



# Legal Services (Scotland) Act 2010

## 2010 asp 16

### PART 4

#### THE LEGAL PROFESSION

### CHAPTER 2

#### FACULTY OF ADVOCATES

#### **120 Regulation of the Faculty**

- (1) The Court of Session is responsible—
  - (a) for—
    - (i) admitting persons to (and removing persons from) the office of advocate,
    - (ii) prescribing the criteria and procedure for admission to (and removal from) the office of advocate,
  - (b) for regulating the professional practice, conduct and discipline of advocates.
- (2) The Court's responsibilities within subsection (1)(a)(ii) and (b) are exercisable on its behalf, in accordance with such provision as it may make for the purpose, by—
  - (a) the Lord President, or
  - (b) the Faculty of Advocates.

#### **121 Professional rules**

- (1) Subsections (2) and (3) apply to any rule which—
  - (a) prescribes the criteria or procedure for admission to (or removal from) the office of advocate, or
  - (b) regulates in respect of any matter the professional practice, conduct or discipline of advocates.
- (2) If the rule is made by the Faculty, the rule—
  - (a) is of no effect unless it has been approved by the Lord President (and may not be revoked unless its revocation has been approved by the Lord President),

---

*Status: This is the original version (as it was originally enacted).*

---

- (b) must be published by the Faculty.
- (3) In any other case, the rule—
  - (a) is of no effect unless the Faculty has been consulted on it (and may not be revoked unless the Faculty has been consulted on its revocation),
  - (b) requires—
    - (i) where made by the Lord President, to be published,
    - (ii) where made by the Court of Session, to be contained in an Act of Sederunt.
- (4) Neither this section nor section 122 affects the validity of any rule—
  - (a) that was in force immediately prior to the commencement of this section, and
  - (b) which regulates in respect of any matter the professional practice, conduct or discipline of advocates.
- (5) Nothing in Part 2 affects the operation of any rule which regulates in respect of any matter the professional practice, conduct or discipline of advocates (in particular, as it may relate to their involvement in or with licensed legal services providers).

## **122 Particular rules**

- (1) Subsection (2) applies to any rule—
  - (a) which regulates in respect of any matter the professional practice, conduct or discipline of advocates, and
  - (b) under which an advocate is prohibited from forming a legal relationship with another advocate, or any other person, for the purpose of their jointly offering professional services to the public.
- (2) The rule is of no effect unless it has been approved by the Scottish Ministers after they have consulted the OFT.
- (3) Subsection (2) is without prejudice to section 121(2) and (3).
- (4) In section 31 (rules of conduct etc.) of the 1990 Act, subsection (1) is repealed.