

THE LAW SOCIETY OF SCOTLAND PRACTICE RULES (AMENDMENT RULES) 2019

Rules dated [] 2019 made on behalf of the Council of the Law Society of Scotland by the Regulatory Committee formed in accordance with section 3B(1) of the Solicitors (Scotland) Act 1980 under sections 34(1), 34(1D), 35(1), and 37(6) of that Act and approved by the Lord President under section 34(3) of that Act.

Citation and Commencement

- 1.- (1) These rules may be cited as The Law Society of Scotland Practice Rules (Amendment Rules) 2019.
- (2) These rules shall come into operation on [] 2019.

Definition and Interpretation

- 2.- (1) In these rules, the "Principal Rules" shall mean The Law Society of Scotland Practice Rules 2011.
- (2) The Interpretation Act 1978 applies to the interpretation of these rules as it applies to the interpretation of an Act of Parliament.

Amendments to the Principal Rules

- 3.- In rule B4 of the Principal Rules the following shall be added after sub-paragraph (e) of rule B4.2:

'(f) confirmation that if that person is unable to resolve any such concerns to the satisfaction of the client, the client may make a complaint to the Scottish Legal Complaints Commission (setting out its current contact details) about the manner in which the work is being or has been carried out, or the conduct of the person or persons carrying out the work.'

- 4.- In rule B5 of the Principal Rules:

(a) the following shall be added after rule B5.5.1:

'5.5.1.1 A practice unit shall ensure that its Client Relations Manager(s):

- (i) maintain(s) a central record of each complaint which it receives in writing, and the way it is dealt with, which record shall include, as a minimum for each complaint, the completed data fields described in rule 5.5.1.2; and

- (ii) shall deliver to the Society on request, provided that not less than one year has elapsed since any previous request, a copy of the said central record within a period not exceeding 21 days from the date on which the request is made.

5.5.1.2 The data fields referred to in rule 5.5.1.1 are:

1. File reference
2. Date the complaint was made;
3. Description of the substance of the complaint;
4. Identity of the person responsible for dealing with the complaint;
5. Type of business in respect of which the complaint was made;
6. Action taken by the practice unit in relation to the complaint;
7. Date the complaint was closed;
8. Whether or not the complaint was resolved;
9. Learning outcomes from the complaint.'

- (b) in rule B5.5.2 the following shall be inserted after the word 'complaints' and before the word 'is':

'by clients, former clients or third parties';

- (c) in rule B5.5.3:

- (i) the following shall be inserted after the word 'unit' where it second occurs and before the word 'shall':

', or any other person who makes such a request in writing'; and

- (ii) the following shall be added at the end thereof:

'5.5.3.1 A practice unit shall, on receipt of any written complaint from a person who is not its client, notify that person in writing of that person's right to make a complaint to the Scottish Legal Complaints Commission, which notification shall include current contact details of the Scottish Legal Complaints Commission.'

5.- In rule C2 of the Principal Rules, Schedule A shall be amended as follows:

- (a) in paragraphs 4 and 5 the words 'more than' shall be deleted and the words 'or more' shall be inserted after the words 'per cent';

- (b) in paragraph 7 the words 'can request' shall be deleted and the words 'shall be provided with' substituted therefor.

THE LAW SOCIETY OF SCOTLAND PRACTICE RULES (AMENDMENT NO ... RULES) 2019

Rules dated [] 2019 made on behalf of the Council of the Law Society of Scotland by the Regulatory Committee formed in accordance with section 3B(1) of the Solicitors (Scotland) Act 1980 under section and 35(1) of that Act and approved by the Lord President under section 34(3) of that Act.

Citation and Commencement

- 1.- (1) These rules may be cited as The Law Society of Scotland Practice Rules (Amendment No. ... Rules) 2019.
- (2) These rules shall come into operation on [] 2019.

Definition and Interpretation

- 2.- (1) In these rules, the "Principal Rules" shall mean The Law Society of Scotland Practice Rules 2011.
- (2) The Interpretation Act 1978 applies to the interpretation of these rules as it applies to the interpretation of an Act of Parliament.

Amendment to the Principal Rules

- 3.- The following shall be added immediately after rule B6.3.1 (c) of the Principal Rules:

“(d) ensure that payments into a client account are in respect of instructions relating to an underlying transaction (and the funds arising therefrom) or to a service within the course of a normal solicitor/client relationship.”

- 4.- The following shall be added immediately after rule B6.5.2 of the Principal Rules:

“6.5.3 Transfers or withdrawals from a client account must be in respect of instructions relating to an underlying transaction (and the funds arising therefrom) or to a service arising in the normal course of the solicitor client relationship”.