

LEGAL SERVICES (SCOTLAND) ACT 2010

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 4 – the Legal Profession

Chapter 3 – Solicitors and Other Representatives

Lay representation

Section 126 – Court of Session Rules

258. **Section 126** adds a section 5(e) to the Court of Session Act 1988. This extends the Court of Session’s power to make rules to include rules permitting a lay representative, when appearing along with a party at a hearing in any type of case to make oral submissions to the Court on the party’s behalf. It also inserts new section 5A after section 5 of the 1988 Act, which defines the term “lay representative” and provides that the new rules:

- only apply if the party is not otherwise represented;
- may specify conditions as to when the rules apply; and
- are subject to any other enactment that makes special provision about lay representation in a particular type of case.

Section 127 – Sheriff court rules

259. **Section 127** adds a new section 32(1)(n) to the Sheriff Courts (Scotland) Act 1971. This gives the Court of Session the power to make rules to permit a lay representative, when appearing along with a party at a hearing in any type of civil case to make oral submissions to the sheriff on the party’s behalf. It also inserts new section 32A after section 32 of the 1971 Act, which defines the terms “lay representative” and provides that the new rules:

- only apply if the party is not otherwise represented;
- may specify conditions as to when the rules apply;
- does not affect the operation of section 36(1) (procedure in summary causes) of the 1971 Act; and
- are subject to any other enactment other than section 36(1) that makes special provision about lay representation in a particular type of case.