

**THE LAW SOCIETY OF SCOTLAND PRACTICE RULES (AMENDMENT NO [] RULES)
2019**

**NOTE: AMENDMENTS MADE TO THE VERSION AVAILABLE PRIOR TO THE SGM IN
SEPTEMBER 2019 ARE SHOWN TRACKED CHANGES SINCE VERSION MADE
AVAILABLE 2 OCTOBER 2019 SHOWN HIGHLIGHTED**

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 definition of 'ancillary insurance intermediary' shall be amended by deleting the text 'as defined in points (1) and (2) of Article 4(1) of Regulation (EU) No 575/2013 of the European Parliament and of the Council (12)' and substituting the text 'within the meaning of the Act,' therefor;
 - (b) the defined term 'branch' 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 based investment product' shall be amended by deleting the text 'falling under the scope of Directive 2003/41/EC or Directive 2009/138/EC' of sub-paragraph (d) and substituting the text following 'as defined in section 1(1) of the Pension Schemes Act 1993' therefor:
- ~~'(d) an occupational pension scheme within the meaning set out in section 1(1) of the Pension Schemes Act 1993'~~
- (f) ~~The~~ definition of 'Insurance Product Information Document' shall be amended by deleting the text 'the requirements of 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 and the UK version of Commission Implementing Regulation (EU) 2017/1469 the Commission Delegated Regulation (EU) 2017/2358' at the end thereof;
- (g) ~~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;
- (h) ~~The~~ ~~defined term~~ ~~tion of~~ 'large risks' shall be amended by adding the words 'contract of insurance' at the end thereof and its related definition shall be amended by deleting the text 'large risks as defined in Article 13 point 27 of Directive 2009/138/EC' and substituting the text 'large risks contract of insurance as defined in section 72D(2) of the Order' ~~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 2.13.16 shall be amended by adding the words ‘contract of insurance’ at the end thereof;

(6) The text of rule 2.14.4 shall be amended by deleting the text forming sub-
paragraph (b) and substituting therefor:

‘(b) in an official language of the United Kingdom where the state of the risk is the United Kingdom, or in any other language agreed by the parties; and’~~‘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;~~

~~(76)~~ 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’:

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:

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'

(4) the definition of 'incidental financial business' shall be amended by deleting all the text occurring after the word 'prohibition'.

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.