CHAPTER 28

An Act to amend the law relating to solicitors and notaries public in Scotland, and for purposes connected therewith. [7th July, 1958]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Admission of Solicitors

Qualification for admission as solicitor.

1.—(1) No person shall be admitted as a solicitor unless he has attained the age of twenty-one years and has satisfied the Council of the Society by affidavit or otherwise that he has complied with such requirements as the Council may by regulations made with the concurrence of the Lord President prescribe with respect to all or any of the following matters, that is to say:—

(*a*) practical training, including service under indentures of apprenticeship,

(*b*) attendance at a course of legal education, and

(*c*) the passing of examinations,

and unless the Council are also satisfied that he is a fit and proper person to be a solicitor.

(2) Regulations under the foregoing subsection:—

(*a*) may make such incidental, consequential and supplemental provisions as the Council consider necessary or proper in relation to the matters specified in the said subsection,

(*b*) may make different provisions for different circumstances and may include provision for the charging by the Council of fees and the application thereof, and

(*c*) shall make transitional provisions applicable in the case of persons who at the time this section comes into operation are in course of complying with the provisions of sections nine and twelve of the Act of 1933 and the regulations made thereunder.

(3) Nothing in the foregoing provisions of this section shall prejudice the power of the Court to admit a person as a solicitor in pursuance of the Colonial Solicitors Act, 1900, or under section fourteen or section fifteen of the Act of 1933.

63 & 64 Vict. c. 14.

Fee payable on admission as solicitor.

2. No person shall be admitted as a solicitor unless he produces to the Court evidence that he has paid to the Society such sum not exceeding five pounds in respect of his admission as a solicitor as may be fixed by the Council of the Society with the approval of the Lord President.

Practising Certificates

Power of Council of Society to withdraw practising certificate on failure to comply with Accounts Rules.

3.—(1) Where the Council of the Society are satisfied, after inquiry and after giving a solicitor an opportunity of being heard, that he is failing to comply with the Scottish Solicitors Accounts Rules, or the provisions of section thirteen of this Act or the Accountant's Certificate Rules, or the Rules made under subsection (3) of the said section thirteen so far as applicable, the Council may, without prejudice to the provisions of subsection (3) of section twenty of the Act of 1949 and subject to the provisions of this section, withdraw the practising certificate held by the solicitor, and such certificate shall thereupon cease to have effect and he shall be suspended from practice as a solicitor until he satisfies the Council that he is able and willing to comply with the said Rules and the said section thirteen. On being so satisfied the Council shall terminate the suspension from practice of the solicitor unless they are of opinion that for some other competent reason he is liable to proceedings under the provisions of this Act relating to discipline, and shall restore to him any practising certificate held by him for the practice year then current.

(2) Within twenty-one days after receiving written notice of a decision of the Council under the immediately preceding subsection to withdraw his practising certificate, or to refuse to terminate his suspension from practice, the solicitor may appeal to the Court against the decision; and on any such appeal the Court may give such directions in the matter, including directions as to the expenses of the proceedings before the Court, as they think fit, and the order of the Court shall be final.

List of solicitors holding practising certificates for Keeper of Registers of Scotland.

4. It shall be the duty of the Council of the Society to furnish to the Keeper of the Registers of Scotland as soon as practicable after the first day of December in each year a list of solicitors holding practising certificates for the practice year then current and also from time to time throughout the said year a note of any additions to or amendments of the said list.

Discipline

Power of Discipline Committee to order solicitor to be struck off roll, &c.

5. Subject to the provisions of section thirty-three of the Act of 1933 and to the provisions of this Act relating to discipline, the Discipline Committee—

(*a*) if, after holding an inquiry into a complaint against a solicitor, they are of opinion that the solicitor has been guilty of professional misconduct; or

(*b*) if a solicitor has, whether before or after enrolment as a solicitor been convicted by any court of an act involving dishonesty or is sentenced to a term of imprisonment of not less than two years;

may, if they think fit, order that the solicitor be struck off the roll of solicitors, or be suspended from practice as a solicitor for such time as they may determine, or may censure the solicitor, or may impose on the solicitor a fine not exceeding two hundred and fifty pounds (which shall be forfeit to Her Majesty), or may both censure the solicitor and impose on him such a fine as aforesaid:

Provided that in any case to which paragraph (*b*) of this section applies the said Committee shall not impose a fine under this section.

Restoration to roll of solicitors.

6.—(1) A person who has been struck off the roll of solicitors or whose name has been removed at his own request under section nineteen of the Act of 1933 shall not be entitled to have his name restored—

(*a*) if he was struck off the roll under an order made by the Court, except in pursuance of an order made by the Court on the petition of the solicitor, which petition shall be intimated to the Discipline Committee, who shall be entitled to appear and be heard thereon;

(*b*) in any other case, except by order of the Discipline Committee made on the application of the solicitor and after such inquiry as seems proper to the Committee.

(2) Rules under section thirty-three of the Act of 1933 may regulate the making, hearing, and determining of applications to the Discipline Committee by persons to have their names restored to the roll of solicitors under this section, and such rules may provide for payment by the solicitor to the registrar of such fee in respect of restoration as may be prescribed therein.

Appeal to Court of Session against decision of Discipline Committee.

7. Any person aggrieved by a decision of the Discipline Committee under the provisions of this Act relating to discipline may, within twenty-one days of the date on which the decision of the Committee is intimated to him, appeal against the decision to the Court, and on any such appeal the Court may give such direction in the matter as they think fit, including directions as to the expenses of the proceedings before the Court and as to any order by the Discipline Committee relating to expenses, and the order of the Court shall be final.

Miscellaneous provisions with respect to discipline.

8. The provisions of the First Schedule to this Act shall have effect with respect to complaints to the Discipline Committee and the powers, decisions, and expenses of the Discipline Committee.

Power of Council of Society to deal with property in the hands of solicitor struck off roll or suspended.

9.—(1) Where under any provision of the Act of 1949 or this Act a solicitor is struck off the roll of solicitors or is suspended from practice as a solicitor, he shall within twenty-one days of the material date satisfy the Council of the Society that he has made suitable arrangements for making available to his clients or to some other solicitor or solicitors instructed by his clients or by himself:—

(*a*) all deeds, wills, securities, papers, books of accounts, records, vouchers and other documents in his or his firm's possession or control which are held on behalf of his clients or which relate to any trust of which he is sole trustee or co-trustee only with one or more of his partners, clerks or servants; and

(*b*) all sums of money due from him or his firm or held by him or his firm on behalf of his clients or subject to any such trust as aforesaid;

and if he fails to satisfy the Council, the provisions of paragraphs 5 and 6 of the Sixth Schedule to the Act of 1949 (which relate to the production or delivery of documents by, and to payments out of any banking account in the name of, a solicitor in certain circumstances) shall apply in relation to that solicitor, notwithstanding that the Council may not have reasonable cause to believe that he has been guilty of any such dishonesty as is mentioned in subsection (2) of section twenty-two of that Act.

(2) In this section the expression "material date" means whichever is the latest of the following dates, that is to say:—

(*a*) the date when the order of the Discipline Committee or of the Court by or in pursuance of which the solicitor is struck off the roll or suspended from practice is to take effect;

(*b*) the last date on which an appeal against that order may be lodged;

(*c*) the date on which any such appeal is dismissed or abandoned.

Saving for jurisdiction of the Court of Session.

10. Save as otherwise expressly provided, nothing in the provisions of this Act relating to discipline shall affect the jurisdiction exercisable by the Court or any judge thereof over solicitors.

Notaries Public

Removal of notaries public from roll of notaries public.

11.—(1) Any solicitor struck off the roll of solicitors under the provisions of this Act relating to discipline or having his name removed from the said roll at his own request under section nineteen of the Act of 1933 shall, in the case of a solicitor who is also a notary public, be struck off the roll or register of notaries public or have his name removed from that roll or register; and similarly any person who, having been struck off the roll of solicitors as aforesaid or having had his name removed from that roll at his own request, has had his name restored to the roll of solicitors under the provisions of this Act relating to discipline shall have his name restored to the roll or register of notaries public.

(2) In the case of a solicitor who is also a notary public, the registrar shall forthwith intimate to the keeper of the roll or register of notaries public any order striking such a solicitor off the roll of solicitors or any removal from that roll at his own request of the name of such a solicitor; and in the case of a person who while on the roll of solicitors was also a notary public the registrar shall forthwith intimate to the keeper of the roll or register of notaries public any order under the provisions of this Act relating to discipline restoring the name of such a solicitor to the roll of solicitors.

Notaries public may administer oaths.

12.—(1) Without prejudice to any other statutory provision relating to the administration of oaths by notaries public, it shall be lawful for any notary public to administer or receive any oath, affidavit or solemn affirmation relating to any matter or thing, not being a matter or thing relating to the preservation of the peace or to the prosecution, trial or punishment of offences or to any proceedings before either House of Parliament or any committee thereof.

(2) Nothing in this section shall be construed as authorising the administration or the receipt of an oath, affidavit or affirmation otherwise than in a case where the administration or the receipt of an oath, affidavit or affirmation is authorised by or under any enactment.

Accountant's Certificates

Provisions as to accountant's certificates.

13.—(1) Subject to the provisions of subsection (6) of this section, every solicitor to whom the provisions of the Scottish Solicitors Accounts Rules apply shall, in accordance with the rules made under subsection (2) of this section but not oftener than once in each practice year, deliver to the registrar a certificate by an accountant in accordance with the provisions of this section, which certificate is in this section referred to as " an accountant's certificate ":

Provided that an accountant's certificate shall not be required in the case of—

(*a*) a solicitor who in agreement with the Council of the Society furnishes to the Council and keeps in force a fidelity bond by an insurance office or other institution accepted by the Court as cautioners for a judicial factor appointed by the Court for such amount as the Council may determine, guaranteeing the intromissions of the solicitor or his firm with money held by him or them for or on behalf of clients ; or

(*b*) a solicitor who satisfies the Council that during the accounting period to which the accountant's certificate would ordinarily relate he has not in the course of his practice held or received any moneys on behalf of clients ; or

(*c*) a solicitor who satisfies the Council that he is complying with the rules made under subsection (3) of this section and for the time being in force.

(2) The Council of the Society shall make rules (in this Act referred to as the " Accountant's Certificate Rules ")—

(*a*) prescribing :—

(i) the qualifications to be held by an accountant by whom an accountant's certificate may be given ;

(ii) the nature and extent of the examination to be made by an accountant of the books and accounts of a solicitor or his firm and of any other relative documents with a view to the signing of a certificate to be delivered by the solicitor under this section ;

(iii) the form and content of the accountant's certificate ; and

(iv) the intervals at which an accountant's certificate shall be delivered to the registrar ; and

(*b*) making provision with respect to:—

(i) the accounting period for which an accountant's certificate shall be delivered or the different accounting periods for which in different circumstances an accountant's certificate shall be delivered, and

(ii) the period within which an accountant's certificate shall be delivered;

and such rules may include such other provisions as the Council consider necessary or proper for the purpose of giving effect to the foregoing provisions of this section and for regulating any matters incidental, consequential or supplemental in relation thereto.

(3) The Council may, if they are of opinion that satisfactory evidence of compliance with the Scottish Solicitors Accounts Rules will be secured by some method other than by delivery of an accountant's certificate under subsection (1) of this section, make rules prescribing that other method, the terms and conditions to be observed in connection therewith, and the procedure to be followed by solicitors desiring to adopt that other method, and such rules may contain such incidental, consequential and supplementary provisions relative thereto as the Council may consider necessary or proper.

(4) Failure to comply with any of the provisions of this section or of the Accountant's Certificate Rules or of the rules made under subsection (3) of this section, so far as applicable, may be treated as professional misconduct for the purposes of the provisions of this Act relating to discipline.

(5) A certificate under the hand of the Secretary of the Society shall, until the contrary is proved, be evidence that the solicitor has or has not, as the case may be, delivered to the registrar an accountant's certificate or supplied any evidence required under this section or the Accountant's Certificate Rules or the rules made under subsection (3) of this section.

(6) This section shall not come into operation until such date as the Secretary of State may by order made by statutory instrument appoint, being a date not earlier than six months after the Council have given written notice to the members of the Society of their intention to apply to the Secretary of State for the making of such order. The accidental omission to give such written notice to any member of the Society shall not invalidate an order made under this subsection.

General

Amendments of Acts of 1933 and 1949.

14.—(1) The Act of 1933 shall have effect subject to the amendments set out in Part I of the Second Schedule to this Act.

(2) The Act of 1949 shall have effect subject to the amendments set out in Part II of the Second Schedule to this Act.

Power of Council of Society to apply for appointment of judicial factor on estate of solicitor in certain cases.

15. Where the Council of the Society are satisfied on a report of an investigation of the books, accounts and other documents of a solicitor made on behalf of the Council in exercise of their powers under the Scottish Solicitors Accounts Rules—

(*a*) that the solicitor has failed to a material extent to comply with the provisions of the said Rules; and

(*b*) that in connection with his practice as a solicitor either—

(i) his liabilities exceed his assets in the business; or

(ii) his books, accounts and other documents are in such a condition that it is not reasonably practicable to ascertain definitely whether his liabilities exceed his assets,

the Council may apply to the Court for the appointment of a judicial factor on the estate of the solicitor; and the Court, on consideration of the said report and after giving the solicitor an opportunity of being heard, may appoint a judicial factor on his estate or do otherwise as seems proper to them.

Rights of clients in sum in client bank account in case of deficiency.

16.—(1) Where upon the estate of a solicitor being sequestrated or upon a solicitor granting a trust deed for behoof of his creditors or upon a judicial factor being appointed on the estate of a solicitor the sum at the credit of the client account kept by the solicitor at a bank in terms of the Scottish Solicitors Accounts Rules, or where more than one such account are kept the total of the sums at the credit of the said accounts, is less than the total of the sums received by the solicitor in the course of his practice on behalf of his clients and remaining due by him to them, then, notwithstanding any rule of law to the contrary, the sum at credit of the said client account, or where more than one such account are kept the total of the sums at the credit of the said accounts, shall be divisible proportionately amongst the clients of the solicitor according to the respective sums received by the solicitor in the course of his practice on their account and remaining due by him to them:

Provided that no account shall be taken for the purposes of this section—

(*a*) of any account at a bank kept by the solicitor in his own name for a specified client; or

(*b*) of sums received by the solicitor in the course of his practice on behalf of that client and remaining due by him to the client so far as represented by the sum in the bank account in name of the solicitor for the client.

(2) For the purposes of this section any reference to an account at a bank shall include a reference to a deposit receipt at a bank.

Provisions as to the keeping of the roll.

17.—(1) The power conferred by subsection (1) of section eighteen of the Act of 1933 on the Lord President to give directions to the registrar as to the keeping of the roll shall include power to authorise the registrar, for the purpose of maintaining the roll in as up-to-date a state as is reasonably practicable,—

(*a*) to remove from the roll the name of any solicitor enrolled thereon who has died;

(*b*) to send to any solicitor enrolled thereon at his address as shown in the roll a letter inquiring whether he wishes that his name shall continue to be included in the roll and intimating that if no reply is returned to any such letter within the period of six months beginning with the date of the posting of the letter, his name may be removed from the roll; and

(*c*) if no reply is returned as aforesaid by any solicitor to whom a letter has been so sent, to remove the name of that solicitor from the roll.

(2) The Council of the Society may, on the application of a solicitor whose name has been removed from the roll in pursuance of paragraph (*c*) of the foregoing subsection and on payment by him to the registrar of such reasonable fee in respect of restoration as the Council may fix, order that his name shall be restored.

(3) Any person aggrieved by a decision of the Council under the last foregoing subsection may appeal against the decision to the Court, and the provisions of section seven of this Act shall, subject to any necessary modifications, apply to any such appeal.

(4) The power conferred by subsection (3) of the said section eighteen on the Court of Session to fix fees payable to the registrar in respect of the statutory duties of the registrar shall include power to fix a fee to be payable annually to the registrar in respect of the cost of maintaining the roll by every solicitor whose name is for the time being included in the roll.

Repeals.

18. The enactments specified in the Third Schedule to this Act are hereby repealed to the extent mentioned in the third column of that Schedule.

Interpretation, citation, construction and commencement. 23 & 24 Geo. 5. c. 21. 12, 13 & 14 Geo. 6. c. 63.

19.—(1) In this Act, unless the context otherwise requires—

" Act of 1933 " means the Solicitors (Scotland) Act, 1933;

" Act of 1949 " means the Solicitors (Scotland) Act, 1949;

" practice year " means the period of twelve months ending on the thirty-first day of October;

" The Scottish Solicitors Accounts Rules " means the rules relating to accounts made by the Council of the Society under section twenty of the Act of 1949 and for the time being in force;

" The Society " means the Law Society of Scotland.

(2) This Act may be cited as the Solicitors (Scotland) Act, 1958, and shall be construed as one with the Solicitors (Scotland) Acts, 1933 to 1949, and those Acts and this Act may be cited together as the Solicitors (Scotland) Acts, 1933 to 1958.

(3) Subject to the provisions of section thirteen, this Act shall come into operation on such day as the Secretary of State may by order made by statutory instrument appoint, and different days may be appointed for different provisions.

SCHEDULES

FIRST SCHEDULE

Section 8.

MISCELLANEOUS PROVISIONS RELATING TO DISCIPLINE

Power of Discipline Committee to make orders as to payment of expenses.

1. Subject to the provisions of section thirty-three of the Act of 1933 and to the provisions of this Act relating to discipline, the Discipline Committee may make in relation to any complaint against a solicitor such order as seems fit to them as to the payment by the complainer or by the solicitor of the expenses incurred by the other party to the complaint and by the Discipline Committee, or of a reasonable contribution towards such expenses; and on the application of the person in whose favour the order is made and on production of a certificate by the clerk of the Discipline Committee that the days of appeal to the Court against the order have expired without an appeal being lodged or, where such an appeal has been lodged, that the appeal has been dismissed or withdrawn, the Court may grant warrant authorising that person to recover the expenses awarded to him from the person against whom the order was made; and such warrant shall have effect for execution and for all other purposes as if it were an extracted decree of Court awarded against the last-mentioned person.

Provisions as to complaints to Discipline Committee.

2.—(1) The making of a complaint to the Discipline Committee or the giving of any information in connection therewith shall confer qualified privilege.

(2) A complaint made to the Discipline Committee shall not be withdrawn except with the sanction of the Committee and subject to such conditions with respect to expenses or otherwise as the Committee think fit to impose.

Power of Discipline Committee to dismiss complaint without inquiry.

3. Subject to the provisions of this Act relating to discipline, the Discipline Committee may dismiss a complaint against a solicitor—

(*a*) without requiring the solicitor to answer the allegations made against him or without holding any inquiry, if they are of opinion that the complaint discloses no *prima facie* case of professional misconduct on the part of the solicitor, or if the complainer fails to comply with any of the rules made under the Act of 1933 regulating the making of complaints to the Committee; or

(*b*) without hearing parties, if they are of opinion, upon consideration of the complaint and other documents, that they disclose no case of professional misconduct on the part of the solicitor.

Provisions as to decisions of Discipline Committee.

4.—(1) The Discipline Committee shall set forth in their decision—

(*a*) in the case of a complaint, the facts proved,

and

(*b*) in the case of a conviction, particulars of the conviction and sentence,

and shall in the case of a complaint add to their decision a note stating the grounds on which the decision has been arrived at.

1ST SCH. —*cont.*

(2) Every decision by the Discipline Committee shall be signed by the chairman or other person presiding and may be published in such manner as the Committee may determine.

(3) A copy of every decision by the Discipline Committee certified by the clerk of the Committee shall be sent forthwith by the clerk to the solicitor and to the complainer with an intimation of the right of appeal competent under the provisions of this Act relating to discipline.

(4) In the case of a decision by the Discipline Committee ordering a solicitor to be struck off the roll of solicitors or to be suspended from practice or censuring or fining a solicitor, on the expiration of the days of appeal without an appeal being lodged, or in the case of such a decision against which an appeal has been lodged, if and so soon as the appeal is withdrawn or a decision by the Court is given whereby the solicitor is ordered to be struck off the roll of solicitors or to be suspended from practice or is censured or fined, the clerk of the Discipline Committee shall send to the registrar a copy certified by him of the decision of the Discipline Committee and a copy of the decision by the Court in any appeal, and the registrar shall forthwith give effect to any order as to striking the solicitor off the roll of solicitors, and in any other case shall cause a note of the effect of the decision to be entered against the name of the solicitor in the roll. The registrar shall forthwith intimate any order striking a solicitor off the roll of solicitors or suspending a solicitor from practice to each sheriff clerk and also, in the case of a solicitor who carried on business in Edinburgh immediately before the order, to the Principal Clerk of Session, and shall cause a notice of the operative part of the order to be published in the Edinburgh Gazette and in such other manner, if any, as the Discipline Committee may direct.

(5) On a solicitor being suspended from practice as a solicitor the practising certificate held by him at the time shall cease to have effect:

Provided that if he ceases to be so suspended during the period for which the practising certificate would otherwise have continued in force, the certificate shall thereupon again have effect.

(6) The file of orders under this Act or the Act of 1933 striking solicitors off the roll of solicitors, suspending solicitors from practice or restoring persons to the roll of solicitors shall be open for inspection at the office of the Society at any reasonable hour by any person without payment of any fee.

Expenses of Discipline Committee.

5. The expenses of the Discipline Committee, so far as not otherwise defrayed, shall be paid by the Society as part of the expenses of the Society.

SECOND SCHEDULE

Section 14 (1).

PART I

AMENDMENTS OF THE ACT OF 1933

1. In section seven—

(*a*) in the first paragraph after the words "this Act or" there shall be inserted the words "of section one of the Solicitors (Scotland) Act, 1958, and the regulations made thereunder applicable in his case, or the provisions"; and

(*b*) in the second paragraph for the words "this Act with respect to subscribing the list of solicitors directed to be kept by section twenty of this Act" there shall be substituted the words "the Solicitors (Scotland) Act, 1949, with respect to practising certificates."

2. In section eleven for the words from "and that" to the end of the section there shall be substituted the words "or of section one of the Solicitors (Scotland) Act, 1958, and the regulations made thereunder applicable in his case."

3. In section fourteen after the words "under section nine of this Act" there shall be inserted the words "or under section one of the Solicitors (Scotland) Act, 1958, and the regulations made thereunder."

4. In section fifteen after the words "provisions of this Act" there shall be inserted the words "or of section one of the Solicitors (Scotland) Act, 1958, and the regulations made thereunder applicable in his case."

5. For section twenty there shall be substituted the following section—

"20.—(1) It shall be the duty of the Council of the Society to furnish as soon as practicable after the first day of December in each year—

(*a*) to the Principal Clerk of Session, a list of solicitors holding practising certificates for the practice year then current and carrying on business in Edinburgh, and

(*b*) to each sheriff clerk a list of all solicitors holding practising certificates for that practice year;

and also from time to time throughout the practice year to furnish to the Principal Clerk of Session and to each sheriff clerk a note of any additions to or amendments of the lists furnished as aforesaid."

(2) A reference in any enactment to a solicitor's being entitled to practise in the Court of Session or in any other court, or to act in any matter, by reason of his being enrolled in, or of his having subscribed, the list of solicitors practising in the Court of Session or the list of solicitors practising in any sheriffdom shall be construed as a reference to his being entitled so to practise or act by reason of his name being included in the appropriate list furnished under the foregoing subsection.

6. In section twenty-nine the words "on the recommendation of the Discipline Committee and" shall be omitted and after the words

2ND SCH. —*cont.*

"to whom the same relates" there shall be inserted the words "and on production to the court of copies (certified by the clerk of the Discipline Committee) of the complaint and answers (if lodged) together with a statement signed by the clerk of the said Committee specifying the place and date of the hearing of the complaint and certifying that notice to that effect has been given to the complainer and to the solicitor concerned, and on being satisfied that it would be proper to compel the giving of evidence by any witness or the production of documents by any haver."

7. In section thirty-nine after the words "Faculty of Advocates" there shall be inserted the word "or", the words "or a notary public" shall be omitted, and after the words "legal proceeding" there shall be inserted the words "or any papers on which to found or oppose an application for a grant of confirmation in favour of executors."

8. In section forty in subsection (1) for the words "fifty pounds" there shall be substituted the words "one hundred pounds."

9. In section forty-five after the words "this Act" there shall be inserted the words "or under the provisions of the regulations made under section one of the Solicitors (Scotland) Act, 1958, applicable in his case."

10. In section forty-six for the words "is entitled to practise" there shall be substituted the words "has a place of business."

Section 14 (2).

PART II

AMENDMENTS OF THE ACT OF 1949

1. In section eighteen—

(*a*) for the proviso to subsection (2) there shall be substituted the following proviso—

"Provided that a person who is suspended from practice as a solicitor under any enactment in force at the time of suspension shall, while so suspended, be treated as if he were not a member of the Society"; and

(*b*) after subsection (2) the following subsection shall be inserted—

"(2A) Notwithstanding anything in this section or in any other provision of this Act the Council of the Society may, if they think fit, admit as a member of the Society any solicitor who has not in force at the time a practising certificate on such terms and conditions (including the payment by him of a reduced annual subscription) as they may determine."

2. In section nineteen, after subsection (4) the following subsection shall be added—

"(5) Without prejudice to any proceedings under subsection (1) of this section, failure on the part of a solicitor in practice to have in force a practising certificate may be treated as professional misconduct for the purposes of the provisions of the Solicitors (Scotland) Act, 1958, relating to discipline."

2ND SCH. —*cont.*

3. In section twenty, in paragraph (*c*) of subsection (1) the words "subject to the provisions of the Sixth Schedule to this Act" shall be omitted, and in subsection (3) for the words "Part V of the principal Act" there shall be substituted the words "the provisions of the Solicitors (Scotland) Act, 1958, relating to discipline."

4. In section twenty-two, in subsection (2) after the word "solicitor" where it first occurs there shall be inserted the words "in practice in the United Kingdom", and for the words "any solicitor in connection with the practice of the solicitor or any trust of which the solicitor was or is a trustee" there shall be substituted the words "such a solicitor in connection with the practice of the solicitor".

5. In section twenty-five, in subsection (3) for the words "Part V of the principal Act" there shall be substituted the words "the provisions of the Solicitors (Scotland) Act, 1958, relating to discipline."

6. In Part 1 of the Fourth Schedule, for the proviso to paragraph 2 there shall be substituted the following proviso—

"Provided that the sum payable by a solicitor in respect of the year in which he is first included in the roll of solicitors and in respect of each of the two years immediately following shall be one-half of the annual subscription which would otherwise be payable by him."

7. In paragraph 6 of the Sixth Schedule for the word "satisfied" there shall be substituted the words "of opinion," after the word "banker" there shall be inserted the words "building society or other body", and after the words "banking account" there shall be inserted the words "or any sum deposited."

THIRD SCHEDULE

Section 18

ENACTMENTS REPEALED

Session and Chapter	Short Title	Extent of Repeal
23 & 24 Geo. 5. c. 21.	The Solicitors (Scotland) Act, 1933.	Sections nine, ten, twelve and thirteen. In section eighteen, in subsection (1) the words "shall strike any solicitor off the roll on an order of the Court to that effect, and". Sections twenty-one and twenty-two. In section twenty-five the words "or in the investigation of his conduct by the Discipline Committee." Sections twenty-six to twenty-eight and sections thirty to thirty-two.

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