

# 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 34(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 exit day.

## 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 A3.1.6 of the Principal Rules the words 'the Directive,' shall be deleted.
- 4.- In Rule C2 of the Principal Rules:
  - (1) In rule 2.1.1:
    - (a) the defined term 'branch' and its related definition shall be deleted;
    - (b) the defined term 'close links' and its related definition shall be deleted;
    - (c) the defined term 'Directive' and its related definition shall be deleted;
    - (d) the defined term 'home Member State' and its related definition shall be deleted;
    - (e) The definition of 'Insurance Product Information Document' shall be amended by deleting the text 'Article 20(5) to Article 20(8) of the

Directive and' and inserting the text 'and any technical standards or content specified by the FCA per Article 12B of the Commission Delegated Regulation (EU) 2017/2358' at the end thereof;

- (f) The definition of 'insurance undertaking' shall be amended by deleting the text 'Article 13 point 1 of Directive 2009/138/EC of the European Parliament and of Council (13)' and substituting the text 'section 417 of the Act' therefor;
  - (g) The definition of 'large risks' shall be amended by deleting the text 'Article 13 point 27 of Directive 2009/138/EC' and substituting the text 'paragraph 11B of Schedule 25 to the Income and Corporation Taxes Act 1988' therefor;
- (2) Rule 2.2.3 shall be deleted;
  - (3) Rule 2.5.1 shall be amended by deleting the text 'at the same time (a)' in the second and third lines thereof; and deleting the text ';and (b) the fee to the prescribed from time to time by the Council in connection with such application;'; in lines 4, 5 and 6 thereof;
  - (4) The text of rules 2.7.1 and 2.7.2 shall be deleted and the words '*Not Used*' substituted therefor;
  - (5) The text of rule 2.14.4 shall be amended by deleting the words 'in an official language of the Member State in which the insured risk, or proposed insured risk, is situated or in any other' and substituting the words 'in a' therefor;
  - (6) The text of rule 2.16.1 shall be deleted and the words '*Not used*' substituted therefor.

5.- In rule D6 of the Principal Rules:

- (1) In rule 6.1:
  - (a) The definition of 'home State' shall be amended by the addition of the words 'or, in the case of a Swiss lawyer, Switzerland' at the end thereof;
  - (b) The definition of 'home professional title' shall be amended by the addition of the words 'or, in the case of a Swiss lawyer, the relevant Swiss professional title' at the end thereof;

- (c) The following definition shall be added after the definition of 'home professional title':

|              |   |
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| Swiss lawyer | the meaning given in paragraph 7(2) of the 2019 Regulations |
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- (2) The first sentence of rule 6.2 shall be deleted.

6.- In Schedule 1 to the Principal Rules:

- (1) the following definition shall be added after the definition of the 1986 Act:

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| 2019 Regulations | the Services of Lawyers and Lawyer's Practice (EU Exit) (Scotland) (Amendment etc.) Regulations 2019; |
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- (2) the defined term 'Directive' and its related definition shall be deleted;
- (3) the definition of 'European Lawyer Regulations' shall be amended by the addition of the following at the end thereof:

'as those Regulations have effect by virtue of regulation 6 or 7 of the 2019 Regulations'

- 7.- In Schedule 2 to the Principal Rules, the words 'to the extent that any waiver would be incompatible with the requirements of the Directive (as defined in that rule)' shall be deleted.