



# Legal Services (Scotland) Act 2010

## 2010 asp 16

### PART 4

#### THE LEGAL PROFESSION

### CHAPTER 3

#### SOLICITORS AND OTHER REPRESENTATIVES

#### *Lay representation*

#### 126 Court of Session rules

In the Court of Session Act 1988—

- (a) in section 5 (power to regulate procedure), after paragraph (ee) insert—
  - “(ef) to permit a lay representative, when appearing at a hearing in any category of cause along with a party to the cause, to make oral submissions to the Court on the party’s behalf.”,
- (b) after section 5 insert—

#### “5A Rules for lay representation

- (1) Rules under section 5(ef)—
  - (a) are to apply to situations in which the party is not otherwise represented,
  - (b) may specify other conditions by reference to which the rules are to apply.
- (2) Section 5(ef) is subject to any enactment under which special provision may be made for a party to a particular type of case before the Court to be represented by a lay representative.
- (3) In section 5(ef) and this section, a “lay representative” is a person who is not—
  - (a) a solicitor,

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*Status: This is the original version (as it was originally enacted).*

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- (b) an advocate, or
- (c) one having a right to conduct litigation, or a right of audience, by virtue of section 27 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990.”.

## 127 Sheriff court rules

In the Sheriff Courts (Scotland) Act 1971—

- (a) in section 32 (power of Court of Session to regulate civil procedure), in subsection (1), after paragraph (m) insert—
  - “(n) permitting a lay representative, when appearing at a hearing in any category of civil proceedings along with a party to the proceedings, to make oral submissions to the sheriff on the party’s behalf.”,
- (b) after section 32 insert—

### **“32A Rules for lay representation**

- (1) Rules under section 32(1)(n)—
  - (a) are to apply to situations in which the party is not otherwise represented,
  - (b) may specify other conditions by reference to which the rules are to apply.
- (2) Section 32(1)(n)—
  - (a) does not restrict the operation of section 36(1),
  - (b) is subject to any enactment (apart from section 36(1)) under which special provision may be made for a party to a particular type of case before the Court to be represented by a lay representative.
- (3) In section 32(1)(n) and this section, a “lay representative” is a person who is not—
  - (a) a solicitor,
  - (b) an advocate, or
  - (c) one having a right to conduct litigation, or a right of audience, by virtue of section 27 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990.”.