



Myth busting the Legal Services (Scotland) Bill

- 1** **It makes alternative business structures (ABSs) compulsory.** It does not. It allows ABSs to be set up but existing solicitors' firms can remain as they are.
- 2** **It is deregulation of the legal profession.** It is not. It puts ABSs on the same regulatory footing as traditional firms not the opposite. All ABSs must also employ one or more solicitors. The standards governing the ethics and principles of individual solicitors will not change.
- 3** **It gives government ministers the power to appoint non-solicitors to the Society's Council.** It does not. Section 92 of the Legal Services (Scotland) Bill states that the Society will appoint all non-solicitor members.
- 4** **Employed solicitors cannot meet the independence requirement of their solicitor's badge.** Absolutely not. A quarter of our members are already employed by non-solicitor run organisations and there is no challenge to their independence or ethics. They are every bit a Scottish solicitor.
- 5** **From the profession, only the big four law firms in Scotland want ABSs.** Not true. The Bill has support from a range of firms and in-house members.
- 6** **Unregulated non-solicitors will be able to offer legal advice and services.** They will not be unregulated. All ABSs will have a solicitor head of practice who will be responsible for all legal services offered and will be subject to regulation by the Society - as will every individual solicitor employed in an ABS.



**THE LAW SOCIETY
of SCOTLAND**

www.lawscot.org.uk

The facts and timings of the referendum, Legal Services Bill and SGM.

Referendum - 23 March to 7 April 2010

The Society's Council has decided to hold an independent referendum that will allow every member of the profession to vote on whether they support the introduction of ABSs and also if they agree that the Society should apply to regulate ABSs. The Society's policy of supporting ABSs was decided by members at its AGM in 2008. The vote followed a full consultation with the profession. Although entirely democratic, the vote has been called into question and if it is repeated at the SGM then the same allegations could be made. A referendum will decide the matter conclusively. Members are strongly encouraged to use their vote.

The Society has received a requisition for a second referendum. This referendum is about the Society's representative functions. The Council of the Society will consider the requisition at its next meeting at the end of March.

Legal Services Bill

The Scottish Government's Legal Services Bill is at stage 1 in parliament with the debate scheduled for mid-April. The Society is pushing for amendments to the Bill to strengthen the independence of the profession, impose greater duties on ministers to consult on regulations and bring unregulated providers within the scope of the Bill.

Consultation - closes 16 April

The Society is currently consulting on the regulatory framework and members are urged to respond by 16 April. The resulting policy paper will be brought to the Society's AGM in May.

SGM - 25 March

Members of the Scottish Law Agents Society have called for an SGM which the Society will hold at Murrayfield Stadium on 25 March. The motion proposes to change the policy of the profession and the Society to one of opposition to ABSs. It would if passed exclude in-house lawyers practising in the reserved areas. The Society will follow its current policy and oppose the motion. Members are urged to attend the SGM to vote or hand in their proxy vote to the Society by 23 March.



Referendum 2010

For more details go to www.lawscot.org.uk

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