUROPEAN COMMUNITY LAW	13
SCOTS COMMERCIAL LAW	14-15
* ACCOUNTING	16
* PROCEDURE	17-18
* PROFESSIONAL RESPONSIBILITY	19
BOOKS PERMITTED IN EXAMINATION HALL	20-21

*** These subjects are examined as part of the Diploma in Legal Practice course**

For a general introduction to the study of law, students might find it helpful to read "Learning the Law" by Glanville Williams (13th ed. 2006 - Sweet and Maxwell) and "Studying Scots Law" by Hector MacQueen (3rd ed. 2004) (Tottel)

While the text books cited on the reading lists are the latest editions there are often case or statutory developments subsequent to the publication of the text. Candidates will be expected to be aware of any such developments.

GUIDELINES

1. References and Sources

For general reading, candidates may find it useful to have to hand a copy of Glanville Williams "Learning the Law" (13th ed, 2006 - Sweet and Maxwell) and Hector MacQueen's "Studying Scots Law" (3rd ed, 2004) published by Tottel.

All candidates should obtain a copy of the syllabus and reading list for the relevant examination. The texts listed form the basis of the study materials for each subject.

Candidates should note that while the textbooks cited on the reading lists are the latest editions there are often case or statutory developments subsequent to the publication of the text. Candidates will be expected to be aware of any such developments.

2. Examination Procedures

Candidates must enrol for the examination no later than FOUR weeks before it takes place. The appropriate fee is payable at the time of registration (currently £50). No more than four attempts at any one exam will be allowed. **Candidates undertaking the Law Society of Scotland examinations as part of their pre-Diploma training or requalifying procedure have four years from the date of the first exam on which to pass all the Law Society examinations.**

Instructions about the location of the examination hall and any other arrangements for the examination will be issued approximately one week before the examination takes place.

Candidates should note that if there are any extenuating circumstances of which they wish the examiner to have regard, a letter should be submitted to the Law Society of Scotland's Education and Training department **in advance** of the examination.

Candidates are reminded that no books, notes or other items are allowed in the examination room apart from specific material permitted on the final page of this document. Only material with no additions made to the published text may be used. Highlighting is permitted, as are place markers, provided that these bear no inscription other than the name of the subject area being marked.

If a candidate wishes to take an alternative book to those provided on the list of materials permitted in the examination hall a written request will require to be made in advance of the examination for approval – **at least fourteen days ahead of the exam date** to allow time for the Examiner to see the material.

Any candidate found taking into the examination hall any material which is not permitted, will be disqualified from the exam.

Candidates should answer the required number of questions. **Answers should be fully reasoned with appropriate citation of authorities.** Candidates are required to write legibly. **If an examiner is unable to read a candidate's handwriting he or she will deduct marks, or may require to fail that candidate.** No extra sittings will be permitted to candidates who fail as a result of illegible handwriting.

Any candidate who enrolls for an exam and either fails to give at least **seven days notice** that he will not attend, or does not have reasonable cause for non attendance, will be treated as having failed the exam.

3. Pass Mark

The pass mark for each paper is 50%. It should be noted that, where a paper consists of two or more sections, the overall pass mark is 50% with the candidate requiring to achieve a mark in each section of at least 45%. Distinction is awarded for marks of 75% and above.

4. Oral Examinations and Intimation of Results

Oral examinations are held approximately 30 days after the written examination. It is solely at the discretion of the examiner to decide whether a particular candidate should be offered an oral examination but, generally speaking, borderline fails may be offered an oral examination. The oral examination may cover any aspect of the syllabus for that subject but is likely to concentrate on the questions contained in the examination paper.

Results can be revealed to candidates only after the meeting of the Board of Examiners at which the results are ratified. The Law Society will forward feedback forms to those candidates who fail. Any candidate requiring further guidance should write in the first instance to the Law Society of Scotland's Education and Training department and the enquiry will be directed to the relevant examiner. Any queries regarding course content will be dealt with in a similar way.

Candidates should be aware that the Examiner's decision is final and that there is no right of appeal other than on procedural grounds.

5. Moderator

Where it is alleged that the examination process has been defective, the Board of Examiners has the power to appoint a suitable person to act as a moderator. The moderator will investigate the complaint and report to the Board of Examiners who may take such action as they consider appropriate in the light of the moderator's report.

6. Exemptions

Applicants seeking exemption should contact the Education and Training Department of the Law Society of Scotland for guidance on what information/documentation is required by the Law Society's Examiners.

After having contacted the Law Society for guidance, applications for exemptions should be made in writing to the Law Society of Scotland's Education and Training department and should specify the subjects in which exemption is sought. There is currently an administrative fee of £30 for each subject.

Applications for exemption should be submitted to the Society **no later than 6 weeks before the examination date** and will be considered only when all required documentation has been received. Late and incomplete applications will not be considered.

Exemptions are granted by the Law Society of Scotland's Examiners. If an applicant seeks more than four exemptions the matter will be referred to the Law Society's Admissions Committee with a recommendation from the Examiners.

PUBLIC LAW AND THE LEGAL SYSTEM

(One paper of 3 hours)

SYLLABUS

General

1. Basic concepts: constitution; rule of law; separation of powers; sources of constitutional law; principles of constitutional government; structure of the UK.
2. Courts and precedent; statutory interpretation; sources of law.
3. Sovereignty of parliament; EU membership.
4. Parliament – composition and functions.
5. The Scotland Act and devolved government: Scottish Parliament – powers, composition and functions; the Scottish Executive.
6. The Executive: structure and powers (including royal prerogative).

Citizen and the State

1. Human Rights Act and the Scotland Act (including devolution issues).
2. The European Convention on Human Rights: enforcement machinery and substantive guarantees (in particular, Arts 2-3, 5-6, 8-11, and Prot 1 Arts 1-3).
3. Domestic civil liberties: political freedoms (assembly and association; expression; the franchise); freedom of the person; state security.
4. Basic principles of citizenship, immigration, deportation and extradition.

Administrative Law

1. Delegated legislation.
2. Administrative justice: tribunals and inquiries.
3. Judicial control of governmental action: judicial review.
4. Non-judicial redress of grievances via ombudsmen, etc.

RECOMMENDED BOOKS [Latest editions should always be used]

A standard textbook on UK constitutional and administrative law, e.g.

- Bradley and Ewing, *Constitutional and Administrative Law* (14th ed, 2006) (Longman)
- Turpin, *British Government and the Constitution* (6th ed, 2007) (Cambridge University Press)
- Munro, *Public Law* (2nd ed, 2007)(W Green)
- Himsworth & O'Neill, *Scotland's Constitution: Law & Practice* (2003)(Tottel)

A commentary on the Scotland Act, e.g.

- Himsworth and Munro, *Scotland Act 1998* (2nd ed, 2000) (W Green)

A source on 'incorporation' of the ECHR, e.g.

- Reed and Murdoch, *A Guide to Human Rights Law in Scotland* (2nd ed, 2008) (Tottel)

A textbook on the Scottish legal system, e.g.

- White and Willock, *The Scottish Legal System* (4th ed, 2007) (Tottel)
- Paterson and Bates, *The Legal System of Scotland: cases and materials* (4th ed, 1999) (W Green/Sweet & Maxwell) **Now out of print.**
- Walker, *The Scottish Legal System* (8th ed 2001) (W Green)

And

- Ewing and Dale-Risk, *Human Rights in Scotland: Text, Cases and Materials* (2004) (W Green)
- *Stair Memorial Encyclopaedia of the Laws of Scotland*: titles on 'Administrative Law', 'Constitutional Law', and 'Human Rights Law' (reissues) (Butterworths)

CONVEYANCING
(One paper of 3 hours)

SYLLABUS

1. Authentication of deeds.
2. Transfer of land :
(a) missives; (b) dispositions and; (c) registration.
In relation to (c) both the Register of Sasines and the Land Register are to be covered.
3. Landownership :
(a) boundaries; (b) separate tenements; (c) the law of the tenement; (d) common interest;
and (e) encroachment and trespass.
4. Title conditions :
(a) servitudes and (b) real burdens.
5. Leases as
(a) contracts and (b) real rights.
This includes clauses in commercial leases, but not the specific statutory rules on (a)
agricultural leases and (b) residential tenancies.
6. Standard securities and floating charges.
7. Liferents.
8. Positive and negative prescription in relation to real rights in land.

RECOMMENDED BOOKS

D A Brand, A J M Steven and S Wortley, *Professor McDonald's Conveyancing Manual*, (7th ed, 2004) (Tottel)
G L Gretton & K G C Reid, *Conveyancing* (3rd ed, 2004) (W Green)
K G C Reid, *The Law of Property in Scotland*, (1996) (Lexis Nexis)
R Paisley, *Land Law*, (2000) (W Green)
T Guthrie, *Scottish Property Law*, (2nd ed, 2005) (Tottel Publishing)
or
Avizandum Statutes on Scots Law of Property, Trusts & Succession, (updated annually)
(Avizandum)

The following books might also be referred to:

D J Cusine and R R M Paisley, *Servitudes and Rights of Way* (1998)(W Green)
W M Gordon, *Scottish Land Law -* (2nd ed, 1999)(W Green)
J M Halliday, *Conveyancing Law and Practice in Scotland* (2nd ed, 2 vols, 1996 & 1997) (W Green)

SCOTS PRIVATE LAW
(Two papers of 3 hours each)

SYLLABUS

1. Fundamental Legal Concepts and Principles.
2. Family Law.
3. Obligations - Contract, Delict and Unjustified Enrichment.
4. Property i.e. the general principles of the law of heritable property and the law of moveable property, including the acquisition of title to property, rights in respect of property and restrictions on the use of property, but excluding the technical aspects of the law of conveyancing.
5. Trusts and Succession.

RECOMMENDED BOOKS

General

Gloag & Henderson, *Introduction to the Law of Scotland* (12th ed, 2007) (W Green).
Thomson, *Scots Private Law* (2006) (W Green)
Wilson, *Introductory Essays on Scots Law* (2nd ed) (W Green). **Now out of print.**

Elementary Works

1. **CONTRACT**
MacQueen and Thomson, *Contract Law in Scotland* (2nd ed, 2007) (Tottel).
S Woolman & J Lake, *Contract* (3rd ed, 2001) (W Green).
2. **DELICT**
Thomson, *Delictual Liability* (3rd ed, 2004) (Tottel).
3. **FAMILY LAW**
Thomson, *Family Law in Scotland* (5th ed, 2006) (Butterworths).
OR
Edwards & Griffiths, *Family Law* (2nd ed, 2006) (W Green).
E Sutherland, *Child & Family Law* (2nd ed due 2008) (W Green).
4. **SUCCESSION**
McDonald, *An Introduction to the Scots Law of Succession* (3rd ed, 2001.) (W Green).
Meston, *The Succession (Scotland) Act 1964* (5th ed, 2002) (W Green).
Hiram, *The Scots Law of Succession* (2nd ed, 2007) (Tottel).
Stair Memorial Encyclopaedia of the Laws of Scotland: "Wills and Succession" (Vol 25).
5. **TRUSTS**
K McK Norrie and E M Scobbie, *Trusts* - (1991) (W Green).
6. **PROPERTY**
T Guthrie, *Scottish Property Law* (2nd ed, 2005) (Tottel).
K Reid, *Law of Property in Scotland* (1996) (Butterworths).

More Detailed Works for Reference

1. **CONTRACT**
McBryde, *Contract* (3rd ed, 2007) (W Green).
2. **FAMILY LAW**
Clive, *Husband and Wife* (4th ed, 1997) (W Green).
Wilkinson and Norrie, *Parent and Child* (2nd ed, 1999) (W Green).
3. **TRUSTS**
Wilson & Duncan, *Trusts Trustees and Executors* (2nd ed, 1995) (W Green).
Stair Memorial Encyclopaedia of the Laws of Scotland: “Trusts, Trustees and Judicial Factors” (Vol 24).
4. **PROPERTY**
Stair Memorial Encyclopaedia of the Laws of Scotland: (Vol 18).
5. **GENERAL**
Stair Memorial Encyclopaedia of the Laws of Scotland: “Obligations” (Vol 15)

EVIDENCE
(One paper of 2 hours)

SYLLABUS

The principles of the law of 'evidence' comprising in particular:

1. Relevance and admissibility
2. Classification of evidence, including oral, real, documentary and opinion evidence.
3. Requirements for proof including onus, standard, presumptions and judicial knowledge.
4. Sufficiency of evidence including corroboration, similar fact evidence, admissions and confessions.
5. Exclusionary rules including hearsay, privilege, character and improperly recovered evidence.
6. Witnesses: their competence, compellability and vulnerability

RECOMMENDED BOOKS

RECOMMENDED TEXTS

F Raitt, *Evidence* (3rd ed, 2001) (W Green)

D Sheldon, *Evidence: Cases & materials* (2nd ed, 2002) (W Green) **Now out of print.**

More Detailed Work Of Reference

A G Walker & N M L Walker, *The Law of Evidence in Scotland* (2000) (M Ross with J Chalmers (Tottel)

Additional Text

A Brown, *Criminal Evidence and Procedure : An Introduction* (2nd ed, 2003) (Tottel)

NB As the law is constantly changing, candidates should make use of case and legislation citators to update textbook reading.

SCOTS CRIMINAL LAW
(One paper of 3 hours)

SYLLABUS

NOTE: Candidates should note that, in examination answers, they are expected to cite relevant authority.

General

1. Declaratory power of the High Court.
2. *Actus reus* : acts & omissions.
3. Causation.
4. Art and part guilt.
5. Inchoate crimes.
6. *Mens rea* : The mental element.
7. *Mens rea* in statutory offences.
8. Intoxication, automatism, diminished responsibility and insanity.
9. Necessity, coercion, provocation, self-defence and superior orders.

Specific crimes and offences

10. Murder and culpable homicide (including causing death by dangerous driving).
11. Assault and causing real injury.
12. Sexual offences.
13. Theft and aggravated thefts.
14. Robbery, fraud and embezzlement.
15. Riot.
16. Damage to property - malicious mischief and vandalism.
17. Public order offences, including breach of the peace and offensive weapons.

(NB. Candidates will not be required to know in detail the various statutory provisions dealing with road traffic law. Likewise, no detailed knowledge will be required of revenue offences, betting, gaming and lotteries provisions, or game and fishing laws.)

RECOMMENDED BOOKS

Prescribed Texts

T H Jones and M G A Christie, *Criminal Law* (4th ed due 2008) (W Green)
G H Gordon, *The Criminal Law of Scotland - Vol 1 General Criminal Law (2000), Vol 2 Specific Crimes (2002)*, (3rd ed) (W. Green)

Additional Recommended Texts

Gane & Stoddart, *A Casebook on Scottish Criminal Law* (3rd ed, 2001) (W Green)
M G A Christie, *Breach of the Peace* (1990) (Tottel) **Now out of print**
P W Ferguson, *Crimes against the Person* - (2nd ed 1998) (Tottel)

TAXATION
(One paper of 3 hours)

SYLLABUS

The paper will examine candidates' knowledge of the main principles of Tax Law. Candidates are **not** expected to calculate tax liabilities but knowledge of relevant case law and statutory provisions is expected.

A. General

This includes the sources of tax law; interpretation of taxing statutes; specialities affecting Scotland; basic tax administration (including the structure of the Inland Revenue, Inland Revenue powers, self-assessment and payment of tax and tax appeals); residence, ordinary residence and domicile in tax terms; and anti-avoidance in statute and case law.

B. Income Tax

The capital/income distinction; classification of income by source and otherwise; total income; exempt income; employment income and allowable expenditure (and related matters, including benefits in kind); self-employed (business) income and allowable expenditure; income from letting businesses and allowable expenditure; charity taxation and donations to charity; losses; capital allowances; personal allowances; tax reliefs, including tax-favoured investments and savings; interest; miscellaneous income.

C. Capital Gains Tax

The basic concepts of the tax, including assets, disposals, acquisitions, chargeable gains, exemptions, chargeable persons, exemptions and reliefs, tax-favoured investments; valuation and market value.

D. Corporation Tax

The basic concepts of the tax, including the chargeable entity, residence of companies, rates of tax, income and gains of companies, distributions, franked investment income, losses, capital allowances, small companies, close investment holding companies, basic principles affecting groups of companies.

E. Inheritance Tax

The meaning of the main concepts, such as transfer of value, potentially exempt transfer, disposition, excluded property, associated operations, reservation of benefit; reliefs and exemptions, charges in life and on death, trusts, valuation.

F. Value Added Tax & Stamp Duty

The basic elements of VAT (e.g. Concept of business, supply, exempt and taxable supplies, zero-rated supplies).

The basic elements of Stamp Duty (e.g. the charge on sales and leases, main reliefs).

G. Trusts

The general principles of taxation for income tax, capital gains tax and inheritance tax relating to trusts; the anti-avoidance rules for settlements; estates of deceased persons.

RECOMMENDED BOOKS

General (may be regarded as alternatives)

Tiley and Collison's UK Tax Guide (Butterworths)

Pinson, *Revenue Law* (Sweet & Maxwell) **Out of Print**

Stephen W Mayson, *Revenue Law* (Financial Training Publications) **Out of Print**

Lee, *Revenue Law, Principles and Practice* (Tottel)

CCH British Tax Guide

Yellow and Orange Tax Handbooks (Tolleys)

OR

CCH British Tax Statutes

Inland Revenue Publications

(Available free of charge from HM Inspector of Taxes, local offices) ALL available on Inland Revenue website www.inlandrevenue.gov.uk - an excellent source.

NOTE: Candidates are reminded of the importance of working from up-to-date editions of tax handbooks and textbooks.

EUROPEAN COMMUNITY LAW

(One paper of 3 hours)

SYLLABUS

Candidates must develop an awareness of the pervasive influence of Community law on daily practice. In particular they must develop an understanding that Community law arguments can and have been raised in all kinds of legal proceedings – commercial, administrative, financial, social and in criminal cases.

1. Constitutional structure and competences of the European Union:
the three pillars structure of the EU, the scope of the European Community Treaty, the powers of the Community, the allocation of competences between the Member States and the European Community.
2. The Community institutions and the legislative process.
3. Sources of Community law.
4. Community Law and national law:
incorporation of Community law in the United Kingdom; the European Communities Act 1972; direct effect and supremacy; 'indirect' effect; 'enforceable Community rights' and remedies in UK courts.
5. Jurisdiction of and actions before the Court of Justice and the Court of First Instance.
6. The law of the Common/Internal market:
the free movement of goods, persons, services and capital; harmonisation of legislation.
7. The competition rules:
restrictive practices; monopolies; oligopolies; mergers; public undertakings; state aids; internal taxation; intellectual property; enforcement.
8. Sex discrimination law.

RECOMMENDED TEXTS - a choice of either of these textbooks

E Berry & S Hargreaves, *EU Law Textbook* (2nd ed, 2007) (OUP)

M Horspool, *EU Law*, (4th ed, 2006 – 5th ed due 2008)(OUP)

J Steiner & L Woods, *Textbook on EC Law* (9th ed, 2006) (OUP) (This textbook mirrors the syllabus closely.)

ADDITIONAL READING

Catherine Barnard, *The Substantive Law of the EU, The Four Freedoms* (2nd ed, 2007) (OUP)

J Tillotson & N Foster, *Text, Cases and Materials on EU Law*, (4th ed, 2003)(Cavendish Publishing)

S Weatherill, *Cases & Materials on EU Law*, (8th ed, 2007)(OUP)

N.B. During the examination Candidates are permitted to have to hand a clean copy of the EU and EC Treaties. This would include a copy of, *Blackstone's EC Legislation*, N Foster (ed), *EU Treaties and Legislation (annual)*, (which includes important Community legislation) or a copy of the EU and EC Treaties published by the Office for Official Publications of the Communities. These materials may not be annotated or marked in any way, excepting highlighting and/or underlining.

SCOTS COMMERCIAL LAW
(Two papers of 2 hours each)

SYLLABUS

Paper I

1. Insurance
2. Diligence
3. Commercial paper
4. Real and personal rights in security (with the exception of standard securities)
5. Sale of Goods
8. Carriage of goods by land and sea

Paper II

1. Agency
2. Partnership (including limited partnership and limited liability partnership)
3. Companies
4. Personal and company Insolvency

RECOMMENDED BOOKS

RECOMMENDED TEXTS

Davidson & Macgregor, *Commercial Law in Scotland* (2nd ed due 2008) (W Green)

This text gives good general coverage of most of the areas covered by the syllabus and is the latest edition, but there have been important developments in the law since it was published and attention is drawn to the general guidelines which state that candidates will be expected to be aware of such developments.

ADDITIONAL READING

The undernoted texts give more detailed coverage of particular areas of the syllabus by way of reference – candidates may particularly wish to refer to them where they are more up to date than the general text, although the general guidelines referred to above still apply. Out of print books may be available in libraries.

General

Gloag and Henderson, *Introduction to the Law of Scotland* (12th ed, 2007) (W Green/Sweet & Maxwell)

Insurance

J Birds & N Hird, *Bird's Modern Insurance Law* (7th ed, Sept 2007) (Sweet & Maxwell)

Rights in Security over Moveables

D L Carey Miller, *Corporeal Moveables in Scots Law, Ch 11* (2nd ed, 2005) (W. Green)

Sale of Goods

P Atiyah, J Adams & H MacQueen, *Sale of Goods* (11th ed, 2005) (Longman)

Agency

G H L Fridman, *The Law of Agency* (7th ed, 1996) (Butterworths) **Now out of print.**

Partnership

J B Miller, *The Law of Partnership in Scotland* (2nd ed, 1994) (W Green)

David A Bennett, *An Introduction to the Law of Partnership in Scotland* (1995) (W. Green) **Out of Print**

Morse & others (eds), *Palmer's Limited Liability Partnership Law* (2002) (Sweet & Maxwell)

Company

Gower & Davies, *Gower's Principles of Company Law* (7th ed, 2003 – 8th ed due 2008) (Sweet & Maxwell)

J Dine, *Company Law* (6th ed, 2007) (Palgrave) (Law Masters Series)

Insolvency

S Davies, *Insolvency and the Enterprise Act 2002*, (2003)(Jordans)

W W McBryde, *Bankruptcy* (2nd ed, 1995) (W Green/Sweet & Maxwell) **Out of Print**

D W McKenzie Skene, *Insolvency Law in Scotland* (1999) (Tottel)

St Clair and Drummond Young, *The Law of Corporate Insolvency in Scotland* (3rd ed, Oct 2004) (W Green)

W A Wilson, *The Scottish Law of Debt* (2nd ed, 1991) (W Green/Sweet & Maxwell) **Now out of print.**

ACCOUNTING

(Two papers of 3 hours each)

- N.B.**
1. Those taking the Diploma in Legal Practice Course do not require this subject.
 2. Candidates wishing to take this examination are asked to notify the Society as quickly as possible as an examination will not automatically be prepared in this subject.

SYLLABUS

1. General principles of bookkeeping.
2. The preparation of profit and loss accounts and balance sheets.
3. The analysis and interpretation of accounts of limited companies, including accounting principles and ratios.
4. Solicitors' Accounts Rules.
5. Trust and executry accounts and schemes of division.
6. Financial management of solicitors' practices.

RECOMMENDED BOOKS

Prescribed Texts

Professor Michael Morley, *Accounting for Scottish Executries and Trusts* (Law Society of Scotland)

Now out of print

Watson & Watson, *Business Accounting for Solicitors* (Tottel/Law Society of Scotland)

J R Dyson, *Accounting for Non-Accounting Students* (latest edition) (Pitman Publishing)

Recommended Texts

Geoffrey Holmes & Alan Sugden, *Interpreting Company Reports and Accounts* (Latest edition) (Woodhead Faulkner)

Solicitors (Scotland) Accounts Rules, Accounts Certificate, Professional Practice and Guarantee Fund Rules 2001 (as amended).

Guide to the Solicitors' (Scotland) Accounts, Accounts Certificate, Professional Practice and Guarantee Fund Rules 2001 and Solicitors' (Scotland) Accounts, Accounts Certificate, Professional Practice and Guarantee Fund (Amendment) Rules 2004. (March 2005)

Guidance on Capital Adequacy

Access to:

Statements of Standard Accounting Practice (SSAPs) (Institute of Chartered Accountants of Scotland)

Financial Reporting Standards (FRS) (Institute of Chartered Accountants of Scotland)

J Wardhaugh, *Trust Law and Accounts* (1951) (W Green) **Now out of print.**

PROCEDURE

(One paper of 2 hours)

- N.B.**
1. Those taking the Diploma in Legal Practice course do not require this subject.
 2. Candidates wishing to take this examination are asked to notify the Society as quickly as possible as an examination will not automatically be prepared in this subject.

SYLLABUS

Candidates should be able to demonstrate knowledge and understanding of:-

A. CIVIL PROCEDURE

- The courts in which proceedings are brought and the procedural rules which apply to them, including jurisdiction
- The remedies and orders which may be sought
- The steps which must be taken in the conduct of common types of action including relevant time-limits
- The major court related documents including initial writs, summonses, petitions, defences, answers, motions, minutes and interlocutors
- Common ancillary procedures such as amendment, default, summary decree, tenders and extra-judicial settlement
- The award of expenses and their taxation
- Rights of appeal and the need for leave to appeal
- Enforcement of court orders
- Legal aid and other methods of funding litigation

B. CRIMINAL PROCEDURE

- The courts in which proceedings are brought
- The legislation and procedural rules covering basic sequence of events in criminal cases, both summary and on indictment, from the accused's arrest/arrival at the police station to conviction and sentence, including all relevant time limits
- Bail
- Rights of appeal and appeal procedure
- Legal aid

RECOMMENDED BOOKS

Civil Procedure

Greens Sheriff Court Rules (Reprinted from The Parliament House Book) (latest edition) (Green)
Greens Annotated Rules of the Court of Session (Reprinted from The Parliament House Book) (latest edition) (Green) **OR** (*Parliament House Book Volumes I and II contain the same materials*)

Macphail, *Sheriff Court Practice* (3rd ed, 2006) (Green)

Hennessy, *Civil Procedure and Practice* (2nd ed, 2005) (Green)

Criminal Procedure

Renton & Brown, *Criminal Procedure legislation* (and updates) (Green)

OR

Criminal Procedure (Scotland) Act 1995, *Greens Annotated Acts* (latest edition)(Green)

Renton & Brown, *Criminal Procedure* (6th ed and updates) (Green)

Brown, *Criminal Evidence and Procedure – An Introduction* (2nd ed, 2002)(Tottel)

Sheehan & Dickson, *Criminal Procedure* (2nd ed, 2003)(Butterworths)

POSSIBLY USEFUL BOOKS

G Maher & D J Cusine, *The Law and Practice of Diligence* (1990) (Tottel & LSS)

Anton & Beaumont, *Civil Jurisdiction in Scotland* (2nd ed, 1995) (Green)

S A Bennett, *Style Writs for the Sheriff Court* (3rd ed, 2001) (Barnestoneworth)

PROFESSIONAL RESPONSIBILITY

(One paper of 3 hours)

- N.B.**
1. Those taking the Diploma in Legal Practice course do not require this subject.
 2. Candidates wishing to take this examination are asked to notify the Society as quickly as possible as an examination will not automatically be prepared in this subject.

SYLLABUS

1. Professionalism, the Law Society and forms of practice.
2. Standards, Complaints, Discipline and the Scottish Legal Services Ombudsman. Professional entry requirements; requirements for practice; competence; professional negligence and professional misconduct; inadequate professional services; complaints and disciplinary procedures. Indemnity insurance and the Guarantee Fund.
3. The Client/Lawyer Relationship - Ethical Aspects. Initial overtures (directories, advertising and marketing); establishing the relationship (retainers); the extent of a lawyer's authority; confidentiality/professional privilege; conflicts of interest; client property; fees, charging and taxation; termination of the relationship.
4. Obligations to others - Duties to the Court; duties to witnesses; duties to professional colleagues (including the obligation to pay counsel's fees); duties to staff; duties to third parties in general.

RECOMMENDED BOOKS AND MATERIALS

Paterson & Ritchie, *Law Practice & Conduct for Solicitors* (2006) (W. Green)

J H Webster, *Professional Ethics & Practice for Scottish solicitors* (4th ed, 2004)(Avizandum Press)

Codes of Conduct (2002) (Law Society of Scotland)

Solicitors' Professional Handbook (W Green) (latest edition)

J Ryder, *Professional Conduct for Scottish Solicitors* (1995) (Tottel)

I Smith & J Barton, *Procedures and Decisions of the Scottish Solicitors Discipline Tribunal* (1995) (T & T Clark) **Out of Print**

LAW SOCIETY EXAMINATIONS

MATERIALS PERMITTED IN EXAMINATION HALL

ALL MATERIALS MUST BE BARE TEXT ONLY AND MAY NOT BE ANNOTATED OR MARKED IN ANY WAY, EXCEPT BY HIGHLIGHTING, UNDERLINING OR 'POST -ITS'

Candidates are permitted to take only the following published versions of statutory materials (only annotations which form part of the text or the printed materials are permitted) into the examination hall for the following exams:-

Scots Private Law	Avizandum Statutes on Scots Family Law
	Avizandum Statutes on Scots Property, Trusts and Succession Law
	Avizandum Statutes on The Scots Law of Obligations
Scots Commercial Law :	Avizandum Statutes on Scots Commercial and Consumer Law
	Blackstone's Statutes on Company Law
	Blackstone's Statutes on Commercial and Consumer Law
	Butterworth's Commercial and Consumer Law Handbook
	Butterworth's Company Law Handbook
	Butterworth's Insolvency Law Handbook
	The Parliament House Book
	Sweet and Maxwell's Commercial Law Statutes
Conveyancing	Avizandum Statutes on Scots Property, Trusts and Succession Law
Taxation	Lexis Nexis (Butterworths) Yellow and Orange Tax Handbooks
	OR
	CCH British Tax Statutes Vols 1 & 2
	OR
	CCH Red and Green Statutes
Procedure	Greens Annotated Rules of the Court of Session (reprinted from The Parliament House book) (latest edition)
	OR
	Parliament House Book Volumes I and II
	Greens Criminal Court Statutes (reprinted from The Parliament House book) (latest edition)
	OR
	Renton & Brown, Criminal Procedure Legislation (and updates)
OR	
	Criminal Procedure (Scotland) Act 1995, Greens Annotated Acts (latest edition)
EC Law	Blackstone's EC Legislation by Nigel Forster
Professional Responsibility	The Solicitors Professional Handbook
	The Code of Conduct for Scottish Solicitors

Materials not permitted /

Candidates are **NOT PERMITTED** to take any materials into the following examinations:-

Public Law and the Legal System

Scots Criminal Law

Evidence

Accounting

Candidates own material will **NOT** be permitted
Downloaded materials will **NOT** be permitted