

Law Society of Scotland further supplementary evidence, 3 November 2023

In relation to the Regulation of Legal Services (Scotland) Bill. At the evidence session of the 24 October, the committee raised a question regarding the legislative evolution of regulatory principles and objectives (Page 20 of the Official Report, question raised by Oliver Mundell). At that time, we advised that we research this and respond in due course.

We have now had the opportunity to do so and can advise, in relation to professional principles, that prior to the enactment of the Legal Services (Scotland) Act 2010 (section 2), these did not appear in any legislative form relating to the regulation of legal services. However, the Law Society first codified standards of conduct for the profession in 1989 through a Code of Conduct. Many of the standards set out in the 1989 Code of Conduct echo what are now the professional principles. The 1989 Code of Conduct was updated in 2008, along with accompanying standards of service. In 2011, the Solicitors (Scotland) Practice Rules were published by the Society which included standards of conduct. The 2011 Practice Rules have been subject to further amendment over the years, but the standards of conduct set out in Rule B1 have stayed much the same and cover the statutory professional principles and other rules of good practice and professional ethics.

In respect of regulatory objectives, these first appeared in section 1 of the Legal Aid and Solicitors (Scotland) Act 1949. This introduced the statutory duty and objective to promote the interests of the legal profession and the interests of the public in relation to that profession. The Solicitors (Scotland) Act 1980, which was a consolidation act, mirrored those objectives in section 1 (of the 1980 Act) . Section 1 of The Legal Services (Scotland) Act 2010 then expanded on those regulatory objectives significantly.