

Scottish Law Agents Society

**MEMORANDUM
BOOK
2013/2014**

**Published by Authority of the Council
for issue to Members**

Compiler:
Euan Sinclair
SLAS.memobook@gmail.com

The Society gratefully acknowledges the contribution of all those who provided information for this Memorandum Book.

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MMXIII
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unless otherwise stated*

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Calendar 2013

2013 JANUARY Sunday ... 6 13 20 27 ... Monday ... 7 14 21 28 ... Tuesday 1 8 15 22 29 ... Wednesday 2 9 16 23 30 ... Thursday 3 10 17 24 31 ... Friday 4 11 18 25 Saturday 5 12 19 26	2013 FEBRUARY Sunday ... 3 10 17 24 ... Monday ... 4 11 18 25 ... Tuesday ... 5 12 19 26 ... Wednesday ... 6 13 20 27 ... Thursday ... 7 14 21 28 ... Friday 1 8 15 22 Saturday 2 9 16 23
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NOTABLE DATES 2013/14Bank Holidays in **bold**

- 27 May 2013** – **Spring Bank Holiday**
- 16 Jun 2013 – Trooping the Colour (The Queen's Official Birthday)
- 16 Jun 2013 – Father's Day
- 21 Jun 2013 – Summer Solstice
- 24 Jun 2013 – Midsummer's Day
- 5 Aug 2013** – **Summer Bank Holiday (Scotland)**
- 21 Aug 2013 – Trafalgar Day
- 26 Aug 2013 – Summer Bank Holiday (UK except Scotland)
- 22 Sep 2013 – September equinox
- 27 Oct 2013 – British Summertime (*BST*) Ends
(clocks fall back one hour)
- 31 Oct 2013 – Hallowe'en
- 1 Nov 2012 – All Saints Day
- 2 Nov 2013 – All Souls Day
- 5 Nov 2013 – Guy Fawkes Night
- 10 Nov 2012 – Remembrance Day (*Remembrance Sunday*)
- 30 Nov 2013 – St Andrew's Day
- 2 Dec 2013 – St Andrew's Day observed (Scotland)
- 21 Dec 2013 – Solstice
- 25 Dec 2013** – **Christmas day**
- 26 Dec 2013** – **Boxing Day**
- 31 Dec 2013 – Hogmanay
- 1 Jan 2014** – **New Year's Day Bank Holiday**
- 2 Jan 2014** – **2nd January Bank Holiday**
- 25 Jan 2014 – Robert Burns Night (*Burns Night*)
- 31 Jan 2014 – Chinese New Year (Horse)
- 4 Mar 2014 – Shrove Tuesday (*Pancake Day*)
- 5 Mar 2014 – Ash Wednesday
- 14 Feb 2014 – St Valentine's Day
- 1 Mar 2014 – St David's Day
- 17 Mar 2014 – St Patricks Day
- 20 Mar 2014 – Vernal (or Spring) Equinox
- 30 Mar 2014 – British Summertime (*BST*) Begins
(clocks spring forward one hour)
- 30 Mar 2014 – Mothering Sunday (*Mothers Day*)
- 18 Apr 2014** – **Good Friday**
- 20 Apr 2014 – Easter Sunday
- 21 Apr 2014 – Easter Monday
- 23 Apr 2014 – St George's Day
- 5 May 2014** – **May Day** (*Early May Bank Holiday*)

EASTER DATES (Easter Sunday)

- April 20 2014
- April 5 2015
- March 27 2016
- April 16 2017
- April 1 2018

INTERNATIONAL DIRECT DIALLING - WORLD TIMES

To call from any of the countries listed to any other, dial: (i) the access code for the country *from* which you are calling, then (ii) the country code for the country *to* which you are calling, then (iii) the area code – if not known, consult local directory or ask international operator (dial 155) – then (iv) the customer's number. Note that the area code is often already included in the customer's number, in which case you should omit any initial '0' (except to Russia) or '9' (to Finland or Spain).

Additional information can be obtained from www.bt.com

	<i>Access Code</i>	<i>City Code</i>	<i>Hours ahead or behind of GMT</i>
AUSTRALIA	0061		
Perth		8	+8
Adelaide		8	+9½
Melbourne		3	+10
Sydney		2	+10
Brisbane		7	+10
AUSTRIA	0043		
Vienna		1	+1
BELGIUM	0032		
Brussels		2	+1
CANADA	001		
Halifax		902	-4
Montreal		514	-5
Toronto		416/905	-5
Ottawa		613	-5
Vancouver		604	-8
Calgary		403	-7
Winnipeg		204	-6
Quebec City		418	-5
CHINA	0086		
Beijing		10	+8
Dalian		411	+8
Shanghai		21	+8
DENMARK	0045	—	+1
FINLAND	00358		
Helsinki		9	+2
FRANCE	0033		+1
Paris		1	+1
NW		2	+1
NE		3	+1
SE		4	+1
SW		5	+1
GERMANY	0049		
Berlin		30	+1
Dresden		351	+1
Frankfurt am Main		69	+1
Munich		89	+1
Nuremburg		911	+1
GREECE	0030		
Athens		1	+2
HONG KONG	00852	—	+8
IRELAND	00353		
Dublin		1	—
ISRAEL	00972		
Jerusalem		2	+2
Tel Aviv		3	+2
ITALY	0039		
Rome		06	+1
Vatican City		066982	+1
Milan		02	+1
Turin		011	+1
JAPAN	0081		
Tokyo		3	+9
KUWAIT	00965		+3
LUXEMBOURG	00352	—	+1

NETHERLANDS	0031		
Amsterdam		20	+1
The Hague		70	+1
Rotterdam		10	+1
NEW ZEALAND	0064		
Auckland		9	+12
Wellington		4	+12
Invercargill		3	+12
NIGERIA	00234		
Lagos		1	+1
NORWAY	0047	—	+1
PORTUGAL	00351		
Lisbon		1	+1
RUSSIAN FEDERATION	007		
Moscow		095	+2½
Rostov on Don		8632	+2½
SAUDI ARABIA	00966		
Riyadh		1	+3
SOUTH AFRICA	0027		
Capetown		21	+2
Durban		31	+2
Johannesburg		11	+2
Port Elizabeth		41	+2
Pretoria		12	+2
SOUTH KOREA	0082		
Seoul		2	+9
SPAIN	0034		
Madrid		91	+1
Barcelona		93	+1
SWEDEN	0046		
Stockholm		8	+1
SWITZERLAND	0041		
Basle		61	+1
Berne		31	+1
Geneva		22	+1
UNITED STATES	001		
New York (Manhattan)		212	-5
Washington, DC		202	-5
Philadelphia		215	-5
Boston		617	-5
Chicago		312	-6
San Francisco		415	-8
Los Angeles		213	-8
Houston		713	-6
Miami		305	-5

SOME NATIONAL DIALLING CODES

Aberdeen	01224	Kilmarnock	01563
Ayr	01292	Melrose	01896
Berwick	01289	Oban	01631
Dumbarton	01389	Paisley	0141
Dumfries	01387	Perth	01738
Dundee	01382	St Andrews	01334
Edinburgh	0131	Stirling	01786
Glasgow	0141	Stranraer	01776
Inverness	01463	Thurso	01847

BT Directory Enquiries: 118500

Also www.192.com (Free)

Malicious Calls Bureau 0800 661 441

Unwanted Calls 0800 800 150 (home); 0800 800 152 (business)

Telephone Preference Service 0800 07 007 02

Time Differences 24 Hour Helpline – Dial 155 (Free)

International operator: 155 No charge to caller: 0800



1. The Scottish Law Agents Society

THE SOCIETY

The Society was incorporated by Royal Charter in 1884 and membership is open to all Scottish Solicitors and trainees in the public or private sector or elsewhere. Being a voluntary body, the Society depends for its existence on the support of its membership.

The Society is concerned with all legal and practical matters affecting its members and endeavours to represent and promote their interests and standards. This is done through the medium of the Society's Council consisting of members representing all parts of Scotland.

The Society organises CPD seminars throughout the year on a wide variety of topics. There is also a web-site providing useful information and links to other sites and a magazine called *The Scottish Law Gazette* published quarterly.

Council members retire by rotation at the Society's AGM which is held each June. The Council meets monthly, usually alternating between Glasgow and Edinburgh, and also has committees to deal with such matters as Conveyancing and Court and Legal Aid and Membership and Public Relations.

Council reviews and reports on numerous consultative documents issued by The Scottish Law Commission, Scottish Consumer Council, The Law Society of Scotland, Government bodies and others.

Council members are always available to discuss the views or problems of members – a list of Council members is contained within these pages. Council members are keen to keep in touch with members and Faculties in their own areas. Council believes there to be a real need for a well supported independent body to foster and protect the interests of the profession. In many fields SLAS complements and supports the work of The Law Society of Scotland.

In 1987, in conjunction with the Glasgow Bar Association, the Society was instrumental in the incorporation of The Legal Defence Union. The President of the Society is *ex officio* a Director of the Legal Defence Union.

The Society's publications to members are the *Scottish Law Gazette*, which appears quarterly, edited by Ken Swinton of Abertay University, and the annual *Memorandum Book* updated and edited by Euan Sinclair.

The Secretary is Michael Sheridan of 166 Buchanan Street, Glasgow G1 2LW.

Membership Application Forms are obtainable from the Secretary or from any Council member or at www.slas.co.uk .

EMAIL AND WEBSITE

The Society's website, with special features accessible to members only, is now a busy and important source of information to the membership which enables members both to give to and receive from each other, news, views and reports on matters of importance at www.slas.co.uk . The website front page is open to the public but contains directions as to how to obtain a private member's login which enables members only to visit the private member's pages which contain a wealth of information and articles including back issues of the Society's Gazette. The website enables the Society to draw issues to the attention of the membership and to obtain views thereon from around the membership at very short notice and to make these views known to the appropriate bodies such as the Scottish Executive, The Legal Aid Board and the Law Society etc. It may also provide a means of circulating members more promptly with information that may be of importance in day to day business – such as the current incidence of cheque interception/counterfeiting. Individual members who become aware of matters of importance or who wish to obtain advice or assistance in connection with a particular matter might make the relevant information available to the membership or otherwise help with the enquiry by use of our email. The Society will endeavour to post news items regularly on the front page of the website. Wherever an item includes information not appropriate for general publication, members shall be directed to the members' area for that information. Members are invited to submit items by email for dissemination in this way. Also, where a member would like help or advise with a particular problem then this may be appropriate for publication in the members' area suitably shorn, of course, of all prejudicial and confidential references to identifiable persons or bodies.

Apart from the website, we are able also to issue occasional email news flashes around the membership – even if only to draw attention to a particular item being published on the website. If you wish to receive the benefit of this service, please contact the secretary.

The secretary continues his labours to create an electronic forum (formerly called Virtual Council) made up of members who have registered their email address and their willingness to respond to occasional surveys, e.g., are you in favour of Alternative Business Systems? This provides the Society's Council with a fast and effective means of testing the feeling of the Society about particular issues. We would expect to make about three or four survey enquiries of this nature each year. Most enquiries will require Yes / No or tick box answers but sometimes with an opportunity to add a short narrative. If you would be willing to be registered in such a Virtual Forum, then please send an email to the secretary at

secretary@slas.co.uk with the subject matter "SLAS Virtual Forum" and providing your full name, name of firm and address.

Your website contains also a diary of forthcoming meetings and a register of consultations and any member who feels that they may have a useful input in respect of any of these items is more than welcome, and is in fact requested, to contact the secretary accordingly.

SCOTTISH SOLICITORS BENEVOLENT FUND (SSBF) AND TOD FOUNDATION

The Fund was instituted by the Scottish Law Agents Society in c 1935. The Law Society of Scotland followed suit in 1949. The two Funds were subsequently amalgamated.

The typical grant awarded is £500 each half year. While this is a small amount, the grants make a difference to the recipients.

In the past year the Tod Endowment Fund has provided funds which are administered by the SSBF Trustees for the specific purpose of providing short holidays in Scotland to stressed-out Solicitors and their immediate dependants. The Tod Foundation can also fund a carer or companion where reasonably required and can also provide respite in the form of locum cover. The Endowment Fund also has similar provisions for Doctors, Artists, Ministers and members are invited to inform the Secretary of any persons or dependants of persons from these callings who may qualify for benefit from the Endowment Fund.

For further information on the SSBF or Tod Endowment Fund and Grant Application Forms please contact the Secretary of the SSBF at 166 Buchanan Street, Glasgow G1 2LW.

It is calculated that, if each subscribing member of the Society were to contribute £10 to the Benevolent Fund (by separate remittance made payable to SSBF) in addition to the annual subscription, then the drain on the fund would be reversed and the income would exceed the outgoings and the fund might even expand slightly. If the £10 gift was accompanied by a gift aid declaration then its value to the fund would be increased to approximately £12.50 and the income of the fund would certainly exceed its expenditure – a result which Micawber would have described as happiness.

For further details see article on the subject by Craig Bennet, SSBF Convenor, in the Scottish Law Gazette 2007 SLG 77.

REDUNDANT: KEEPING IN TOUCH

A number of solicitors have been made Redundant during the recession and there may be difficult times ahead. Apart from the obvious financial consequences, these solicitors also have the difficulty of becoming separated from professional practice. The Society would wish to address this problem by proposing a "Keeping in Touch Programme" whereby those solicitors who have been made Redundant might register their availability with the Society and those firms who would be prepared to take on such solicitors on a temporary part time basis, even for one day a week, either without remuneration or subject to very nominal remuneration, might also register with the Society. Please send notes of interest in the first instance to the Secretary, 166 Buchanan Street, Glasgow G12LW, DX GW 66, LP5 Glasgow 7, fax: 0141 353 3819, email:

Scottish Law Agents Society

Trainee Continuing Professional Development

Trainees who commenced the traineeship after 31st of August 2011 are required to undertake the Trainees Continuing Professional Development (TCPD) element of the new traineeship regime. The former Professional Competence Course (PCC) will cease to exist from 31 August 2013.

A team from the Royal Faculty of Procurators at Glasgow (RFGP) and the Scottish Law Agents Society (SLAS) has drawn up a programme which meets all of the requirements of the TCPD at the lowest feasible cost and with the minimum of disturbance to the main training vehicle while providing through a team of experienced solicitors an excellent training in most aspects of legal practice. All trainees taking the course shall:

- Make representations in the Sheriff Court in a contested matter.
- Analyse a model set of domestic residential missives and deal with a specific drafting difficulty.
- Analyse the pleadings contained in a genuine Closed Record and engage in legal debate thereon.
- Analyse the terms of a standard private client's Will and adjust a variation thereto in the light of a specific instruction.
- Rehearse a scripted summary trial and respond, individually, without script, to particular difficulties arising.
- Analyse a common form of commercial lease and draw an amendment thereto in terms of a given correspondence.
- Listen to a distinguished, senior solemn trial expert describe the preparation process in detail.
- Draw a petition for the appointment for an executor dative in specific circumstances and ascertain and complete the forms necessary for the confirmation of an executor in an inheritance tax liable estate.
- Analyse a common form of offer for the purchase of commercial premises, including the business operated therein and distinguish this from a share transfer proposal.
- Listen to a senior expert practitioner describe the criminal process at Sheriff Court level.
- Take away a DVD recording of his / her own performance in specific parts of the course.
- Attend at Registers of Scotland and meet a senior official for a discussion of technical, registration procedures including the relevant, cutting edge I.T. procedures.
- Meet senior officials from the Scottish Legal Aid Board and discuss the legal aid process and use of I.T. in that process.
- Meet a senior official from the Law Society of Scotland and discuss the complaints issue with particular reference to the new Scottish Legal Complaints Commission.
- Meet a representative from an environmental search company and study the modern requirements regarding the ascertainment and consequences of contaminated land and relative search procedures.
- Meet an experienced practitioner for an analysis of the fee charging process and the dangers and difficulties that can arise.
- Engage in negotiation for the settlement of an action raised in the context of nuisance, based on a genuine closed record.
- On notice given, meet a technical legal issue in an interview context with expert guidance to hand with participation in approx 12 scenarios.

In addition, the trainees taking the course will complete the the Law Society requirements for training in:

- Professional Ethics and Standards
- Professionalism
- Professional communication

- Business, financial, commercial and practice awareness
- Substantive and relevant legal knowledge

This course eschews narrow specialisation at the stage of the traineeship but rather seeks to provide trainees with insight and practice over the broad spectrum of work undertaken by the legal profession. It has been our conclusion that each of these areas develops the essential skills of comprehension, analysis, deduction, argument, communication and pleading which are relevant and necessary to solicitors in whatever area they come to practice. We have observed also that this course provides also an invaluable opportunity for trainees from different parts of the country and from different areas of practice and different sizes and types of firms to meet and network with each other. *Notes of interest should be intimated by e-mail to secretary@slas.co.uk or by telephone on 0141 332 3536.*

PAST PRESIDENTS

1884-88.....	SIR JAMES ROBERTON, LLD, Glasgow.
1889-92.....	ALEXANDER CAMERON, Elgin.
1893-96.....	JOHN A SPENS, LLD, Glasgow.
1897-1900.....	JAMES W BARTY, LLD, Dunblane.
1901-04.....	JOHN P KYD, Dundee.
1905.....	JOHN ERSKINE, Glasgow.
1906-07.....	G D BALLINGALL, Edinburgh
1908-10.....	D M M MILLIGAN, Aberdeen.
1911-13.....	JAMES W WHITELAW, Dumfries.
1914-16.....	ROBERT WHYTE, Stirling.
1920-22.....	PATRICK COOPER, Aberdeen.
1923-25.....	JOHN PATTISON, Paisley.
1926.....	{ WILLIAM THOMSON, Edinburgh. PATRICK D MACTAVISH, Inverness.
1927.....	{ WILLIAM THOMSON, Edinburgh. ROBERT HUSBAND, Dunfermline.
1928-29.....	A R PRENTICE, Greenock.
1930-33.....	PROFESSOR JOHN GIRVAN, Glasgow.
1934-36.....	JAMES E SHAW, Ayr.
1937-39.....	RODERICK M NICOL, Glasgow.
1939-41.....	JAMES HYSLOP, Dumfries.
1941-47.....	SIR NORMAN M. MACPHERSON, SSC, Edinburgh.
1947-50.....	D STANLEY DICKSON, Glasgow.
1959-52.....	J GORDON DOW, Anstruther.
1952-56.....	JOHN G PATRICK, Glasgow.
1956-59.....	JOHN MACBEAN, Inverness.
1959-62.....	JOHN SMITH, Galashiels.
1962-64.....	W F DICKSON, Edinburgh.
1964-66.....	JAMES STEWART, Perth.
1966-68.....	GEORGE SANDILANDS, Kirkcaldy.
1968-70.....	NORMAN D MACKENZIE, Grangemouth.
1970-72.....	COLIN BROWN, Glasgow.
1972-74.....	G MARSHALL SPENCE, Elgin.
1974-76.....	A MUNRO ARMIT, Paisley.
1976-78.....	IAN R SMITH, Galashiels.
1978-80.....	ROBERT M GARDINER, Ayr.
1980-82.....	WILLIAM L McGEACHY, Glasgow.
1982-84.....	JAMES W BARTY, OBE, Dunblane.
1984-86.....	DAVID C KELLAR, Dumfries.
1986-88.....	ALAN M STEWART, Dunfermline.
1988-89.....	DUNCAN K MACRAE, Stirling.
1989-90.....	ANNE E SCOTT, Aberdeen.
1990-91.....	IAN D MORRISON, Inverness.
1991-92.....	JAMES C GORDON, Ayr.
1992-94.....	JAMES S McDONALD, Kilmarnock.
1994-95.....	IAN C FERGUSON, Glasgow.
1995-97.....	JOHN C BURN, Dumfries.
1997-98.....	DAVID A HARKESS, Dunfermline.
1998-99.....	DAVID P H MACLENNAN, Edinburgh.
1999-00.....	DEREK FLYN, Inverness.
2000-01.....	IAN R MacLEOD, Dyce.
2001-02.....	ANDREW D ANDERSON, Kilmarnock.
2002-03.....	MARGARET I H LIDDELL, Motherwell.
2003-04.....	A PATRICK FORDYCE, Alexandria.
2004-05.....	KENNETH W SWINTON, Dundee.
2005-06.....	CRAIG BENNET, Dunfermline.
2006-07.....	DAVID RATTRAY, Falkirk.
2007-08.....	DOROTHY MCGHIE, Glasgow.
2008-09.....	DAVID P H MACLENNAN, Edinburgh.
2009-10.....	MICHAEL SCANLAN, Glasgow
2010-11.....	CRAIG BENNET, Dunfermline
2011-12.....	DAVID P H MACLENNAN, Edinburgh.

SCOTTISH LAW AGENTS SOCIETY

Incorporated (as "The Incorporated Society of Law Agents in Scotland")
by Royal Charter sealed on 18 January 1884, with Supplementary
Charter sealed on 6 May 1925

Council of the Society 2013

President:

IAN R McLEOD
Wilsone & Duffus
75 Victoria Street, Dyce AB 21 7AX
Tel: 01224 797979 Fax: 01224 797978
e-mail: ian.mcleod@wilsoneduffus.co.uk

Vice-President:

MARY PIRIE
1 Wardrop Place, East Kilbride, Glasgow G74 4DX
Tel: 01335 221059
e-mail: marybpirie@virginmedia.com

Members of Council:

JOHNNIE AM CUTHBERT
Scottish Law Agents Society
166 Buchanan Street, Glasgow G1 2LW
e-mail: johnnie.cuthbert@yahoo.com

IAN C FERGUSON
Mitchells Robertson, George House
36 North Hanover Street, Glasgow G1 2AD
Tel: 0141 552 3422 Fax: 0141 552 2935
e-mail: icf@mitchells-robertson.co.uk
DX GW 77 GLASGOW

PATRICK FORDYCE
Solicitor, 55 Marlborough Avenue, Broomhill, Glasgow G11 7BS
Tel: 0141 357 0411 Fax: 0141 357 5776
e-mail: patbar2@ntlworld.com
Mobile: 07730 075412

ROBERT C B FORMAN
Blackadders LLP
5 Rutland Square, Edinburgh EH1 2AX
Tel: 0131 222 8800 Fax: 0131 222 8808
e-mail: robert.forman@blackadders.co.uk

DAVID P H MACLENNAN
2 Wester Coates Terrace, Edinburgh EH12 1LS
Tel: 0131 337 4620
e-mail: david@maclennan.org.uk

GRAHAM McFARLANE GIBSON
Kirklands Law Limited
7 King Street, Perth PH2 8HR
Tel: 01738 442299 Fax: 01738 443999
e-mail: gmg@kirklands-law.co.uk

DOROTHY MCGHIE

16 Scott Street, Largs, Ayrshire KA30 9NU
Tel: 01475 674970
e-mail: mail@dorothymcghie.com

ROD K MACLEAN

Murchison Law
5 Ardross Terrace, Inverness IV3 5NQ
Tel: 01463 709992 Fax: 01463 713722
e-mail: rod@murchisonlaw.co.uk

DAVID G RATTRAY

Tait MacLeod
Eilean Chambers, 6 Park Street, Falkirk
Tel: 01324 888877
LP38 FALKIRK
e-mail: david@taitmacleod.com

MICHAEL SHERIDAN *Secretary*

Sheridans
166 Buchanan Street, Glasgow G1 2LW
Tel: 0141-352 4522 Fax: 0141-353 3819
LP 7 GLASGOW 5
e-mail: secretary@slas.co.uk

KENNETH W SWINTON

62 Strathern Road, Broughty Ferry, Dundee DD5 1PH
Tel: 01382 308413 Fax: 01382 308400
e-mail: ken@swinton98.freeserve.co.uk

CATRIONA WALKER

Scottish Law Agents Society
166 Buchanan Street, Glasgow G1 2LW
e-mail: catwalk316@btinternet.com

Secretary:

MICHAEL SHERIDAN
Sheridans
166 Buchanan Street, Glasgow G1 2LW
Tel: 0141-352 4522 Fax: 0141-353 3819
LP 7 GLASGOW 5
DX GW 266 Glasgow
e-mail: secretary@slas.co.uk

The Scottish Law Gazette**(Published Quarterly – March, June, September & December)**

Editor: KENNETH W SWINTON,
University of Abertay Dundee, Dundee Business School,
Kydd Building, Bell Street, Dundee DD1 1HG
Tel: 01382-308000 Fax: 01382-308400
e-mail: ken.swinton@gmail.com

**Memorandum Book
(Published annually)**

Editor: EUAN SINCLAIR
Lawson Lundell LLP Barristers & Solicitors
Suite 1600 Cathedral Place
925 West Georgia Street
Vancouver, British Columbia
V6C 3L2

2. THE LAW SOCIETY OF SCOTLAND (2013-2014)

President:

BRUCE BEVERIDGE WS
(Edinburgh Tel: 0131 226 7411)
Email: brucebeveridge@lawscot.org.uk

Vice-President:

ALISTAIR MORRIS
(Cupar Tel: 01334 653777)
Email: almorris@pagan.co.uk

Past President:

AUSTIN LAFFERTY
(Glasgow Tel: 0141 621 2212)
Email: alafferty@laffertylaw.com

Chief Executive:

Lorna Jack
26 Drumsheugh Gardens, Edinburgh
Telephone: 0131 226 7411
Fax: 0131 225 2934
Email: lornajack@lawscot.org.uk
LP1
Email: lawscot@lawscot.org.uk
Website: www.lawscot.org.uk

Also at:

Avenue des Nerviens
1040 Brussels, Belgium
Telephone +32 2 743 8585 Fax: +32 2 743 8586
e-mail: Brussels@lawscot.org.uk

COMMITTEES OF THE LAW SOCIETY

A full list of the members of committees
is available on the Society's website or
can be obtained from the Registrar of the Law Society

SCOTTISH LEGAL COMPLAINTS COMMISSION

10 Waterloo Place, Edinburgh, EH1 3EG
LP 86, Edinburgh 2
Chief Executive – Matthew Vickers
Telephone: 0131 201 2130 Fax: 0131 201 2131
Email: enquiries@scottishlegalcomplaints.org.uk

SCOTTISH SOLICITORS' DISCIPLINE TRIBUNAL

Unit 3.5, the Granary Business Centre, Coal Road, Cupar
Fife KY15 5YQ
LP18 Cupar
Telephone: 01334 659088
Fax: 01334 659099
www.ssdt.org.uk

LAW SOCIETY OF SCOTLAND COMMITTEES

The Law Society committees are separated in two areas of regulation and non-regulatory.

Regulatory Committee and its Sub Committees of

- Admissions Sub Committee
- Civil Legal Aid Quality Assurance Sub Committee
- Client Relations Sub Committees
- Complaints Sub Committee
- Education & Training (Standard Setting) Sub Committee
- Fee Determination Sub Committee
- Guarantee Fund Sub Committee
- Investor Protection Sub Committee
- Practising Certificate Sub Committee
- Professional Conduct Sub Committee
- Professional Practice Sub Committee 1
- Professional Practice Sub Committee 2
- Professional Practice (Rules & Waivers) Sub Committee
- Rights of Audience Sub Committee

The Regulatory Committee and all of its Sub Committees have an equal number of five solicitor and five lay members.

Non-regulatory Committees

- Access to Justice Committee
- Audit Committee
- Board
- Civil Justice Committee
- Criminal Law Committee
- Education & Training (Policy) Committee
- Equality & Diversity Committee
- Finance Committee
- Insolvency Solicitors Adjudication Committee
- Insurance Committee
- Legal Aid Committee
- Nominations Committee
- Professional Practice Committee
- Property Law Committee
- Remuneration Committee
- Rights of Audience (Policy) Committee
- Technology Committee

BOARD OF THE LAW SOCIETY OF SCOTLAND

Office Bearers

Bruce Beveridge WS

The President of the Society and former Deputy Keeper of the Registers of Scotland. He has been a Council Member for five years and has convened the Audit Committee. He has also been a member of the Guarantee Fund Committee and In-house Lawyers Group.

Alistair Morris

The Vice President of the Society and Chief Executive Officer of Pagan Osborne. He is the longest serving member of Council, having represented the constituency of Cupar since 1992.

Austin Lafferty

The Past President of the Society and is a Director in the firm of Austin Lafferty Ltd. He has been a Council member for six years and has served on the Audit and Nominations Committee.

David Newton

Treasurer of the Society. He is a general litigator and chamber practitioner at the PRG Partnership in Clydebank.

Elected Members**Christine McLintock**

General Counsel with Pinsent Masons, with overall responsibility for the in-house legal service, professional risk management and compliance.

Alison Atack

Alison is a partner at Lindsays acting in private client work, including residential property and agriculture.

Janet Hood

Janet acts as a consultant to law firms in relation to liquor licensing, retail, hospitality and tourism.

Christopher Fraser

Lay member who is a retired Chartered Surveyor, having previously worked at the Valuation Office Agency of the Inland Revenue.

The Faculty of Advocates' Office-Bearers

Richard Keen QC, *Dean of Faculty*
 James Wolffe QC, *Vice-Dean of Faculty*
 Alan Summers QC, *Treasurer*
 Calum S Wilson, *Clerk of Faculty*
 Gerry Moynihan QC, *Chairman of Faculty Services Limited*
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 Thomson Stable

ANTI-MONEY LAUNDERING

GUIDANCE

In summary the 2007 Regulations:

- provide more detailed obligations regarding customer due diligence, for example, explicit requirements for firms to undertake ongoing monitoring of business relationships and for firms to identify not just the customer but the beneficial owner of the customer;
- require firms to vary customer due diligence and monitoring according to the risk of money laundering or terrorist financing;
- require firms to take enhanced customer due diligence measures in higher risk situations, while allowing firms to take reduced identification measures for specific situations with a lower risk of money laundering;
- allow firms to rely on certain other firms for undertaking customer identification; and
- clarify the arrangements for the supervision of firms, including those that will be supervised for the first time.

Detailed guidance is available from the Law Society of Scotland at <http://bit.ly/IN9EOB>. However, the basic requirements include:

Verify the identity of the client via reliable documentation to satisfy yourself that the client is who they claim to be.

Verify the identity of anyone else who appears to be either the underlying client or involved in the transaction – often parties providing funds towards a transaction, directors of a company etc. The new requirements are extended to some extent with a definition of beneficial owner, but it has always been necessary to “look behind a transaction” to determine who the client is.

Know your client’s business – if you don’t know what’s normal, how do you recognise what is unusual or what may give rise to a reportable suspicion?

Monitor the transaction, in relation to what you know and expect of the client and also issues such as the source of funds, a change of funding arrangements at the last minute or withdrawing from a transaction for no obvious reason and requesting repayment of funds.

Don’t act until you are satisfied as to verification of identity.

If you cannot satisfy yourself regarding identity do not act at all.

Make a disclosure to SOCA if you have a suspicion of money laundering.

Don’t tip off clients.

Keep full, detailed records – If it isn’t written down, it didn’t happen.

Ensure staff are trained and understand what is required of them.

Appoint a MLRO

Firms with good anti money laundering procedures will have to be familiar with the requirements of the 2007 Regulations and will have to review the current systems and procedures and revise them to ensure they meet the requirements of the new Regulations but much of what is in place already will be easily transferable to the “new regime”.

In February 2013, the European Commission released a draft 4th Money Laundering Directive to update European anti-money laundering and counter-terrorism framework.

VERIFICATION OF CLIENT IDENTITY CHECKLIST FOR CLIENT (Section 5)

Name: _____

A. Evidence not obtained – reasons:

1. Client previously identified in Month..... Year.....
2. Client identified personally by – Name _____
Position _____
3. Other – state reason fully _____

B. Evidence obtained to verify name and address

- | | |
|---|--------------------------|
| Full National Passport | <input type="checkbox"/> |
| Full National Driving Licence | <input type="checkbox"/> |
| Pension Book | <input type="checkbox"/> |
| Armed Forces ID Card | <input type="checkbox"/> |
| Signed ID Card of employer known to you | <input type="checkbox"/> |
| Young person NI card (under 18 only) | <input type="checkbox"/> |
| Pensioner's travel pass | <input type="checkbox"/> |
| Building Society passbook | <input type="checkbox"/> |
| Credit Reference agency search | <input type="checkbox"/> |
| National ID Card | <input type="checkbox"/> |
| Copy Company Certificate of Incorporation | <input type="checkbox"/> |
| Gas, electricity, telephone bill | <input type="checkbox"/> |
| Mortgage statement | <input type="checkbox"/> |
| Council tax demand | <input type="checkbox"/> |
| Bank/Building Society/credit card statement | <input type="checkbox"/> |
| Young persons medical card (under 18 only) | <input type="checkbox"/> |
| Home visit to applicants address* | <input type="checkbox"/> |
| Check of telephone directory* | <input type="checkbox"/> |
| Check voters roll* | <input type="checkbox"/> |
| <i>*Suitable for proof of address only</i> | |

C. Evidence for unquoted company or partnership

- | | |
|--|--------------------------|
| Certificate of Incorporation or equivalent | <input type="checkbox"/> |
| Certificate of Trade or equivalent | <input type="checkbox"/> |
| Latest report and audited accounts | <input type="checkbox"/> |
| Principal shareholder/partner | <input type="checkbox"/> |
| Principal director | <input type="checkbox"/> |

I confirm that:

- a) I have seen the originals of the documents indicated above and have identified the above Customer(s), or
- b) In accordance with the Regulations, evidence is not required for the reasons stated.

Signed _____ Date _____

GUIDANCE NOTES

Letters of Engagement / Terms of Business

As soon as instructions are received from a client or when tendering for business, a solicitor should issue terms of business/letter of engagement. The content of the letter will vary depending on the status of the recipient and the type of work which may be undertaken. The letter should be clear and unambiguous using straightforward language thus ensuring that the recipient will be in no doubt as to the meaning of the content. On all occasions, the following matters should be addressed in the letter of engagement:

- 1 The source of authorisation of the solicitor – the Law Society of Scotland.
- 2 The work to be carried out by the solicitor.
- 3 Method by which instructions should be given and received.
- 4 Authority of the client to instruct (e.g. who is the authorised person if the client is a company or a partnership, husband/wife or other multiple clients.)
- 5 The fees and outgoings to be charged or the basis on which they are to be charged (including VAT).
- 6 Supervision of client business (i.e. name and status of person responsible for day-to-day conduct of matter and principal responsible for overall supervision if different).
- 7 Conflict of interest.
- 8 Requirement of confidentiality.
- 9 Procedures for resolving problems, including the identity of the person to whom the client should refer in the event of there being any dissatisfaction in relation to the work.

The following matters would normally be included in addition to those listed above:

- 1 Holding client money.
- 2 Timing of payment of fees and outlays.
- 3 Timescale in general.

In addition, it is good practice for the following matters also to be included:

- 1 Indemnity/liability for loss.
- 2 Client's right to taxation.
- 3 Separate agent and client account in court matters (including legal aid).
- 4 Lien over titles and papers.
- 5 Level of service to be provided.

Clients who provide a regular flow of instruction of the same type of business and subject matter may not require a separate letter of engagement each time they instruct the solicitor. In these cases, clients should receive a letter of engagement at least once a year and every time the terms of the letter of engagement are amended by the solicitor.

FEES – SUMMARY OF THE FORMER GUIDELINES APPLICABLE FROM 1 JANUARY 1985

(The full text of the Professional Remuneration Committee's recommendations is printed in JLSS, November, 1984, page 433. This is only an *aide memoire*.)

1. The fee shall be fair and reasonable to both the solicitor and the client.
2. The fixing of every fee is a balanced judgment rather than an arithmetical calculation.
3. The solicitor should keep detailed records in respect of work carried out (i) to ascertain total time (ii) to justify the fee fixed if need be.
4. The fee may consist of charges for detailed items charged at the current unit rate recommended by the General Table of Fees.
5. Alternatively the solicitor may charge according to circumstances, taking into account the seven factors printed below.
6. It is important to establish an hourly charge rate for each fee earner in the firm.
7. Once hourly charge rates have been set, the first step is to determine the product of the rate charges and the time expended. The result should then be appraised to see if it is reasonable to the client.
8. The fee may contain an element which reflects all other relevant factors as set out in General Regulation 4 of the Table of Fees.
9. There may be factors producing a negative weighting *eg* property of small value or very routine work.
10. The practitioner should then "step back" and take an overall view to check if the fee thus fixed is fair and reasonable.
11. Where a solicitor does business which is fairly standard, the solicitor may prepare his own table of fees for such work, but it must be prepared in conformity with these guidelines.
12. Where a first registration of land is induced, some additional weighting is normally appropriate, but negative weighting is appropriate in dealings in a registered interest.
13. Before embarking on business involving sale or purchase of property, the inquirer is entitled to know the approximate cost in fees and outlays.
14. In the charging of executry fees, reference should be made to paragraph 37 to 40 of the Table of Fees.

CHARGES ACCORDING TO CIRCUMSTANCES

The factors referred to in Paragraph 4 of the General Regulations are:

- (a) The importance of the matter to the client.
- (b) The amount of value of any money or property involved.
- (c) The complexity of the matter or the difficulty or novelty of the question raised.
- (d) The skill, labour, specialised knowledge and responsibility involved.
- (e) The time expended.
- (f) The length, number and importance of any documents or other papers prepared or perused.
- (g) The place where and circumstances in which the service or any part thereof are rendered, including the degree of expedition required.

3. COMPANIES

The most common forms to be sent to Companies House

There are over 200 forms that Companies could file. The most common of these are:

1. Accounts

Unless a Company is claiming exemption as a medium-sized, small, audit exempt or dormant company. The accounts will include

- Directors Report signed by a Director or the Company Secretary.
- A Balance Sheet signed by a Director.
- A Profit and Loss Account.
- An auditor's report signed by the Auditor.
- Notes to the Accounts.
- Group accounts (if appropriate).

2. Annual Returns (Form AR01 (formerly 363))

Companies House will send a pre-printed "shuttle" annual return to the registered office of the Company each year. The information from the Companies House database should be carefully checked, amended if necessary, signed and dated, and returned to Companies House within 28 days with the filing fee.

3. Change of Accounting Reference Date (Form AA01 (formerly 225))

4. Change of Registered Office (Form AD01 (formerly 287))

The Change of Registered Office only becomes legal when the form is registered.

5. Change of Directors and Secretary

There are three types of form

- Form AP01 is used for appointment of a director and AP03 for a company secretary (formerly all 288a).
- Form TM01 or TM03 (formerly 288b for both) is used for the termination of an appointment of a director or company secretary respectively.
- Form CH01 or CH03 (formerly 288c) is used for a change in a director's or secretary's details.

All details must be sent within 14 days of change.

6. Allotment of Shares (Form SH01 (formerly 88(2)))

This form should be sent within one month of shares being allotted. See Booklet Share Capital and Prospectuses.

7. Resolutions

Copies of special or extraordinary resolutions and certain types of ordinary resolutions are to be sent within 15 days of their being passed.

8. Charges and Mortgages

Details to be sent within 21 days of their becoming real. See Booklet Company Charges and Mortgages.

NOTICE ON THE NECESSITY FOR GOOD QUALITY DOCUMENTS SUBMITTED FOR FILING

All documents and forms delivered to Companies House are scanned to produce an electronic image which can be viewed online.

Companies House intends to reinforce its document examination policy and procedures to ensure that its image based search products provide high quality copies for their customers. Some documents, particularly accounts, sometimes include shading, other formatting or graphics which when scanned, create an unacceptably large file. This means in turn that it can take a great deal of time for customers who wish to inspect the documents to download the image on their online systems.

The requirements are that documents should:

- Be on A4 good quality plain white paper.
- Have a matt finish – *ie* not glossy.
- Be printed in black type or black ink.
- Be an original copy.

- Not have shaded areas or include photographs.

Companies House must insist that guidelines are met in order that the document can be successfully captured and delivered electronically. **If the above requirements are not met, Companies House will reject the document.**

More detailed guidance is available at www.companieshouse.gov.uk

DIRECTORS' RESPONSIBILITIES COMPANIES ACT 2006

- The Act makes no differentiation between executive and non-executive directors. All directors must act in a way that promotes the success of the business.
- All directors must exercise the degree of skill and care that are expected of a person with their knowledge and experience.
- They must act in good faith in the interests of the company.
- Conflicts of interest are to be avoided. If they do occur, the director should declare these to the board beforehand.
- No director should make personal profits at the company's expense.
- Directors have responsibility to creditors when the company is insolvent or near insolvency. They are not normally personally liable for the Company's debts unless they have acted outside their powers or have acted fraudulently. It is therefore important that directors understand the transactions in which their company is engaged.
- Directors must make sure that the Company obeys the law at all times, including health and safety regulations, employment law and tax law.

DEADLINE FOR DELIVERY OF ANNUAL ACCOUNTS TO COMPANIES HOUSE

<i>Company accounting reference date</i>	Private Co.	Public Co.
31st Dec	31st Dec	31st July
31st Jan	30th Nov	31st Aug
28th/29th Feb	28th/29th Dec	28th/29th Sep
31st March	31st Jan	31st Oct

Different rules may apply for your first accounts

SCALE OF FILING PENALTIES

<i>Length of delay in filing</i>	<i>Scale of Penalties</i>	
	<i>Private Companies/LLPs</i>	<i>Public Companies</i>
Not more than 1 month	£150	£750
More than 1 month, but not more than 3 months	£375	£1,500
More than 3 months, but not more than 6 months	£750	£3,000
More than 6 months	£1,500	£7,500

To find out more, visit www.companieshouse.gov.uk or call **0303 1234 500**.

The address of the Edinburgh Office is:

**Companies House
4th Floor Edinburgh Quay 2
139 Fountainbridge
Edinburgh EH3 9FF
LP – 4 Edinburgh 2 (Legal Post) or
DX ED235 Edinburgh 1**

4. COMPETITION

THE COMPETITION COMMISSION

The Competition Commission is an independent public body established by the Competition Act 1998. It replaced the Monopolies & Mergers Commission on 1 April 1999.

The Commission conducts in-depth inquiries into mergers, markets and the regulation of the major regulated industries. Every inquiry is undertaken in response to a reference made to it by another authority: usually by the Office of Fair Trading (OFT) but in certain circumstances the Secretary of State, or by the regulators under sector-specific legislative provisions relating to regulated industries. The Commission has no power to conduct inquiries on its own initiative.

The Enterprise Act 2002 introduces a new regime for the assessment of mergers and markets in the UK. In most merger and market references the Commission is responsible for making decisions on the competition questions and for making and implementing decisions on appropriate remedies. Under the legislation which the Act replaces, the Commission had to determine whether matters were against the public interest. The public interest test is replaced by tests focused specifically on competition issues. The new regime also differs from the previous regime where the Commission's power in relation to remedies was only to make recommendations to the Secretary of State.

The Commission consists of members, who are supported by staff. The Chairman of the Commission is also a member of the Commission and chairs the Council (the strategic management board). The Council also includes three Deputy Chairmen, the Chief Executive, and four non-executive Commission members appointed to the Council.

Members are appointed by the Secretary of State for Business, Innovation and Skills for an eight year term following an open competition. They are appointed for their individual experience, ability and diversity of background, not as representatives of particular organisations, interests or political parties. There are usually about 50 members and, except for the Chairman, they work part-time. Four members are currently appointed as Deputy Chairmen.

There are specialist panels for utilities, telecommunications, water and newspapers. The utilities panel is the specialist panel for gas and electricity inquiries.

The Chairman appoints a group of members (usually four or five) to undertake each inquiry. Members (other than newspaper panel members) may be appointed for any type of inquiry. Utility, telecommunications, water and newspaper inquiries have to have at least one member from the appropriate panel.

5. CONSTITUTIONAL LAW

SCOTLAND ACT

Section 28(1) states that, subject to Section 29 Act 1999 c 46, the Parliament may make laws to be known as Acts of The Scottish Parliament.

Section 29(1) – An Act of The Scottish Parliament is not law so far as any provisions of the Act is outwith the legislative competence of the Parliament.

Sub-section 2 – A provision is outside that competence so far as any of the following paragraphs apply – (a) it would form part of the law of a country or territory other than Scotland, (b) it relates to reserved matters, (c) it is incompatible with any provisions of the Convention (of Human Rights) or with Community (EU) Law, or (d) it would remove the Lord Advocate from his position as head of the system of Crown Prosecution and Investigation of Deaths in Scotland.

Schedule 5 contains a list of matters reserved to the UK Parliament. These are as follows, but are subject to minor exceptions as stated in the Schedule.

PART I – GENERAL RESERVATIONS

The Constitution
 Political Parties
 Foreign Affairs and the European Union
 Public Service
 Defence
 Treason

PART II – SPECIFIC RESERVATIONS

Head A. Financial and Economic Matters

S.A1 Fiscal, Economic and Monetary Policy
 S.A2 The Currency
 S.A3 Financial Services
 S.A4 Financial Markets
 S.A5 Money Laundering

Head B. Home Affairs

S.B1 Misuse of Drugs
 S.B2 Data Protection
 S.B3 Elections
 S.B4 Fire arms
 S.B5 Entertainment
 S.B6 Immigration and Nationality
 S.B7 Scientific Procedure on Live Animals
 S.B8 National Security
 S.B9 Betting, Gaming and Lotteries
 S.B10 Emergency Powers
 S.B11 Extradition
 S.B12 Lieu Tenancies

Head C. Trade and Industry

S.C1 Business Association
 S.C2 Insolvency
 S.C3 Competition
 S.C4 Intellectual Property
 S.C5 Import and Export Control
 S.C6 Sea Fishing
 S.C7 Consumer Protection
 S.C8 Product Standards Safety and Liability
 S.C9 Weights and Measures
 S.C10 Telecommunications
 S.C11 Post Office and Postal Services
 S.C12 Research Councils
 S.C13 Designation of Assisted Areas
 S.C14 Industrial Development Advisory Board
 S.C15 Protection of Trading and Economic Interests

Head D. Energy

S.D1 Electricity

- S.D2 Oil and Gas
- S.D3 Coal
- S.D4 Nuclear Energy
- S.D5 Energy Conservation

Head E. Transport

- S.E1 Road Transport
- S.E2 Rail Transport
- S.E3 Marine Transport
- S.E4 Air Transport
- S.E5 Other Matters

Head F. Social Security

- S.F1 Social Security Schemes
- S.F2 Child Support
- S.F3 Occupational and Personal Pensions
- S.F4 War Pensions

Head G. Regulation of Professions

- S.G1 Architects
- S.G2 Health Professions
- S.G3 Auditors

Head H. Employment

- S.H1 Employment and Industrial Relations
- S.H2 Health and Safety
- S.H3 Job Search and Support

Head J. Health and Medicine

- S.J1 Abortion
- S.J2 Xeno Transplantation
- S.J3 Embryology, Surrogacy and Genetics
- S.J4 Medicines and Poisons
- S.J5 Welfare Foods

Head K. Media and Culture

- S.K1 Broadcasting
- S.K2 Public Lending Rights
- S.K3 Government Indemnity Schemes
- S.K4 Property accepted in satisfaction of tax

Head L. Miscellaneous

- S.L1 Judicial Remuneration
- S.L2 Equal Opportunities
- S.L3 Control of Weapons
- S.L4 Ordnance Survey
- S.L5 Time
- S.L6 Outer Space

LEGISLATIVE CONSENT MOTIONS

Legislative consent motions were devised as the Sewel Convention, named after John Buttifant Sewel, Labour member of the House of Lords and the Minister during the passage of the Scotland Bill, Lord Sewel stated that although the UK Parliament would retain its supremacy, the Government expected “a convention to be established that Westminster would not normally legislate with regard to devolved matters in Scotland without the consent of the Scottish Parliament”.

In practice, as well as Westminster legislating on devolved matters, the Convention also applies to Westminster legislating to alter the legislative competence of the Parliament or to amend the devolved responsibilities of Scottish Ministers.

The motion by the Scottish Parliament was known as a Sewel motion prior to 30 November 2005. The motion is now known as a legislative consent motion.

The Sewel Convention is just that: a convention. It is not enshrined in the Scotland Act 1998. However, it was embodied in the Memorandum of Understanding between the UK Government and the devolved executives, which was drawn up in 1999. The Memorandum gives a broad statement of principles for relations between the executive authorities in the UK,

Scotland, Wales and Northern Ireland. The Memorandum is not intended to be legally binding, but it does represent a political undertaking.

The pragmatism in the evolving constitutional settlement is evident in the phenomenon of the reverse legislative consent motion. By this device, the Scottish Parliament may, with consent from Westminster, pass legislation on matters reserved to Westminster, for application in Scotland, for example in relation to legislation on the control of air guns, in face of greater public pressure in Scotland than elsewhere in the UK. Sewel or legislative consent motions are listed at <http://www.scotland.gov.uk/About/Sewel>.

6. CONVEYANCING

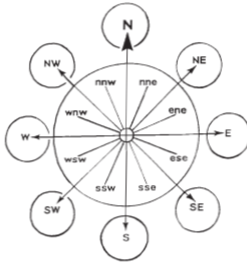
NEW DEVELOPMENT SITES

Experience has shown that new build situations frequently present the Keeper with complex problems which are time consuming and costly to resolve. While the foregoing advice also holds good for live developments, the Keeper actively encourages developers to use the Agency's Estate Plan Approval service. This procedure assists greatly in speeding up the registration process and helps greatly in eliminating the problems which often arise in developing titles.

Developers unfamiliar with the service are commended to contact the Keeper at the earliest opportunity for advice on how the service can assist in the trouble-free registration of the site to be developed, and subsequent trouble-free transfer and registration of individual house plots.

A more detailed booklet, "Estate Plan Approval and Voluntary Registration of Developing Estates" is also available on request from the Keeper.

Source: Registers of Scotland



HOME REPORTS

SINGLE SURVEY

Covers the home's condition and gives a valuation, usually suitable for lending purposes. It is commissioned by the seller and prepared by a chartered surveyor.

ENERGY REPORT

Indicates the home's energy efficiency and likely running costs. It is also prepared by a chartered surveyor. These are required as part of the EU's drive to reduce carbon emissions. Since the start of 2009 an Energy Performance Certificate (EPC) is required whenever a building is built, sold or rented (subject to certain exemptions). The certificate provides for ratings from A to G, with A being the most energy efficient and G being the least. The average is D. EPCs are also required for large public buildings such as the Scottish Parliament and Edinburgh and Stirling Castle.

PROPERTY QUESTIONNAIRE

Gives information such as council tax banding, factoring costs and car parking arrangements. It is completed by the seller.

www.homereportscotland.gov.uk

The effectiveness of the Home Report was reviewed in October 2010, following a year in operation. However the Review concluded that it was too early to draw any conclusions on the impact of Home Reports on the property market, not least because of difficult market conditions caused by the recession in the wider economy.

STAMP DUTY LAND TAX

Stamp Duty Land Tax (SDLT) is a self-assessed tax payable on all land and property transactions. SDLT is charged at different rates according to the threshold pertaining to the type of property and the value of the transaction. If the value is above the payment threshold, SDLT is charged at the appropriate rate on the whole value.

Residential land or property SDLT rates and thresholds

<i>Purchase Price</i>	<i>SDLT rate</i>
Up to £125,000	Zero
Over £125,000 to £250,000	1%
Over £250,000 to £500,000	3%
Over £500,000	4%
Over £1 million	5%
Over £2 million from 22 March 2012	7%
Over £2 million (purchased by certain persons, including corporate bodies) from 21 March 2012	15%

If the property is in an area designated as 'disadvantaged', a higher threshold of £150,000 applies for residential properties. To check whether a property is disadvantaged, use the HMRC postcode checker at <http://www.hmrc.gov.uk/so/dar/dar-search.htm>

Non-residential or mixed-use properties SDLT rates and thresholds

<i>Purchase price/lease premium or transfer value</i>	<i>SDLT rate</i>
Up to £150,000 – annual rent is under £1,000	zero
Up to £150,000 – annual rent is £1,000 or more	1%
Over £150,000 to £250,000	1%
Over £250,000 to £500,000	3%
Over £500,000	4%

Non-residential property includes: commercial property; agricultural land; forests; any other land or property not used as a dwelling; or six or more residential properties bought in a single transaction.

A mixed-use property incorporates both residential and non-residential elements.

Note that the annual rent for this purpose is the highest annual rent known to be payable in any year of the lease, rather than the net present value (NPV) used below.

New non residential or mixed use leasehold purchase SDLT rates and thresholds

When a new on-residential or mixed-use lease has a substantial annual rent, SDLT is payable on the lease premium or transfer value plus the NPV of the rent payable.

<i>NPV of rent</i>	<i>SDLT rate</i>
Up to £150,000	Zero
Over £150,000	1% of the value that exceeds £150,000

It will be a considerable relief for law agents to note that HMRC have online SDLT calculators at <http://www.hmrc.gov.uk/sdlit/calculate/calculators.htm>

FEES FOR REGISTRATION AND INFORMATION SERVICES

This guide applies to applications for registration or recording of deeds or events in the public registers for which the Keeper of the Registers of Scotland is responsible. It also applies to all requests for the provision of information from those registers. The fees apply from 10 January 2011.

1. FEES FOR REGISTRATION IN THE LAND REGISTER OF SCOTLAND AND THE GENERAL REGISTER OF SASINES

1.1. THE LAND REGISTER AND THE GENERAL REGISTER OF SASINES

If your application to the Land Register or your deed submitted for recording in the General Register of Sasines creates, transfers or varies an interest in land (other than a heritable security) such as a Disposition, or Grant of Long Lease, assignation of a Tenant's Interest in a Long Lease, is a Notice of Title or relates to completion of title, then a fee is payable on the amount of consideration or value of the property transferred or affected. See Section 1.2 for details.

If your application to the land Register or your deed submitted for recording relates to the grant, variation or discharge of a heritable security, then fixed fees are payable. See Section 1.3 for details.

For any other type of application to the Land Register for registration or noting or for recording a deed in the General Register of Sasines, then fixed fees are payable. See Section 2 for details.

1.2 CREATION, TRANSFER OR VALUATION OF AN INTEREST IN LAND

Subject to a number of exceptions outlined below, you should base your fee on the consideration for the interest created, transferred or varied or the value of the land affected by your application or deed, whichever is the greater. Table A should be used for paper transactions and Table B should be used for applications which will be submitted using Automated Registration of Title to Land (ARTL) in the Land Register.

Consideration or value

		<i>Table A</i>	<i>Table B</i>
		<i>Fee £</i>	<i>Fee £</i>
	<i>£</i>	<i>(ARTL only)</i>	
Not	50,000	60	50
exceeding	100,000	120	90
	150,000	240	180
	200,000	360	270
	300,000	480	360
	500,000	600	450
	700,000	720	540
	1,000,000	840	660
	2,000,000	1,000	800
	3,000,000	3,000	2,500
	5,000,000	5,000	4,500
Exceeding	5,000,000	7,500	7,000

Apply Table A or Table B (if submitted by ARTL) where your application for registration in the Land Register is for:

- First Registration of an interest in land on Form 1; or
- registration of a Dealing with Whole on Form 2 (but not an assignation of a heritable security); or
- registration of a dealing on Form 2 over a registered interest to create a liferent or an incorporeal heritable right, such as a servitude.

Apply Table A where the deed you submit for recording in the Register of Sasines is:

- a Disposition for no consideration; or
- a Disposition in implement of trust or other purpose; or
- a Notice of Title or decree completing title; or
- any other type of deed which creates or transfers an absolute right to heritable subjects, such as a Deed of Servitude.

EXCEPTIONS

Tables A and B do not apply to standard securities or deeds relating to standard securities. See Section 1.3. Fees for Registration and Recording of Heritable Securities and Related Deeds for details.

In addition, special provisions apply in the following cases:

Grant of Long Lease

The fee is still based on Table A in all cases, but the amount on which it is calculated is ascertained by multiplying the highest ascertainable rent payable in the first five years of the term by ten, adding this to any premium passing and then applying Table A.

Assignment

The fee is still based on Table A or B (if your application can be made using ARTL), but the amount on which it is calculated is ascertained by multiplying the annual rent payable at the time of assignment by ten times plus any consideration.

Completion of Title or Notice of Title of Certain Public Bodies

A fixed fee of £60.00 is charged per Title Sheet affected by the application or per Notice of Title whichever is appropriate.

Excambion or exchange of land

The fee is calculated based on the value of the interest in land to which each resulting application relates, irrespective of the total consideration for the excambion. Table A or B should then be applied as appropriate.

Operation of a Survivorship Destination

A fixed fee of £60.00 is charged.

Applications to the Land Register affecting a number of Title Sheets

A fee is charged under Table A on the consideration or value plus an additional fee of £60.00 for every Title Sheet affected other than the first.

1.3. REGISTRATION AND RECORDING OF HERITABLE SECURITIES AND RELATED DEEDS

Where application is made for:

- (a) registration of the creation over a registered interest in land of a heritable security, i.e. a standard security; or
- (b) registration of any other dealing with a heritable security, such as a Discharge, Deed of Restriction, Deed of Variation, Ranking Agreement, or Deed of Postponement;
 - a fixed fee of £60.00 or, where application is made using ARTL, £50.00, is payable per Title Sheet affected by the application.

Where application is made to the General Register of Sasines a fixed fee of £60.00 is charged for any deed which constitutes, transfers, postpones, corroborates or extinguishes a heritable security, for example where the deed is a

- Standard Security
- Discharge of Standard Security
- Deed of Restriction

- Deed of Variation

Please note that a memorandum fee of £60.00 will be payable for each additional County in which you request your deed to be recorded.

2. MISCELLANEOUS FEES

2.1 LAND REGISTER

Form 5 application for noting of overriding interest etc.
– £60.00 per Title Sheet affected

Form 9 application for rectification of Land Register
– £60.00

Cancellation and Rejection

Application to withdraw an application under rule 11 of the Land Registration (Scotland) Rules 2006
– Equivalent to registration fee, up to a maximum of £400.00

Where an application is rejected by the Keeper under rule 13 of Land Registration (Scotland) Rules 2006
– Equivalent to registration fee, up to a maximum of £400.00

Where an application is rejected by the Keeper prior to being accepted for the Land Register of Scotland in terms of section 4 of the Land Registration (Scotland) Act 1979
– £30.00

2.2 GENERAL REGISTER OF SASINES

Recording by Memorandum of any deed in more than one County of the General Register of Sasines
– £60.00 for each additional County

2.3 BOTH LAND REGISTER AND GENERAL REGISTER OF SASINES

Receipts under the Industrial and Provident Societies Act 1965
– £0.25

Miscellaneous Deeds

A fixed fee of £60.00 is payable per Title Sheet affected in the Land Register or per deed submitted in the General Register of Sasines where an application is made for registration in the Land Register or recording in the General Register of Sasines of other deeds and events not specified above, for example:

- Tree Preservation Order
- Notice of Payment of Improvement or Repairs Grant
- Minute of Waiver, or Variation of a Title Condition
- Notice of Termination, Preservation or Converted Servitude
- Compulsory Purchase Order
- Notice of Potential Liability for Costs
- Application for Dual Registration of a constitutive deed or deed

creating a servitude in terms of the Title Conditions (Scotland) Act 2003

3. CHANCERY AND JUDICIAL REGISTERS REGISTRATION FEES

Register of Inhabitants & Adjudications	– £15.00
Register of Deeds etc, Protests & Judgements	– £10.00
Register of the Great Seal for a Charter of Incorporation	– £250.00
Register of the Great Seal for a Crown Grant of Land, unsealed deed	– £60.00
Register of the Great Seal for a Crown Grant of Land, sealed deed	– £250.00
Register of the Great Seal for a Commission	– £630.00
Register of the Cachet Seal	– £30.00
Register of the Quarter Seal	– £130.00

Other Fees

Certificates issued under the Civil Jurisdiction and Judgements Act 1982	– £30.00
Certificates of Custody when deed is retained for permanent preservation	– £20.00

Register of Community Interests in Land (Agricultural Tenants)

The Agricultural Holdings (Fees) (Scotland) Order 2004

The Community Right to Buy (Register of Community Interests in Land Charges) (Scotland) Regulations 2004

For an initial registration of a tenant's interest	– £40.00
For a subsequent registration of an existing or previously registered interest	–£25.00

Register of Community Interests in Land (AT) – Extracts and Copies

For each page of an extract or copy extracted	– £0.50
For a plan (A4 size) (black and white)	– £2.00
For a plan (A4 size) (colour)	– £5.00
For a plan (larger than A4 size)	– <i>A fee being the full value of the work and materials involved</i>
For the authentication of each extract	– £4.00
For the handling of second and subsequent extracts and copies	– £6.00

Note: The above extracting and copying fees are subject to the addition of VAT.

4. PROVISION OF INFORMATION FEES

Please note that VAT is payable on all chargeable Information Services.

4.1 LAND REGISTER OF SCOTLAND online using Registers Direct

For a search of the Application Record against a name, address, application or title number (per item searched for)	– £3.00
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For a search of the Title Sheet against a name, address or title number	– £3.00
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To view a Title Sheet affecting one interest in land	– £3.00
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Per Index Map search	– £3.00
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Per Property Price search (For each selected 6 months period)	– £3.00
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Note: If you search for a title by name, address or title number and then view that title sheet, the fee charged is for viewing the title sheet only. Otherwise the charge is per search. There is no fee for a search that produces a nil result.

4.2 GENERAL REGISTER OF SASINES online using Registers Direct

1. Presentment Book

Per search against a name, address or minute number (per item searched for)	– £3.00
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2. Minute Book

Per search against a name, address or minute number (per item searched for)	– £3.00
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3. Search Book

Per view of an individual Search Sheet	– £3.00
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Note: There is no fee for searching the indices of persons or places. Nor will a fee be charged for a search that produces a nil return.

4. Provision of Copy Deeds via Registers Direct

For a copy deed recorded in the General Register of Sasines obtained via Registers Direct	– £3.00
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Note: This service is being developed and will not be available when the Fees in the Registers of Scotland Amendment Order 2010 comes into force on 10th January 2011.

4.3 CHANCERY AND JUDICIAL REGISTERS online using Registers Direct

Books of Council and Session

For a search in the Register of Deeds or the Register of Judgements against a name, a pursuer/petitioner, a defender/respondent or a judgement number (per item searched for)	– £3.00
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Register of Inhibitions and Adjudications

For each group of up to 6 names or fewer searched against in the Register of Inhibitions	– £3.00
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For provision of a copy of the daily minutes (per day)	– £21.00
For a search against a specified minute number in the Register of Inhibitions	– £3.00

Note: A search includes a print disclosing relevant entries if requested within 7 working days of the date of the original search.

Register of Community Interests in Land

For an online search of the Register of Community Interests in Land	– Free
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Register of Sites of Special Scientific Interest (SSSI)

For an online search of the Register of SSSI	– Free
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4.4 PROVISION OF INFORMATION BY RoS STAFF

Search request made in person at RoS Customer Service Centre*	– £12.00 per search plus the standard Registers Direct search fee of £3.00 per search
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Search request submitted by email, letter or fax*	– £8.00 per search plus the standard Registers Direct search fee of £3.00 per search
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Pre-Registration Enquiries Service (Enquiries to be submitted in writing)	– £50.00 per enquiry
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Personal Presentment of an application for registers or recording	– £15.00 per title affected in addition to the registration fee
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**Note:* The £3.00 Registers Direct Fee will not apply to a nil return on a Land Register or General Register of Sasines search. The £8.00 and £12.00 part of the fee is for RoS staff conducting the search.

4.5 FEES FOR EXTRACTS AND COPIES

Extracts

An extract is an authenticated copy of a deed. As such, it is equivalent to the original recorded deed and can be used in lieu of the original on all occasions.

Information from a deed or documents in the Land Register Archive – for each deed or document*	– £16.00
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Provision of a plain or duplicate copy deed (including from NAS)*	– £16.00
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Provision of an certified copy or official extract of deed (including from NAS)*	– £30.00
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Provision of an Office Copy*	– £30.00
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For the handling of second copies or extracts requested at the same time as the first**	– £10.00
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**Note:* These fees are fixed and charged irrespective of the length of the deed requested.

***Note:* VAT is payable on the extracts, including the first.

NOTE 1 – REGISTER OF DEEDS (BOOKS OF COUNCIL AND SESSION)

If a deed is registered in the Books of Council and Sessions, the original deed is retained for safe keeping and one extract is returned in its place.

NOTE 2 – SASINE PUBLICATION EXTRACTS

Publication extracts are available for any deed recorded in the Register of Sasines. An extract ordered subsequent to a deed being recorded will cost £30.00 for the first extract with additional extracts ordered at the same time being charged at £10.00 each.

NOTE 3 – PRESERVATION WRITS

Any deed presented for recording in the Register of Sasines, which is noted for preservation, or preservation and execution, on the Sasine Application Form, shall be held to be registered in the Register of Sasines and preserved in the National Archives of Scotland.

In this case, pre-payment does apply.

NOTE 4 – EXTRACTS

An extract ordered subsequent to the deed being recorded will cost £30.00 for the first extract with additional extracts ordered at the same time charged at £10.00 each.

4.6 LAND REGISTER REPORTS

Fees for Land Register Reports are as follows:

Type of Report

Form 10	– £32.00
Form 11	– £19.00
Form 12	– £32.00
Form 13	– £19.00
Form 14	– £32.00
P16	– £29.50
P17	– £29.50
Combined Form 10 and P16	– £45.00
Combined Form 12 and P17	– £45.00

4.7 MISCELLANEOUS SERVICES

SALES FOR CONSIDERATION – Excel spreadsheet containing a data extraction of all monetary value sales. – £675.00 per month
*for the whole of Scotland**

LAND VALUES – CSV data extraction of all sales from Land Register containing details of applicant, granter, address and master copy – £933.00 per month
*for the whole of Scotland**

Information on transactions relating to a creditor or legal agent (only available for your own firm or organisation) – £150.00 per month
or per quarter

Data set of registration county boundaries	– £150.00 per month
Provision of minutes of General Register of Sasines month	– £378.00 per month
Report on postcode sectors	– £150.00 per month or per quarter

**Note:* Information on a per Registration County basis is also available at a reduced fee. See website for further information.

5. PAYMENT DETAILS AND ADDITIONAL INFORMATION

5.1 PAYMENT OF REGISTRATION AND RECORDING FEES

All applications for registration in the Land Registers, or recording in the General Register of Sasines must be submitted with the appropriate fee. All other services are invoiced.

We can now process the payment of registration fees by variable direct debit. Some of the major reasons for applications being rejected by RoS prior to being accepted for the Land Register application record relate to fees. This can be the fee being incorrect or that the application has been submitted with incorrect or missing cheques. From 10th January 2011 rejections will incur a charge of £30.00 and the use of variable direct debit would greatly reduce the risk of rejection. The ARTL removes the risk of rejection entirely as ARTL applications cannot be rejected. Solicitors interested in taking advantage of variable direct debit should contact our Accounts Department on **0131 479 3632** or by email at **Directdebit@ros.gov.uk**.

5.2 ADDITIONAL INFORMATION

The guide is a summary. For further details, please consult the Fees in the Registers of Scotland Order 1995 as amended, the Community Right to Buy (Register of Community Interests in Land Charges) (Scotland) Regulations 2004 and the Agricultural Holdings (Fees) (Scotland) Order 2004, and the Fees in the Registers of Scotland Amendment Order 2010.

All the forms listed are available electronically. eForms is a free service that can be accessed by visiting our website at **ros.gov.uk/eforms**. For further details contact eServices Helpline on **0845 607 0160**.

**DATES ON WHICH COUNTIES BECAME
OPERATIONAL FOR LAND REGISTRATION**

Renfrew – 6 April 1981
Dumbarton – 4 October 1982
Lanark – 3 January 1984
Barony and Regality of Glasgow – 30 September 1985
Clackmannan – 1 October 1992
Stirling – 1 April 1993
West Lothian – 1 October 1993
Fife – 1 April 1995
Aberdeen and Kincardine – 1 April 1996
Ayr, Dumfries, Kirkcudbright and Wigton – 1 April 1997
Angus, Perth and Kinross – 1 April 1999
Berwick, East Lothian, Peebles, Roxburgh and Selkirk – 1 October 1999
Argyll and Bute – 1 April 2000
Midlothian – 1 April 2001
Inverness and Nairn – 1 April 2002
Banff, Caithness, Moray, Orkney & Zetland, Ross & Cromarty
and Sutherland – 1 April 2003

PROPERTY ENQUIRY CERTIFICATES

Property Enquiry Certificates are available from most commercial searchers and the Local Authorities' offices listed below. At one time, all Local Authorities offered a property enquiry certificate service but keen competition from searchers has resulted in some authorities abandoning the service.

ABERDEEN CITY COUNCIL

Marischal College, Broad Street, Aberdeen AB10 1AB. Tel: 01224 522274
Fax: 01224 523180 DX: AB529451 Aberdeen 9.

ABERDEENSHIRE COUNCIL

Banff & Buchan:

The Town House, Low Street, Banff AB45 1AY. Tel: 01261 813200 Fax:
01261 813281 e-mail: bb.pec@aberdeenshire.gov.uk

Buchan:

Arbuthnot House, Broad Street, Peterhead AB42 1DA. Tel: 01779 477363
Fax: 01779 483727 e-mail: bu.pec@aberdeenshire.gov.uk

Formartine:

45 Bridge Street, Ellon AB41 9AA. Tel: 01358 726429 Fax: 01358 726450
e-mail: fo.pec@aberdeenshire.gov.uk

Garioch:

Gordon House, Blackhall Road, Inverurie AB51 3WA. Tel: 01467 620981
Fax: 01467 624285 e-mail: ga.pec@aberdeenshire.gov.uk

Kincardine & Mearns:

Viewmount, Arduthie Road, Stonehaven AB39 2DQ. Tel: 01569 768273
Fax: 01569 766549 e-mail: km.pec@aberdeenshire.gov.uk

Marr:

Viewmount, Arduthie Road, Stonehaven AB39 2DQ. Tel: 01569 768227
Fax: 01569 766549 e-mail: ma.pec@aberdeenshire.gov.uk

ANGUS

Law and Administration, Corporate Services Department, Angus House,
Orchardbank Business Park, Forfar DD6 1AN.

Tel: 01307 476234 Fax: 01307 476299

ARGYLL and BUTE

Kilmoroy Castle, Lochgilphead PA31 8RT

Tel: 01546-604269 Fax: 01546-604435 DX: 599700 Lochgilphead
e-mail: hazel.kelly@argyll-bute.gov.uk

CLACKMANNANSHIRE

Greenfield, Alloa FK10 2AD

Tel: 01259-452096 e-mail: chiefexecutiveservices@clacks.gov.uk

COMHAIRLE NAN EILEAN SIAR

Sandwick Road, Stornoway, Isle of Lewis HS1 2BW.

Tel: 01851 703773 Fax: 01851 705349

e-mail: enquiries@cne-siar.gov.uk

DUMFRIES and GALLOWAY

Council Offices, Kirkbank House, English Street, Dumfries DG1 2HS

Tel: 01387-260199 Fax: 01387-260188

DUNDEE CITY

online portal:

www.dundee.gov.uk/development/propertyenquiry-certificates/

EAST AYRSHIRE

Head of Democratic Services, Department of Finance and Corporate
Support, Administration Annexe, London Road, Kilmarnock KA3 7BU.

LP: 18. Tel: 01563 576571 Fax: 01563 576245

e-mail: propertyenquiries@east-ayrshire.gov.uk

EAST DUNBARTONSHIRE

GIS and Property Customer Services Team

Tel: 0141 574 5644 e-mail: gazetteer@eastdunbarton.gov.uk

EAST LOTHIAN

Council Buildings, John Muir House, Haddington EH41 3HA Tel: 01620-827250 Fax: 01620-827438
e-mail: policy&projects@eastlothian.gov.uk

EAST RENFREWSHIRE

Eastwood Park, Rouken Glen Road, Giffnock, Glasgow G46 6UG
Tel: 0141-577 3000

EDINBURGH CITY

online portal: www.edinburgh.gov.uk/pec

FALKIRK

Abbotsford House, David's Loan, Falkirk FK2 7YZ.
Tel: 01324 504950 e-mail: director.ds@falkirk.gov.uk

FIFE

Leanne Ward, Clerical Assistant, Fife House, North Street, Glenrothes KY7 5LT. Tel: 08451 55 55 55 Ext 44 22 24 Fax: 01592 583155

GLASGOW CITY

GIS/Cartography/Property Section, Development and Regeneration Services, 229 George street, Glasgow G1 1QU.
Tel: 0141 287 8543 DX: GW 145 or LP: 6 Glasgow 10.
e-mail: formal-property-enquiries@glasgow.gov.uk

HIGHLAND – INVERNESS AND NAIRN

Town House, High Street, Inverness IV2 4SF. Tel: 01463 702000
Fax: 01463 724300

HIGHLAND – SKYE AND LOCHALSH

Tigh na Squire, Park Lane, Portree IV51 9GP
Tel: 01478-613820 Fax: 01478-613828

HIGHLAND – CAITHNESS

Market Square, Wick KW1 4AB
Tel: 01955-607751 Fax: 01955-606924

HIGHLAND – LOCHABER

Lochaber House, Fort William PH33 6EL
Tel: 01397-707233 Fax: 01397-704016

HIGHLAND – ROSS AND CROMARTY

Drummuie, Main Street, Golspie KW10 6TA
Tel: 01408-635205 Fax: 01408-634041

INVERCLYDE

Municipal Buildings, Greenock PA15 1LX
Tel: 01475-717171 Fax: 01475-712137 DX: GR 11 Greenock

MIDLOTHIAN

Fairfield House, 8 Lothian Road, Dalkeith EH22 3ZN
Tel: 0131-271 3362 Fax: 0131-271 3537 DX: 540568 Dalkeith

MORAY

Council Office, High Street, Elgin IV30 1BX
Tel: 01343-563028 Fax: 01343-540183 DX: 520666 Elgin
e-mail: pecs@moray.gov.uk

NORTH AYRSHIRE

Property Enquiry Service, Perceton House, Irvine KA11 2DE
Tel: 01294 225170/ 225180 Fax: 01294 225184
DX: 17 Irvine LP: 7 Irvine
e-mail: propertyenquiries@north-ayrshire.gov.uk

NORTH LANARKSHIRE

Civic Centre, Windmillhill Street, Motherwell ML1 1AB
Tel: 01698-302234

ORKNEY

Council Offices, Kirkwall KW15 1NY
Tel: 01856-873535 Fax: 01856-876941

PERTH AND KINROSS

Pullar House, 35 Kinnaill Street, Perth PH1 5GD

Tel: 01738-475334 Fax: 01738-475310 LP 16

RENFREWSHIRE

Renfrewshire House, Cotton Street, Paisley PA1 1TR

Tel: 0141-618 5193 Fax: 0141-840 3199

DX: 590700 Paisley 3 LP: 1 Paisley 2 e-mail: ecs@renfrewshire.gov.uk

SCOTTISH BORDERS

Newtown St Boswell, Melrose TD6 0SA

Tel: 01835-824000 Fax: 01896-825001

DX: 581310 Newtown St Boswells

SHETLAND

Legal & Admin, 8 North Ness, Lerwick ZE1 0LZ

Tel: 01595-744550 Fax: 01595-744585

SOUTH AYRSHIRE

Development, Safety and Regulation, The County Buildings, Wellington Square, Ayr KA7 1DR

Tel: 01292-616167 e-mail: PEService@southayrshire.gov.uk

SOUTH LANARKSHIRE

Montrose House, 154 Montrose Crescent, Hamilton ML3 6LB

Tel: 0141-613 5000 Fax: 0141 613 5173

e-mail: enterprise.cam-ruth@southlanarkshire.gov.uk

STIRLING

Viewforth, Stirling FK8 2ET

Tel: 01786-443352 Fax: 01786-442966 LP 1 Stirling 2

WEST DUNBARTONSHIRE

Council Offices, Rosebery Place, Clydebank G81 1TG

Tel: 01389-738209 Fax: 01389-738584

WEST LoTHIAN

West Lothian Civic Centre, Howden South Road, Livingston EH54 6FF

Tel: 01506-280000

**THE MATRIMONIAL HOMES (FAMILY PROTECTION)
(SCOTLAND) ACT 1981, as amended**

I,

, residing at

hereby declare as follows:

1. Whereas I have granted of even date herewith a standard security in favour of
the property know as
2. and registered in the Land Register of Scotland under title number
("the Security Subjects")

The The Security Subjects are neither a matrimonial home in relation to which a spouse of mine has occupancy rights, the expressions "matrimonial home" and "occupancy rights" having the meanings respectively ascribed to them by the Matrimonial Homes (Family Protection) (Scotland) Act 1981, as amended, nor a family home in relation to which a civil partner of mine has occupancy rights, the expression "family home" having the meaning ascribed to it in the section 135 of the Civil Partnership Act 2004.

Given under my hand at this

in the presence of this witness:

..... Witness

..... Full Name

..... Address

.....

..... Occupation

**THE MATRIMONIAL HOMES (FAMILY PROTECTION)
(SCOTLAND) ACT 1981, as amended**

I,

, residing at

hereby declare as follows:

1. By Disposition executed of even date herewith I have disposed to and in favour of the property know as
2. and registered in the Land Register of Scotland under title number [] (“the Property”)

The Property is neither a matrimonial home in relation to which a spouse of mine has occupancy rights, the expressions “matrimonial home” and “occupancy rights” having the meanings respectively ascribed to them by the Matrimonial Homes (Family Protection) (Scotland) Act 1981, as amended, nor a family home in relation to which a civil partner of mine has occupancy rights, the expression “family home” having the meaning ascribed to it in the section 135 of the Civil Partnership Act 2004.

Given under my hand at this

in the presence of this witness:

..... Witness

..... Full Name

..... Address

.....

..... Occupation

**THE MATRIMONIAL HOMES (FAMILY PROTECTION)
(SCOTLAND) ACT 1981, as amended**

Consent to a Dealing

I,

presently residing at

spouse/civil partner* of

presently residing at

hereby consent for the purpose of Matrimonial Homes (Family Protection) (Scotland) Act 1981, as amended, to the undernoted dealing of the said relating to the property known as

Dealing referred to:

Given under my hand at
this

day of

Two thousand and
in the presence of

and in the presence of this Witness:

..... Witness

..... Full Name

..... Address

.....

..... Occupation

LETTER OF OBLIGATION IN FIRST REGISTRATION TRANSACTION

Dear Sirs,

[](the "Seller")
 [](the "Purchaser")
 [](the "Property")

With reference to the settlement of this transaction today, we hereby:

- (1) undertake to clear the records of any deed, decree or diligence (other than such as may be created by, or against, the Purchaser) which may be recorded in the Property or Personal Registers or to which effect may be given in the Land Register in the period from []¹ to fourteen² days after today's date inclusive (or to the earlier date of registration of the Purchaser's interest in the Property) and which would cause the Keeper to make an entry on, or qualify his indemnity in, [the Title Sheet to be created][the Land Certificate]³ to be issued in respect of that interest; [and]
- (2) confirm that, to the best of our knowledge and belief, as at this date the answers to the questions numbered 1 to 14 in the draft Form 1 adjusted with you (in so far as these answers relate to the Seller or to the Seller's interest in the Property) are still correct; [and]
- [(3) on behalf of the Seller, undertake to exhibit/deliver to you within three months of today's date a search in the Register of Charges and Company file of the Seller brought down to at least thirty six⁴ days after today's date disclosing no entry prejudicial to the Purchaser's interest].

[Please note that all prior writs delivered by us to you/the Keeper which do not relate solely to the Property should be returned to us when returning this letter of obligation marked as fully implemented.]

Yours faithfully

LETTER OF OBLIGATION IN TRANSACTION INVOLVING REGISTERED LAND

[](the "Seller")
 [](the "Purchaser")
 [](the "Property")

With reference to the settlement of this transaction today, we hereby:

- (1) undertake to clear the records of any deed, decree or diligence (other than such as may be created by, or against, the Purchaser) which may be recorded in the Personal Register or to which effect may be given in the Land Register in the period from []¹ to fourteen² days after today's date inclusive (or to the earlier date of registration of the Purchaser's interest in the Property) and which would cause the Keeper to make an entry on, or qualify his indemnity in, [the Title Sheet to be updated][the Land Certificate to be issued]³ in respect of that interest; [and]
- [(2) confirm that, to the best of our knowledge and belief, as at today's date the answers to the questions numbered [1 to 10]/[1 to 11] in the draft Form [2]/[3] adjusted with you (in so far as these answers relate to the Seller or to the Seller's interest in the Property) are still correct] [and]

[(3) on behalf of the Seller undertake to exhibit/deliver to you within three months of today's date a search in the Register of Charges and Company file of the Seller brought down to at least thirty six⁴ days after today's date disclosing no entry prejudicial to the Purchaser's interest].⁵

Yours faithfully

Notes:

1. *Here insert date of certification of Form 10 or 11 Report (for a first registration) or Form 12 or 13 (for a transaction involving registered land)*
2. *The Law Society of Scotland and the insurers have agreed that with effect from 1 November 2010 the obligation may be given for a period of up to 14 days after settlement. The reduction of this maximum period from 21 days reflects the fact that there are no longer significant delays in obtaining SDLT certificates after settlement. Personal presentations of SDLT Returns are still available if required.*
3. *Select appropriate option depending on whether the parties have agreed that a Land Certificate will be obtained, or that dematerialisation is to apply.*
4. *This period should be twenty two days plus the fourteen day period permitted.*
5. *Add further undertakings as required, but any such further undertakings should normally be on behalf of the Seller only. Bear in mind that any such further undertakings given by the Seller's solicitors personally, other than in respect of discharges (where relevant and then only subject to compliance with conditions), will not fall within the definition of the "classic letter of obligation" for Master Policy insurance purposes.*

Source: PSG (www.psglegal.co.uk)

SALES UNDER STANDARD SECURITIES

(See Conveyancing and Feudal Reform (Scotland) Act 1970 Sections 25-27)

25. *Exercise of power of sale.* – A creditor in a standard security having right to sell the security subjects may exercise that right either by private bargain or by exposure to sale, and in either event it shall be the duty of the creditor to advertise the sale and to take all reasonable steps to ensure that the price at which all or any of the subjects are sold is the best that can be reasonably obtained.

26. *Disposition by creditor on sale.* – (1) Where a creditor in a standard security has affected a sale of the security subjects, or any part thereof, and grants to the purchaser or his nominee a disposition of the subjects sold thereby, which bears to be in implement of the sale, then, on that disposition being duly recorded, those subjects shall be discharged of the standard security and of all other heritable securities and diligences ranking *pari passu* with, or postponed to, that security.

(2) Where on a sale as aforesaid the security subjects remain subject to a prior security, the recording of a disposition under the foregoing subsection shall not affect the rights of the creditor in that security, but the creditor who has affected the sale shall have the like right as the debtor to redeem the security.

27. *Application of proceeds of sale.* – (1) The money which is received by the creditor in a standard security, arising from any sale by him of the security subjects, shall be held by him in trust to be applied by him in accordance with the following order of priority –

- (a) firstly, in payment of all expenses properly incurred by him in connection with the sale, or any attempted sale;
- (b) secondly, in payment of the whole amount due under any prior security to which the sale is not made subject;
- (c) thirdly, in payment of the whole amount due under the standard security and in payment, in due proportion, of the whole amount due under a security, if any, ranking *pari passu* with his own security, which has been duly recorded;
- (d) fourthly, in payment of any amount due under any securities with a ranking postponed to that of his own security, according to their ranking,

and any residue of the money so received shall be paid to the person entitled to the security subjects at the time of sale, or to any person authorised to give receipts for the proceeds of the sale.

RBS v Wilson

The UK Supreme Court held in *RBS v. Wilson & Anr* [2010] UKSC 50 that a certificate of default is not a “formal requisition in terms Section 5 of the Heritable Securities (Scotland) Act 1894”. The Court confirmed that a formal calling-up notice would satisfy the requirement of section 5.

THE MORTGAGE RIGHTS (SCOTLAND) ACT 2001

The court may suspend orders for repossession etc when they are satisfied in all the circumstances to do so having regard to:

- the nature and reasons for default;
- the applicants’ ability to fulfil the obligation in default;
- the ability of the applicant, and any other person residing at the subjects, to secure reasonable alternative accommodation;
- what the lender has done to help the borrower fulfil his or her obligations.

PROCEDURES OF CALLING-UP AND DEFAULT**Form A****Notice of Calling-up of Standard Security**

To A.B. (*address*)

TAKE NOTICE that C.D. (*designation*) requires payment of the principal sum of £ with interest thereon at the rate of per centum per annum from the day of (*adding if necessary*, subject to such adjustment of the principal sum and the amount of interest as may subsequently be determined) secured by a standard security by you (*or by E.F.*) in favour of the said C.D. (*or of G.H. to which the said C.D. has now right*) recorded in the Register for on ; And that failing full payment of the said sum and interest thereon (*adding if necessary*, subject to any adjustment as aforesaid), and expenses within two months after the date of service of this demand, the subjects of the security may be sold.

Dated this day of
(*To be signed by the creditor, or by his agent, who will add his designation and the words Agent of the said C.D.*).

In the case of a standard security for non-monetary obligation this Form shall be adapted accordingly.

Form B**Notice of Default under Standard Security**

To A.B. (*address*)

TAKE NOTICE that C.D. (*designation*), the creditor in a standard security by you (*or by E.F.*) in favour of said C.D. (*or of G.H. to which the said C.D. has now right*) recorded in the Register for on requires fulfilment of the obligation(s) specified in the Schedule hereto in respect of which there is default: And that failing such fulfilment within one month after the date of service of this notice, the powers competent to the said C.D. on default may be exercised.

Dated this day of
(*To be signed by the creditor, or by his agent, who will add his designation and the words Agent of the said C.D.*).

Schedule of Obligation(s) in respect of which there is default.

To (*specify in detail the obligation(s) in respect of which there is default*).

Form C

I, A.B., above named, hereby acknowledge receipt of the foregoing Notice of (Calling-up), (Default) of which the foregoing is a copy of the notice adding where appropriate "and I agree to the period of notice being dispensed with (or shortened to)".

Date this day of
(*To be signed by the person on whom notice is served, or by his agent, who will add his designation and the words Agent of the said A.B.*).





Form D

Notice of (calling-up) (Default), of which the foregoing is a copy, was posted (or otherwise, as the case may be) to A.B. above named on the day of

(*To be signed by the creditor, or by his agent, who will add his designation and the words Agent of the said C.D. and if posted the postal receipt to be attached*).

ENFORCEMENT OF STANDARD SECURITIES

**References are to the Conveyancing and Feudal Reform (Scotland) Act 1970,
SC – Standard condition of loan under Sch 3 to Act.**

1. Calling-up notice	2. Notice of Default	3. Insolvency of proprietor	4. Petition to sheriff to exercise remedies
ss 19, 20; Sch 6, Form A SC 9(1)(a) s19A Sch 6, Form BB - Notice to occupier and notice to Local Authority	ss 21-23; Sch 6, Form B SC 9(1)(b)	SC 9(1)(c)	ss 24, 29(2)
Debtor redeems loan and creditor grants discharge; s 17; Sch 4, Form F Debtor does not comply 	Debtor remedies default Debtor appeals notice to sheriff and is upheld Debtor does not comply 	Apparent insolvency; Trust deed; Arrangement with creditors; Judicial factor appointed; Company wound up or liquidator, receiver or administrator appointed; Possession taken of assets under floating charge 	Application specifies nature of default. Additional notice of default if granted 

At this stage the borrower, or certain other people, may petition the Court to suspend procedures under the Mortgage Rights (Scotland) Act 2001. Please note that this applies only to residential properties, and it does not apply in cases of apparent insolvency.

If procedures not suspended, Debtor is in default.

DEBTOR IN DEFAULT – CREDITOR’S REMEDIES

<p>Traditional Remedies:</p> <ol style="list-style-type: none"> 1. Personal action; 2. Adjudication; 3. Poinding of the ground 	<p>Calling-up notice required per column 1. (<i>RBS v Wilson & Anr</i> [2010] UKSC 50)</p>	<p>Sale of security subjects: s 10(2). If sale is not possible then the remedy is foreclosure: s 10(7). (sheriff court action)</p>	<p>Entering into possession and letting s 10(3)-(5) Note: this remedy may be accompanied by a court warrant for ejection in terms of the Act of Sederunt 1990 s 1990(6). It is not strictly necessary on the expiry of a calling-up notice but may in practice be desirable. In most cases possession is sought first before exercising any other remedy</p>	<p>Repair reconstruction and improvement: s 10(6).</p>
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ROUP – MINUTES OF PREFERENCE

Note – Articles of Roup need not be stamped.

Form of Minute

AT....., within (place)
 onthe.....day of
, 19, ato'clock
noon.

IN presence of A.B., Auctioneer in, Judge of the Roup, and sundry other persons there assembled, the foregoing Articles of Roup were read over, the title deeds laid on the table, and the foresaid subjects and others exposed to sale in terms thereof, at the upset price of pounds, (*continue as undernoted according to circumstances*) –

1. Where no Sale takes place.

WHEN, no one appearing to offer, the sale was adjourned to
(leave date blank).

(Signed) A.B., *Judge of the Roup.*

2. Where Sale takes place at Upset Price.

WHEN C.D. (design him) appeared and offered the said upset price, and being the only offerer, the Judge of the Roup after three fair calls declared him to be the purchaser, and the said C.D. hereby enacts himself to be the purchaser accordingly, subject to the foregoing Articles of Roup.

In Witness whereof, &c.

E.F., *Witness.* (Signed)

A.B., *Judge of the Roup.*
 C.D., *Purchaser.*

3. Where there is a Competition.

WHEN C.D. (design) appeared and offered the said upset price of £....., and after sundry offers E.F. (design) offered the sum of pounds, whereupon the said C.D. (or other offerer) offered the sum of pounds, and being the highest offerer the Judge of the Roup after three fair calls preferred and hereby prefers the said C.D. (or other highest offerer) to the purchase, and the said C.D. enacts himself as purchaser accordingly, and hereby binds and obliges himself to implement the foregoing Articles and Conditions of Sale, and the said E.F. enacts himself as offerer aforesaid.

In Witness whereof, &c.

G.H., *Witness.* (Signed)

C.D., *Purchaser.*
 E.F., *Officer.*
 A.B., *Judge of the Roup.*

4. Where Purchase is made for Another Person Present.

WHEN C.D. (design) appeared and offered the said upset price, and he being the only offerer (if there is a competition adapt previous form), and having declared that he made said offer for said subjects and others on behalf of E.F. (design), the Judge of the roup after three fair calls preferred and hereby prefers the said E.F. to the purchase, and the said E.F., hereby enacts himself purchaser accordingly, and binds and obliges himself and his executors and successors to implement and fulfil the whole of the foregoing Articles of Roup and this Minute so far as incumbent on the purchaser in every respect under the penalty therein specified.

In Witness whereof, &c.

Signed by Judge of Roup and Purchaser, and
 attested as before.

5. Where Purchase is for Another Person Not Present.

WHEN C.D. (design him) appeared and offered the said upset price, and he being the only offerer (or the last and highest offerer), and having declared that he made said offer for said subjects and others on behalf of E.F. (design him), the Judge of the Roup after three fair calls preferred and hereby prefers the said E.F. to the purchase: And the said C.D. hereby binds the said E.F. and his executors and successors to implement and fulfil the whole of the foregoing Articles of Roup and this Minute so far as incumbent on the purchaser in every respect, under the penalty therein specified.

In Witness whereof, &c.

To be signed by C.D. and the Judge of the Roup, and
attested as before.

6. Alterations in Term of Entry, Payment, &c.

The foregoing minute (page 122) should be varied as follows from the word "exposed":

Exposed to sale in terms thereof at the reduced upset price of
..... But subject to the following
Alterations and Declarations, viz: - (First) That the term of entry of the
Purchaser shall be the term of
..... (or theday of), 19 .. when the price
shall be payable. (Second) That
.....(Third) that, &c. &c.

DISCHARGE OF HERITABLE SECURITY CONSTITUTED BY EX-FACIE ABSOLUTE CONVEYANCE

(Conveyancing and Feudal Reform (Scotland) Act 1970 Section 40 and Schedule 9

I, A.B., (*designation*) hereby acknowledge that [the disposition (*or assignment*) granted by C.D. (*designation*) (or by E.F. (*designation*) with consent of C.D. (*designation*) in my favour (or in favour of G.H. (*designation of original creditor*) recorded in the Register for on] [*or, where endorsed on the disposition or assignment, the foregoing disposition of assignment*)] [*describe security discharged by reference to the parties thereto and to the details of its recording*] although in its terms *ex facie* absolute was truly in security of an advance of £ (*or a maximum of £* *in other cases describe as indicated in Note 2 to Schedule 4 to this Act*), and that all moneys intended to be secured thereby have been fully paid.

[To be attested]

FORMS OF STANDARD SECURITY

(Conveyancing and Feudal Reform (Scotland) Act 1970 Sections 9 and 10 and Schedule 2)

Form A

[To be used where the personal obligation is included in the deed]

I, A.B. (*designation*), hereby undertake to pay to C.D. (*designation*), the sum of £ (*or a maximum sum of £*) (*or all sums due and that may become due by me to the said C.D. in respect of* (*here specify the matter for which the undertaking is granted*)) with interest from (*or from the respective times of advance*) at per centum per annum (*or otherwise as the case may be*) (annually, half-yearly, or

otherwise as the case may be) onin each year commencing on; For which I grant a standard security in favour of the said C.D. over ALL and WHOLE (here describe the security subjects as indicated in Note 1 hereto): The standard conditions specified in Schedule 3 to the Conveyancing and Feudal Reform (Scotland) Act 1970, and any lawful variation thereof operative for the time being shall apply: And I grant warrandice: And I consent to registration for execution.

[To be attested]

Form B

[To be used where the personal obligation is constituted in a separate instrument or instruments]

I, A.B. (designation) hereby in security of (here specify the nature of the debt or obligation in respect of which the security is given and the instrument(s) by which it is constituted in such manner as will identify these instruments) grant a standard security in favour of C.D. (designation) over ALL and WHOLE (here describe the security subjects as indicated in Note 1 hereto): The standard conditions specified in Schedule 3 to the Conveyancing and feudal Reform (Scotland) Act 1970, and any lawful variation thereof operative for the time being, shall apply: And I grant warrandice.

[To be attested]

DISCHARGE OF STANDARD SECURITY

(Conveyancing and Feudal Reform (Scotland) Act Schedule 4F)

Separate

I, A.B. (designation), in consideration of £ (where the security is in respect of a maximum sum or of all sums due or to become due or is in respect of a personal obligation constituted in an instrument or instruments other than the standard security add being the whole amount secured by the standard security aftermentioned) paid by C.D., (designation) (or, as the case may be) hereby discharge a standard security of £ (or a maximum sum of £ in other cases describe as indicated in Note 2 to this Schedule) by the said C.D. (or by E.F.) in my favour (or in favour of G.H.) recorded in the Register for on (adding if necessary, but only to the extent of £ of principal.

[To be attested]

[To be endorsed on the standard security]

As above save that instead of the words "a standard security for £ (or a maximum sum of £ in other cases describe as indicated in Note 2 to this Schedule)" insert "the foregoing standard security".

THE OUTDOOR ACCESS CODE

The Land Reform (Scotland) Act 2003 gives a statutory right of access to all land, rather than the old, uncertain, right given under common law. Exceptions are:

- buildings
- caravans and tents
- school grounds
- sports and playing grounds
- land defined by regulation *eg* for defence or national security
- land set aside for recreational purposes
- land on which buildings or demolition work is taking place
- land with growing crops
- owners may set aside “sufficient adjacent” land to protect their privacy
- areas open to the public, on payment, for at least 90 days in a year
- exemptions made by local authorities

The vague term “sufficient adjacent land to protect the privacy” of landowners has predictably been tested by the courts, with varying results. In the case of *Gloag* (Kinfauns House, near Perth) it was held that the landowner could exclude ramblers from her grounds, but in the case of *Snowie* (Boquhan Estate, Stirlingshire) it was held that the landowner could not exclude ramblers from using part of his estate. Both cases decided by a Sheriff after an inspection of the land. More such cases can be expected as they turn entirely on the circumstances of the case.

Access rights do not apply to any motorised activity (unless for disabled access) or to hunting, shooting or fishing.

The Code

Persons seeking access to land are urged to follow the code.

- Take responsibility for their own actions.
- Respect people’s privacy and peace of mind.
- Help farmers and landowners to work safely and effectively.
- Care for the environment.
- Keep dogs under control.
- Take extra care if organising a group event.

The Outdoor Access code is issued by Scottish Natural Heritage, the website being www.outdooraccess-scotland.com

LAND REFORM REVIEW

The Scottish Government have established the Land Reform Review Group with Dr Alison Elliot as the Chair. It is an independent review group tasked with developing innovative and radical proposals in relation to Land Reform.

Land Reform Review Group
B1 Spur, Saughton House
Edinburgh EH11 3XD
Email: landreformreview@scotland.gsi.gov.uk
www.landreformreview.org

SUMMARY OF NHBC BUILDMARK COVER

Section 1 – Cover before legal completion of the first sale of the house

Covers the buyer from the date of the missives until the date on the NHBC Certificate against the builder failing to complete the building, through insolvency or fraud. NHBC will refund money paid to builder which cannot be recovered, or will arrange for completion of building.

Section 2 – The first two years of first sale of house

The builder must put right, at his or her own expense, any defects arising from failure to observe NHBC Standards. This does not cover minor defects, such as hair-line cracking caused by plaster drying.

Section 3 – Cover in years 3 to 10

Covers against any physical damage to house caused by defects in any specified parts of the building.

Much fuller details are given in NHBC Booklet *Guide to Your New Home* available from NHBC, NHBC House, Davey Avenue, Knowlhill, Milton Keynes MK5 8FP. DX 84759 Milton Keynes 3. Tel: 0844 633 1000, Fax: 0844 633 0022. www.nhbc.co.uk

HISTORIC QUARTERLY TERMS

1. Scotland

CANDLEMAS	2 February
WHITSUNDAY	15 May
LAMMAS	1 August
MARTINMAS	11 November

2. England

LADYDAY	25 March
MIDSUMMER	24 June
MICHAELMAS	29 September
CHRISTMAS	25 December

3. Ireland

In Ireland there are no recognised dates which can be properly termed Quarter Days as in England and Scotland.

QUARTERLY TERMS

Affecting Deeds and Enactments in Scotland from 13 July 1991.

CANDLEMAS	28 February	LAMMAS	28 August
WHITSUNDAY	28 May	MARTINMAS	28 November

In terms of the Term and Quarter Days (Scotland) Act 1990.

RENT RESTRICTION ACTS

The principal Acts bearing on the questions of rent and security of tenure are consolidated in the Housing (Scotland) Act 1987.

The Housing (Scotland) Act 1988 governs Assured Tenancies and Short Assured Tenancies.

Various Notices (specified in The Assured Tenancies (Forms) (Scotland) Regulations 1988) require to be served:

AT1(L) and AT1(T) Notice proposing Terms of a Statutory Assured Tenancy different from the terms of former Tenancy.

AT2 Notice of Increase in Rent under Assured Tenancy.

AT3(L) and AT3(T) Application for Rent Assessment Committee to determine rent in an Assured Tenancy.

AT4 Application by tenant to Rent Assessment Committee to determine rent.

AT5 Notice by Landlord of Short Assured Tenancy.

AT6 Notice of Intention to raise proceedings for possession.

AT7 Notice by Landlord that new Tenancy is not a Short Assured Tenancy.

AT8 Notice requiring Landlord or Tenant to supply information.

Government Regulations provide that all furniture provided is labelled to show that it has passed the relevant fire safety tests. Furniture made before 1950 is excluded.

The Gas Safety (Installation and Use) Regulations 1994 require that gas appliances must be checked by an approved contractor every year. Similar regulations exist in relation to electrical and other heating equipment.

Houses in Multiple Occupancy Regulations require Landlords to obtain an HMO licence for houses in multiple occupancy. This is defined as being occupied by two or more unrelated parties. The HMO licence will be obtained from the local Council, and costs around £600 per house.

These regulations entail that anyone owning property that is let to other unrelated parties, must obtain an HMO Licence from their local Council. This involves inspection and payment of a fee. Details from the appropriate Council.

From 31 March 2006, all private landlords letting properties in Scotland must have applied for registration in the register of landlords. The aim of landlord registration is to ensure that all private landlords in Scotland are 'fit and proper' to be letting residential property. The requirement should help local authorities to remove disreputable landlords from the market and protect tenants and their neighbours from the impact of antisocial behaviour and mismanaged property on the wider community.

THE RIGHT TO BUY

The Housing (Scotland) Acts 2001 and 2010 have significantly restricted tenants' right to buy (RTB) public housing, whilst respecting long standing tenants' "grandfather" rights. The 2001 Act came into force on 30 September 2002 and introduced the "modernised Right to Buy" Conditions for new tenants from that date, making the following changes:

- The qualifying period became five years, as opposed to the former period of 2 years.
- The discount is reduced.
- Arrears of rent or Council Tax invalidate the application.
- Authorities can apply to become "pressured-areas" to suspend the RTB.
- A cap of £15,000 was applied to the discount.

The 2010 Act makes the following further changes from 1 March, 2011:

- Ending Right to Buy for new supply social housing.
- Ending Right to Buy for new tenants.
- The Authority can refuse the RTB application in respect of police housing.
- Introducing more flexibility and local control over pressured-area designations.

<i>Years spent as tenant</i>	<i>Tenancy began before 30 Sept 2002</i>	<i>Tenancy began on or after 30 Sept 2002</i>	<i>Tenancy of new-supply house began on or after 1 March 2011 or if 'new tenant' after 1 March 2011</i>	
	<i>Houses</i>	<i>Flats</i>	<i>All properties</i>	<i>All properties</i>
0 to 2	Cannot buy	Cannot buy	Cannot buy	Cannot buy
2 to 4	32% - 34%	44% - 48%	Cannot buy	Cannot buy
5 to 9	35% - 39%	50% - 58%	20% - 24%	Cannot buy

10 to 14	40% - 44%	60% - 68%	25% - 29% or £15,000	Cannot buy
15 to 19	45% - 49%	70%	30% - 34% or £15,000	Cannot buy
20 to 24	50% - 54%	70%	35% or £15,000	Cannot buy
25 to 29	55% - 59%	70%	35% or £15,000	Cannot buy
30 and over	60%	70%	35%	Cannot buy

Landlords Relevant for Discount Entitlement

Agriculture and Food Research Council	Nature Conservancy Council for England
The Armed Forces	New Town Development Corporations
British Airports Authority	North of Scotland Hydro Electric Board
British Coal Corporation	Northern Ireland Housing Executive
British Gas Corporation	A Police Authority
British Railways Board	The Post Office
British Steel Corporation	The Prison Service
British Waterways Board	A Registered Housing Association
Central Electricity Generating Board	A Registered Social Landlord
Civil Aviation Authority	Science and Engineering Research Council
Commission for the New Towns	Scottish Natural Heritage
Commissioners for Northern Lighthouses	Scottish Special Housing Association and Scottish Homes
Countryside Council for Wales	Scottish Sports Council
The Electricity Council	Scottish Transport Group
The English Sports Council	South of Scotland Electricity Board
A Fire Authority	Sports Council
Forestry Commission	Sports Council for Wales
Highlands and Islands Enterprise	State Hospital in Scotland or a Special Hospital in England
HM Coastguard	Trinity House
A Housing Co-operative in Scotland, England and Wales	United Kingdom Atomic Energy Authority
Housing Corporation	United Kingdom Sports Council
Local Authorities	Scottish Water
Medical Research Council	Waverley Housing Trust Limited
Ministry of Defence	WESLO Housing Management
National Bus Company	Any other Government Department or Minister of the Crown
National Health Service Trusts	
National Rivers Authority	
National Environment Research Council	

Calculation of Discount

- For tenants between 30 September 2002 and 1 March 2011 exercising the modernised RTB, a minimum of 20% discount is available following the 5 year qualifying period, which increases by 1% per year to a maximum of 35% of the market value or £15,000 (whichever is the lower). This applies to both flats and houses.
- Any tenant who had the right to buy before the introduction of the Scottish Secure Tenancy in September 2002 who remain in their present tenancy will have the discounts that were available prior to the introduction of the new legislation. The discount would be calculated in the following way:
- Tenants in houses – will be eligible for a discount of 32% of the market value of the house after 2 years tenancy, increased by 1% per annum to a maximum of 60% after 30 years of tenancy.

- Tenants in flats – the discount starts at 44% of the market value after 2 years tenancy, increasing by 2% per annum to a maximum of 70% after 15 years of tenancy.

Cost Floor Rules

- In the event the landlord of the property has recently built, acquired or had substantial expenditure on improvements to the property, this will be taken into account in the calculation of the discount. This is called the “cost floor” rule. Where this work has taken place in the 10 years preceding the application to buy, the selling price must not be less than the eligible costs. These eligible costs include the construction, erection or acquisition as well as repairs or maintenance costs. Costs of less than £5,000 are ignored. The discount is calculated as normal, but if the cost floor is greater than the discounted price, then the tenant has to pay the cost floor price instead of the discounted price, eg price after discount £26,789; cost floor £27,000; tenant pays £27,000. If the cost floor is greater than the market value, as can happen in new build properties, then the tenant pays the full market value, regardless of discount entitlements.

7. EMPLOYMENT LAW

National Minimum Wage (NMW)

There are different levels of NMW, depending on age and whether the employee is an apprentice. The rates (from 1 October 2013) are:

£6.31 - the main rate for employees aged 21 and over

£5.03 - the 18-20 rate

£3.72 - the 16-17 rate for employees above school leaving age but under 18

£2.68 - the apprentice rate, for apprentices under 19 or 19 or over and in the first year of their apprenticeship

If the employee is of compulsory school age they are not entitled to the NMW. Some of their other employment rights are also different.

Past NMW rates can be viewed on the Low Pay Commission website – www.lowpay.gov.uk.

Employment Tribunal compensation limits

	<i>From 1/2/13</i>
Maximum basic award for unfair dismissal (30 weeks' pay, subject to the limit on a week's pay)	£12,900
Minimum additional award for failure to comply with a tribunal's order to reinstate or re-employ an employee who has been unfairly dismissed (26 weeks' pay, subject to the limit on a week's pay)	£11,180
Maximum additional award for failure to comply with a tribunal's order to reinstate or re-employ an employee who has been unfairly dismissed (52 weeks' pay, subject to the limit on a week's pay)	£22,360
Limit on a week's pay	£450
Minimum basic award for dismissal on trade union, health and safety, occupational pension scheme trustee, employee representative and working time grounds only	£5,500
Maximum compensatory award for unfair dismissal	£74,200
Limit on guarantee pay (per day)	£24.20
Amount of award for unlawful inducement relating to trade union membership, activities or services, or for unlawful inducement relating to collective bargaining	£3,600
Minimum amount of compensation where an individual is excluded or expelled from a union in contravention of section 174 of the Trade Union and Labour Relations (Consolidation) Act 1992 and not admitted or readmitted by date of tribunal application	£8,400

The limit for the maximum award in breach of contract cases is £25,000.

Statutory Sick Pay (SSP) 2013-2014*Rate of payment or recovery*

Standard weekly rate	£86.70
Daily rate - employees with one qualifying day in the week	£86.70
Daily rate - employees with two qualifying days in the week	£43.35
Daily rate - employees with three qualifying days in the week	£28.90
Daily rate - employees with four qualifying days in the week	£21.67
Daily rate - employees with five qualifying days in the week	£17.34
Daily rate - employees with six qualifying days in the week	£14.45
Daily rate - employees with seven qualifying days in the week	£12.38
Proportion of your SSP payments you can recover from HM Revenue & Customs	Amounts in excess of 13% of your total employee and employer Class 1 National Insurance Contributions liability for the month in question

Statutory maternity, paternity and adoption pay

<i>Type of payment or recovery</i>	<i>Figures to use 2012-13</i>
Statutory Maternity Pay (SMP) – weekly rate for first six weeks	90% of the employee's average weekly earnings
SMP - weekly rate for remaining weeks	£136.78 or 90% of the employee's average weekly earnings, whichever is lower
Ordinary Statutory Paternity Pay (OSPP) and Additional Statutory Paternity Pay (ASPP) – weekly rate	£136.78 or 90% of the employee's average weekly earnings, whichever is lower
Statutory Adoption Pay (SAP) – weekly rate	£136.78 or 90% of the employee's average weekly earnings, whichever is lower
SMP/OSPP/ASPP/SAP - proportion of your payments you can recover from HM Revenue & Customs	92% of your total Class 1 National Insurance contributions (NICs) (both employee and employer contributions) if they are above £45,000 for the previous tax year 103% if your total Class 1 NICs for the previous tax year are £45,000 or lower

8. ENVIRONMENTAL

CONTAMINATED LAND

SEPA's contaminated land information can be found at:
http://www.sepa.org.uk/land/contaminated_land.aspx

The Law Society of Scotland has issued the following guidance to solicitors:

Guidance

Advice from Law Society of Scotland leaflet on what enquiries solicitors should make on contaminated land (Journal, April 2003).

A reminder that contaminated land is an issue that will not go away in property transactions (Journal, August 2007).

Recent advice from the Conveyancing and Professional Practice Committees:

Contaminated Land – the story continues (Journal, March 2011).

Commentary on two recent English cases highlighting the significance of the contaminated land regime, and the need for the greatest care over the history of land in any transaction (Journal, September 2007).

ENERGY EFFICIENCY

The Energy Saving Trust is a non-profit organisation that provides free and impartial advice on how to stop wasting energy.
www.energysavingtrust.org.uk/scotland/

INDICATIVE RIVER & COASTAL FLOOD MAP (Scotland)

The flood map shows an **estimate** of the areas of Scotland with a 0.5% or greater probability of being flooded in any given year, or put another way the areas estimated to have a 1 in 200 or greater chance of being flooded in any given year.

www.sepa.org.uk/flooding/flood_extent_maps.aspx

FLOODING

Simple preparations recommended by SEPA.

- Prepare a list of useful telephone numbers you may require in an emergency (*eg* local Council, emergency services, insurance companies etc.).
- Think about where you will store valuable and sentimental items.
- Find out how to turn off gas and electricity supplies.
- Think about where you will go in event of flooding and what you would do about pets.
- Consider buying sandbags and other flood protection to block doorways and airbricks.
- Prepare a flood kit, which can include items like – torches, battery or wind up radio, first aid kit, personal documents, mobile phone, gloves and wellington boots.

ILLEGAL DUMPING

Fly-tipping occurs in both urban and rural areas. Hotspots include verges of country lanes, lay-bys and urban gap sites or back alleys. Currently Scottish local authorities spend in excess of £2.5 million each year clearing up instances of illegally dumped waste. Dumb Dumpers Hotline: 0845-2304090.

FIREWORKS

The Fireworks (Scotland) Regulations 2004 prohibit the use of fireworks from 11pm to 7am, with extensions to the curfew for the following festivals:

- Until 1am on the night of the Chinese New Year (January)
- Until 1am on the night of Diwali (17 January 2009)
- Until 1am on the night of New Year's Eve
- Until midnight on 5 November

MOST TREASURED BUILDINGS

In a poll conducted in January 2008 by the Royal Commission of the Ancient and Historical Monuments of Scotland (RCAHMS) the results were:

1. Lady Victoria Colliery, Newtongrange, Midlothian
2. Glasgow School of Art
3. Kings College, Aberdeen
4. St Meddan's Church, Troon, Ayrshire
5. The Falkirk Wheel
6. Kelvingrove Art Gallery and Museum, Glasgow
7. The Standing Stones of Stenness, Orkney
8. Skara Brae, Orkney
9. Rosslyn Chapel, Roslin, Midlothian
10. Cumbernauld Town Centre

DOORS OPEN DAYS 2013

Themes for the 2013 programme will include Natural Scotland and a celebration of railways.

Weekend 1 – Sunday 1st September

Highland

Weekend 2 – 7th & 8th September

Ayrshire

East Fife (Sunday only)

Lanarkshire

Weekend 3 - 14th & 15th September

Angus

Aberdeen (Saturday only)

East Dunbartonshire (Saturday only)

Central Fife (Sunday only)

Midlothian (Saturday only)

Inverclyde TBC

East Lothian (Sunday only)

Stirling

Weekend 4 – 21st & 22nd September

West Fife (Sunday only)

Glasgow

Dundee

Perth & Kinross

Weekend 5 – 28th & 29th September

Edinburgh

E-mail: dod@scottishcivictrust.org.uk

9. GOVERNMENTS AND LEGISLATURES

A BRIEF HISTORY OF THE EUROPEAN UNION

- 1957 – Treaty of Rome signed by Belgium, France, Germany, Italy, Luxembourg and the Netherlands.
- 1973 – Britain, Denmark and Ireland joined.
- 1979 – First direct elections to European parliament.
- 1981 – Greece joined.
- 1986 – Spain and Portugal joined.
- 1990 – Germany Unified.
- 1992 – Maastrich Treaty signed.
- 1993 – 1 January. Deadline for single European market.
- 1995 – Austria, Sweden and Finland joined. Schengen agreement started.
- 1999 – Economic and monetary union started.
- 2002 – Euro notes and coins circulated.
- 2004 – Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia joined.
- 2005 – French and Dutch voters rejected the constitutional treaty.
- 2006 – Bulgaria and Romania joined.
- 2007 – Lisbon Treaty signed.
- 2009 – Lisbon Treaty came into force.
- 2013 – Croatia becomes the 28th member state on accession on 1 July 2013.

THE SCHENGEN ZONE

The Schengen Treaty was signed in 1985 by West Germany, France, Belgium, The Netherlands and Luxembourg to establish a passport free zone, implement of the ideal of the Treaty of Rome that there should be unhindered travel throughout Europe. Schengen is a small town in Luxembourg situated at the boundaries of Luxembourg, France and Germany.

Schengen measures provide for the abolition of controls at the internal borders of the Schengen Member States, establish common rules on checks at the external frontiers, provide for a common visa policy and introduce accompanying measures which enable the lifting of the internal-border checks (in particular in the field of police and judicial cooperation in criminal matters). These rules have thus direct implications for citizens in the area of free movement of people:

- Removal of border controls at common internal borders;
- Common set of rules applying to people crossing the external frontiers of the Member States being part of the Schengen area;
- Separation at air terminals and, where possible, at sea ports of people travelling within the Schengen area from those arriving from countries outside the Schengen area;
- Harmonisation of the rules regarding conditions of entry and visas for short stays.

The most noticeable impact of Schengen on individuals is that they no longer have to show their passports when crossing borders between Schengen Member States. But this does not mean that travelling within the Schengen area is the same as travelling within a single Member State in relation to the detention of a travel or identity document. The law of each Member State applies in order to determine whether a person needs to carry such a document. The Schengen Rules apply to twenty-two EU countries (Austria, Belgium, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden), plus Norway, Iceland and Switzerland fully apply the provisions of the Schengen acquis. Bulgaria, Cyprus, and Romania are not yet fully-fledged members of the Schengen area, since the border controls between them and the Schengen area are maintained until the EU Council decides that the conditions for abolishing internal border controls have been met. However, since the date of accession they do apply parts of

the Schengen acquis, in particular in the area of police and judicial cooperation and of external border control. The United Kingdom and Ireland have chosen to maintain border controls with other EU countries and are therefore outside the Schengen area (although they have been authorised to apply some of the provisions on police and judicial cooperation in criminal matters).

In May 2011, the EU announced moves to tighten border controls in the Schengen Area, after France stopped migrants arriving by train from Italy.

EUROPEAN COMMISSION – THE COMMISSIONERS

The Members of the Barroso Commission (2010-2014)

José Manuel Barroso (Portugal) – President

Catherine Ashton (UK) – Vice-President

High Representative of the Union for Foreign Affairs and Security Policy

Viviane Reding (Luxembourg) – Vice-President

Justice, Fundamental Rights and Citizenship

Joaquín Almunia (Spain) – Vice-President

Competition

Siim Kallas (Estonia) – Vice-President

Transport

Neelie Kroes (The Netherlands) – Vice-President

Digital Agenda

Antonio Tajani (Italy) – Vice-President

Industry and Entrepreneurship

Maros Sefcovic (Slovakia) – Vice-President

Inter-Institutional Relations and Administration

Janez Potonik (Slovenia)

Environment

Olli Rehn (Finland)

Economic and Monetary Affairs

Andris Piebalgs (Latvia)

Development

Michel Barnier (France)

Internal Market and Services

Androulla Vassiliou (Cyprus)

Education, Culture, Multi lingualism and Youth

Algirdas Semeta (Lithuania)

Taxation and Customs Union, Audit and Anti-Fraud

Karel De Gucht (Belgium)

Trade

John Dalli (Malta)

Health and Consumer Policy

Máire Geoghegan-Quinn (Ireland)

Research, Innovation and Science

Janusz Lewandowski (Poland)

Financial Programming and Budget

Maria Damanaki (Greece)

Maritime affairs and fisheries

Kristalina Georgieva (Bulgaria)

International Cooperation, Humanitarian Aid and Crisis Response

Günther Oettinger (Germany)

Energy

Johannes Hahn (Austria)

Regional Policy

Connie Hedegaard (Denmark)

Climate Action

Stefan Füle (Czech Republic)

Enlargement and European Neighbourhood Policy

László Andor (Hungary)

Employment, Social Affairs and Inclusion

Cecilia Malmström (Sweden)

Home Affairs

Dacian Ciolo (Romania)

Agriculture and Rural Development

EUROPEAN PARLIAMENT

Elections to the European Parliament are held every five years. The European Parliament was directly elected for the first time in 1979. 754 MEPs elected in the 27 Member States make up the European Parliament. There are twelve electoral regions with between three and ten MEPs representing each region. The nine English regions elected 59 MEPs, Scotland elected six MEPs and Wales four MEPs. In Northern Ireland three MEPs were elected under its own system of proportional representation. Residents in Gibraltar voted in the South West Region. All MEPs in the European Parliament are elected under some form of proportional representation. Differences exist between Member States for example in the methods used (eg. Droop quota, d'Hondt system, Single Transferable Vote) or in the constituency unit (regional or national).

MEPs

Ian Hudghton *SNP* – (Group of the Greens/European Free Alliance)

David Martin *Lab* – (Group of the Progressive Alliance of Socialists and Democrats in the European Parliament)

George Lyon *Lib Dem* – (Group of the Alliance of Liberals and Democrats for Europe)

Alyn Smith *SNP* – (Group of the Greens/European Free Alliance)

Struan Stevenson *Con* – (European Conservatives and Reformists Group)

Catherine Stihler *Lab* – (Group of the Progressive Alliance of Socialists and Democrats in the European Parliament)

Political Groups

European People's Party

Progressive Alliance of Socialists and Democrats

Alliance of Liberal Democrats for Europe

European Conservatives and Reformists

Greens/European Free Alliance

European United Left – Nordic Green left

Europe of Freedom and Democracy

Non-Inscrits

Identity, Tradition and Sovereignty Group

The EU has 27 member states and 23 official languages. Each member state stipulates which language or languages it wants to have declared official languages of the EU.

The languages of the EU are presently Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Irish, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish and Swedish.

With 23 languages in operation in the EU since 2007 there are a total 506 possible combinations, since each language can be translated into 22 others.

The European Commission says that if EU policies are to be applied correctly and make a difference on the ground, they have to be understood. Access to languages contributes to this. Everyone in the Union is also entitled and encouraged to play a part in building it, and must be able to do it in their own language. EU translation cost €800 million in 2006. The Irish language translation added costs of €30 million in 2007. 1,324,231 pages were translated in 2005 by 1,300 interpreters.

If only English, French and German were used – common practice in the majority of European Commission meetings – the cost would fall to £6,500 a day as opposed to the present figure of £80,000 a day.

In July 2008 there were 995,844 official words in the English language. This figure is expected to rise to 1 million by April 29, 2009.

THE CABINET

**Prime Minister, First Lord of the Treasury and
Minister for the Civil Service**

The Rt Hon David Cameron MP

Deputy Prime Minister, Lord President of the Council

The Rt Hon Nick Clegg MP

**First Secretary of State, Secretary of State for Foreign and
Commonwealth Affairs**

The Rt Hon William Hague MP

Chancellor of the Exchequer

The Rt Hon George Osborne MP

Lord Chancellor, Secretary of State for Justice

The Rt Hon Chris Grayling MP

Secretary of State for the Home Department

The Rt Hon Theresa May MP

Secretary of State for Defence

The Rt Hon Philip Hammond MP

**Secretary of State for Business, Innovation and Skills, and President
of the Board of Trade**

The Rt Hon Dr Vincent Cable MP

Secretary of State for Work and Pensions

The Rt Hon Iain Duncan Smith MP

Secretary of State for Energy and Climate Change

The Rt Hon Edward Davey MP

Secretary of State for Health

The Rt Hon Jeremy Hunt MP

Secretary of State for Education

The Rt Hon Michael Gove MP

Secretary of State for Communities and Local Government

The Rt Hon Eric Pickles MP

Secretary of State for Transport

The Rt Hon Patrick McLoughlin MP

Secretary of State for Environment, Food and Rural Affairs

The Rt Hon Owen Paterson MP

Secretary of State for International Development

The Rt Hon Justine Greening MP

Secretary of State for Culture, Olympics, Media and Sport

The Rt Hon Maria Miller MP

Secretary of State for Northern Ireland

The Rt Hon Teresa Villiers MP

Secretary of State for Scotland

The Rt Hon Michael Moore MP

Secretary of State for Wales

The Rt Hon David Jones MP

Leader of the House of Lords, Chancellor of the Duchy of Lancaster

The Rt Hon Lord Hill of Oareford

Chief Secretary to the Treasury

The Rt Hon Danny Alexander MP

ATTENDING CABINET:

Minister without Portfolio

The Rt Hon Kenneth Clarke QC MP

Leader of the House of Commons, Lord Privy Seal

The Rt Hon Andrew Lansley MP

Minister for the Cabinet Office, Paymaster General

The Rt Hon Francis Maude MP

Minister for Government Policy

The Rt Hon Oliver Letwin MP

Attorney General

Dominic Grieve QC MP*

Chief Whip*(Parliamentary Secretary to the Treasury)*

The Rt Hon Sir George Young Bt MP

Minister of State for Cabinet Office, Minister of State for Schools

The Rt Hon David Laws MP

**Senior Minister of State, Minister of State for Faith and
Communities**

The Rt Hon Baroness Warsi

Minister of State for Universities and Science

The Rt Hon David Willetts MP

* *attends Cabinet when Ministerial responsibilities are on the agenda*

THE SECRETARY OF STATE FOR SCOTLAND

The Rt Hon Michael Moore MP

Scotland Office**London:**Dover House, London SW1A 2UA
Tel: 020-7270-6754 Fax: 020-7270-6812**Edinburgh:**1 Melville Crescent, EDINBURGH EH3 7HW
Tel: 0131 244 9010 Fax: 0131 244 9051
www.scotlandoffice.gov.uk**THE SCOTTISH PARLIAMENT***"Say but little and say it well."*

Proverb on the engraved wall at the Scottish Parliament.

Edinburgh EH99 1SP
www.scottish.parliament.uk Telephone 0131.348.5000**Current State of the Parties:***Party Total*Scottish National Party 64
Scottish Labour 37
Scottish Conservative and Unionist Party 15
Scottish Liberal Democrats 5
Scottish Green Party 2
Independent 4
No Party Affiliation 1
Vacancy 1
Total:129**MSPs**

George Adam	Paisley / SNP
Clare Adamson	Central Scotland / SNP
Alasdair Allan	Na h-Eileanan an Iar / SNP
Christian Allard	North East Scotland/SNP
Jackie Baillie	Dumbarton / Lab
Claire Baker	Mid Scotland and Fife / Lab
Richard Baker	North East Scotland / Lab
Jayne Baxter	Mid Scotland and Fife/Lab
Claudia Beamish	South Scotland / Lab
Colin Beattie	Midlothian North and Musselburgh / SNP
Marco Biagi	Edinburgh Central / SNP
Neil Bibby	West Scotland / Lab
Sarah Boyack	Lothian / Lab
Chic Brodie	South Scotland / SNP
Gavin Brown	Lothian / Con
Keith Brown	Clackmannanshire and Dunblane / SNP
Margaret Burgess	Cunninghame South / SNP
Aileen Campbell	Clydesdale / SNP
Roderick Campbell	North East Fife / SNP
Jackson Carlaw	West Scotland / Con
Malcolm Chisholm	Edinburgh Northern and Leith / Lab
Willie Coffey	Kilmarnock and Irvine Valley / SNP
Angela Constance	Almond Valley / SNP

Bruce Crawford	Stirling / SNP
Roseanna Cunningham	Perthshire South and Kinross-shire / SNP
Ruth Davidson	Glasgow / Con
Graeme Dey	Angus South / SNP
Nigel Don	Angus North and Mearns / SNP
Bob Doris	Glasgow / SNP
James Dornan	Glasgow Cathcart / SNP
Kezia Dugdale	Lothian / Lab
Helen Eadie	Cowdenbeath / Lab
Jim Eadie	Edinburgh Southern / SNP
Annabelle Ewing	Mid Scotland and Fife / SNP
Fergus Ewing	Inverness and Nairn / SNP
Linda Fabiani	East Kilbride / SNP
Mary Fee	West Scotland / Lab
Patricia Ferguson	Glasgow Maryhill and Springburn / Lab
Alex Fergusson	Galloway and West Dumfries / Con
Neil Findlay	Lothian / Lab
John Finnie	Highlands and Islands / SNP
Joe FitzPatrick	Dundee City West / SNP
Murdo Fraser	Mid Scotland and Fife / Con
Kenneth Gibson	Cunninghame North / SNP
Rob Gibson	Caithness, Sutherland and Ross / SNP
Annabel Goldie	West Scotland / Con
Christine Grahame	Midlothian South, Tweeddale and Lauderdale / SNP
Rhoda Grant	Highlands and Islands / Lab
Iain Gray	East Lothian / Lab
Mark Griffin	Central Scotland / Lab
Patrick Harvie	Glasgow / Green
Hugh Henry	Renfrewshire South / Lab
Jamie Hepburn	Cumbernauld and Kilsyth / SNP
Jim Hume	South Scotland / LibDem
Fiona Hyslop	Linlithgow / SNP
Adam Ingram	Carrick, Cumnock and Doon Valley / SNP
Alex Johnstone	North East Scotland / Con
Alison Johnstone	Lothian / Scottish Green Party
Colin Keir	Edinburgh Western / SNP
James Kelly	Rutherglen / Lab
Bill Kidd	Glasgow Anniesland / SNP
Johann Lamont	Glasgow Pollok / Lab
John Lamont	Ettrick, Roxburgh and Berwickshire / Con
Richard Lochhead	Moray / SNP
Richard Lyle	Central Scotland / SNP
Kenny MacAskill	Edinburgh Eastern / SNP
Angus MacDonald	Falkirk East / SNP
Gordon MacDonald	Edinburgh Pentlands / SNP
Lewis Macdonald	North East Scotland / Lab
Margo MacDonald	Lothian / Independent
Ken Macintosh	Eastwood / Lab
Derek Mackay	Renfrewshire North and West / SNP
Mike MacKenzie	Highlands and Islands / SNP
Hanzala Malik	Glasgow / Lab
Jenny Marra	North East Scotland / Lab
Paul Martin	Glasgow Provan / Lab
Tricia Marwick	Mid Fife and Glenrothes / No Party Affiliation
John Mason	Glasgow Shettleston / SNP
Michael Matheson	Falkirk West / SNP
Stewart Maxwell	West Scotland / SNP

Joan McAlpine	South Scotland / SNP
Liam McArthur	Orkney Islands / LibDem
Margaret McCulloch	Central Scotland / Lab
Margaret McDougall	West Scotland / Lab
Jamie McGrigor	Highlands and Islands / Con
Alison McInnes	North East Scotland / LibDem
Christina McKelvie	Hamilton, Larkhall and Stonehouse / SNP
Aileen McLeod	South Scotland / SNP
Fiona McLeod	Strathkelvin and Bearsden / SNP
David McLetchie	Lothian / Con
Michael McMahon	Uddingston and Bellshill / Lab
Siobhan McMahan	Central Scotland / Lab
Stuart McMillan	West Scotland / SNP
Duncan McNeil	Greenock and Inverclyde / Lab
Anne McTaggart	Glasgow / Lab
Nanette Milne	North East Scotland / Con
Margaret Mitchell	Central Scotland / Con
Elaine Murray	Dumfriesshire / Lab
Alex Neil	Airdrie and Shotts / SNP
Gil Paterson	Clydebank and Milngavie / SNP
Graeme Pearson	South Scotland / Lab
John Pentland	Motherwell and Wishaw / Lab
Willie Rennie	Mid Scotland and Fife / LibDem
Dennis Robertson	Aberdeenshire West / SNP
Shona Robison	Dundee City East / SNP
Michael Russell	Argyll and Bute / SNP
Alex Salmond	Aberdeenshire East / SNP
Mary Scanlon	Highlands and Islands / Con
John Scott	Ayr / Con
Tavish Scott	Shetland Islands / LibDem
Richard Simpson	Mid Scotland and Fife / Lab
Drew Smith	Glasgow / Lab
Elaine Smith	Coatbridge and Chryston / Lab
Liz Smith	Mid Scotland and Fife / Con
Stewart Stevenson	Banffshire and Buchan Coast / SNP
David Stewart	Highlands and Islands / Lab
Kevin Stewart	Aberdeen Central / SNP
Nicola Sturgeon	Glasgow Southside / SNP
John Swinney	Perthshire North / SNP
Dave Thompson	Skye, Lochaber and Badenoch / SNP
David Torrance	Kirkcaldy / SNP
Jean Urquhart	Highlands and Islands / SNP
Bill Walker	Dunfermline / Independent
Maureen Watt	Aberdeen South and North Kincardine / SNP
Paul Wheelhouse	South Scotland / SNP
Sandra White	Glasgow Kelvin / SNP
John Wilson	Central Scotland / SNP
Humza Yousaf	Glasgow / SNP

NEXT ELECTION

The fifth general election to the Scottish Parliament will take place on Thursday 7th May 2015.

THE SCOTTISH GOVERNMENT 2013***Cabinet:***

First Minister – Alex Salmond

Deputy First Minister (Government Strategy and the Constitution and
Cabinet Secretary for Infrastructure Investment and Cities –
Nicola Sturgeon

Finance, Employment & Sustainable Growth – John Swinney

Justice – Kenny McAskill

Rural Affairs & Environment – Richard Lochhead

Education & Lifelong Learning – Michael Russell

Culture & External Affairs – Fiona Hyslop

Health & Wellbeing – Alex Neil

Law Officers:

Lord Advocate – Frank Mulholland

Solicitor General – Lesley Thomson

LAW OFFICERS

ADVOCATE GENERAL

LORD WALLACE OF TANKERNESS QC

Provides legal advice to the UK government on matters related to Scots law, can refer Scottish Parliament bills to the judicial committee of the Privy Council for decisions on their legislative competence, acts for the Treasury in tax matters.

LORD ADVOCATE

RT HON FRANK MULHOLLAND QC

Ministerial head of the Crown Office and Procurator Fiscal service leading systems of prosecution and investigations of death; principal legal advisor to the Scottish Government; represents the Scottish Government in civil proceedings; represents the public interest in some statutory and common law civil functions; in charge of the Queen's and Lord's Treasurer's Remembrancer department. Since being re-appointed by the SNP Government, this post has become de-politicised and appears to be the apex of the Crown Office career ladder. It is not now the practice for the Lord Advocate to attend Cabinet unless advice is required on a specific point of law.

SOLICITOR GENERAL

LESLEY THOMSON

With the Lord Advocate, runs the Crown Office and gives legal advice to the Scottish Government.

10. INTELLECTUAL PROPERTY

PROTECTED DESIGNATION OF ORIGIN ('PDO') STATUS

This status was established by the European Union in 1992, and is designed to protect regional specialities from unauthorised use of their name by third parties. Thus Whitstable oysters, Cornish clotted cream, Stilton cheese, and Arbroath smokies which can only be made under these names if they are made in the restricted areas.

The PDO corresponds to the old French Concept of *terroir*, which protects principally wine and cheeses.

Protected Food Names – Arbroath Smokies, Scotch Beef, Melton Mowbray pork pies, Stilton, Welsh Lamb, Herefordshire cider, Cornish clotted cream, West Country farmhouse cheddar, Melton Mowbray pies, Jersey Royal potatoes, Kentish ale, Whitstable oysters, Connemara hill lamb, Spanish manchego cheese, Normandy camembert, Greek feta cheese, Parma ham, Ardennes ham, German Lubecker marzipan, Danish blue cheese, Dutch gouda cheese.

Foods are either described as Protected Designation of Origin (PDO) which means they must be wholly produced and processed in one area, or Protected Geographical Indication (PGI) a less stringent rating, which means one stage of production must be in the defined area (for example Arbroath Smokies, Scotch Lamb or Scottish Farmed Salmon), protected status is awarded by the EU. The UK now has 36 specialities (Yorkshire rhubarb gained PDO status in February 2010 and the Cornish Pasty gained PGI in February 2011) with protected status compared to 161 French foods, but we have the only vegetable (Jersey Royal potatoes).

Thousands of food products are manufactured in compliance with standards established by the codex alimentarius prepared by the Codex Committee on Food Additives and Contaminates set up by the UN Agencies – the Food and Agriculture Agency and the World Health Organisation. If the Codex standards are met, the product can be produced and sold anywhere in the world.

HALLMARKS

Both silver and gold have been mined in Britain since Roman times; platinum was only available commercially in the 19th century. Because of their high value, items made of these minerals require legally enforced standards of purity. Hallmarks existed in the 12th century, providing an early form of consumer protection. On 1 January 1975, a simplified scheme of hallmarking of British silver, gold and platinum objects was introduced under the Hallmarking Act of 1975. Prior to that a number of hallmarks were recognised.

Since 1975 four assay offices were recognised, each with their own hallmark – in London (a leopard's head), Edinburgh (a castle), Birmingham (an anchor), and Sheffield (a rose). Items are hallmarked with the maker's mark, the standard mark, and the date letter. Silver items of 7.75 grams, gold of 1 gram, and platinum of 0.5 grams must carry a hallmark, affixed by an assay office.

COPYRIGHT

The composer or author's copyright is protected for 70 years from death, but not the performer's which expires 50 years from the date of publication, unless the performer was also the composer or the writer of the lyrics.

The Enterprise and Regulatory Reform Act 2013 extends the 70 years after death protection to creative designs that are manufactured through an industrial process.

The 2013 Act also paves the way for Regulations on collective licensing of "orphan works" where no owner can be identified, following diligent search for the owner. The royalties would be collected at the market rate for payment to owners if they are identified at a later date.

DATABASE RIGHT

For databases created after 27th March 1996, in addition to the ordinary literary copyright, a separate database right also exists. A database right is an automatic right (like copyright, no registration is required) which protects the investment of time, money and energy that goes into obtaining, verifying or presenting the contents of a database. Database right is entirely separate from copyright, and relates only to computer databases.

Before the database right was created in 1996, a computer database was treated as literary work. In databases created before 27 March 1996 the copyright lasts for the normal term of such work.

The maker of a database is the database compiler. As with copyright, if an employee makes a database then, absent any contractual arrangement, the employer is the first owner of any database right. The Crown owns a database right to databases compiled by an officer of the Crown in the course of his duties, and the right in parliamentary databases are assigned to the appropriate chamber of Parliament. The database right is capable of being jointly owned by multiple companies.

The term of protection under database right is much shorter than under copyright at 15 years from being made but, if published during this time, then the term is 15 years from publication.

The EU Database Directive was implemented into UK law by the Copyright and Rights in Database Regulations 1997. The leading British cases are *British Horseracing Board v William Hill* and the *Fixtures Marketing* case, where the European Court of Justice set a high threshold on the investment required to benefit from the database right. In the case of *Football Dataco* in March 2012, the ECJ considered the database right in football fixtures lists. In that case protection was denied because the protection extends only to the database and not the data contained in the database.

DOMAIN NAMES

ICANN, the internet domain name regulator, accepted applications for a host of new domain names ending on 20 April 2012. ICANN has allowed hundreds of new suffixes to be created in addition to the 22 generic Top Level Domains (gTLDs) like .net or .com and the 522 national suffixes such as .uk or .fr. Successful applicants will be able to protect their brands on the internet (eg .google or .pepsi) or control new gTLDs such as .camera or .pizza.

In April 2011, the .xxx domain registry for adult only domain names was approved by ICANN - 11 years after the extension was first proposed.

In a sign that gTLD domain names can still be hot property, it is reported in April 2011 that Apple has purchased the domain name iCloud.com for \$4.5 million to roll out their new cloud-based service.

11. JUDGES AND COURTS

SUPRA NATIONAL COURTS

THE INTERNATIONAL COURT

The International Court of Justice is the principal judicial organ of the United Nations. Its seat is at the Peace Palace in The Hague (Netherlands).

It began work in 1946, when it replaced the Permanent Court of International Justice which had functioned in the Peace Palace since 1922. It operates under a Statute largely similar to that of its predecessor, which is an integral part of the Charter of the United Nations.

Detailed information on this Court is obtainable on the web-site www.icj-cij.org

Functions of the Court

The Court has a dual role: to settle in accordance with international law the legal disputes submitted to it by States, and to give advisory opinions on legal questions referred to it by duly authorised international organs and agencies.

Composition

The Court is composed of 15 judges elected to nine-year terms of office by the United Nations General Assembly and Security Council sitting independently of each other. It may not include more than one judge of any nationality. Elections are held every three years for one-third of the seats, and retiring judges may be re-elected. The Members of the Court do not represent their governments but are independent magistrates.

The judges must possess the qualifications required in their respective countries for appointment to the highest judicial offices, or be jurists of recognised competence in international law. The composition of the Court has also to reflect the main forms of civilisation and the principal legal systems of the world.

When the Court does not include a judge possessing the nationality of a State party to a case, that State may appoint a person to sit as a judge *ad hoc* for the purpose of the case.

Cases between States

The Parties

Only States may apply to and appear before the Court. The States members of the United Nations (at present numbering 185), and two States not members (Nauru and Switzerland) which have become parties to the Court's Statute, are so entitled.

Jurisdiction

The Court is competent to entertain a dispute only if the States concerned have accepted its jurisdiction in one or more of the following ways:

(1) by the conclusion between them of a special agreement to submit the dispute to the Court;

(2) by virtue of a jurisdictional clause, *ie*, typically, when they are parties to a treaty containing a provision whereby, in the event of a disagreement over its interpretation or application, one of them may refer the dispute to the Court. Several hundred treaties or conventions contain a clause to such effect;

(3) through the reciprocal effect of declarations made by them under the Statute whereby each has accepted the jurisdiction of the Court as compulsory in the event of a dispute with another State having made a similar declaration. The declarations of fifty-nine States are at present in force, a number of them having been made subject to the exclusion of certain categories of dispute.

In cases of doubt as to whether the Court has jurisdiction, it is the Court itself which decides.

Procedure

The procedure followed by the Court in contentious cases is defined in its Statute, and in Rules of Court adopted by it under the Statute. The rules now in force were adopted on 11 April 1978. The proceedings include a written phase, in which the parties file and exchange pleadings, and an oral phase consisting of public hearings at which agents and counsel address the Court. As the Court has two official languages (English and French) everything written or said in one is translated into the other.

After the oral proceedings the Court deliberates *in camera* and then delivers its judgment at a public sitting. The judgment is final and without appeal. Should one of the States involved fail to comply with it, the other party may have recourse to the Security Council of the United Nations.

The Court discharges its duties as a full Court but, at the request of the parties, it may also establish a special chamber. The Court constituted such a chamber in 1982 for the first time, formed a second one in 1985 and constituted two more in 1987. A Chamber of summary Procedure is elected every year by the Court in accordance with its Statute. In July 1993 the Court has also established a seven-member Chamber to deal with any environmental cases falling within its jurisdiction.

Since 1946 the Court has delivered 60 Judgments on disputes concerning *inter alia* land frontiers and maritime boundaries, territorial sovereignty, the non-use of force, non-interference in the internal affairs of States, diplomatic relations, hostage-taking, the right of asylum, nationality, guardianship, rights of passage and economic rights.

Sources of applicable law

The Court decides in accordance with international treaties and conventions in force, international custom, the general principles of law and, as subsidiary means, judicial decisions and the teachings of the most highly qualified publicists.

Advisory Opinions

The advisory procedure of the Court is open to international organisations.

The only bodies at present authorised to request advisory opinions of the Court are six organs of the United Nations and 16 specialised agencies of the United Nations family.

On receiving a request, the Court decided which States and organisations might provide useful information and gives them an opportunity of presenting written or oral statements. The Court's advisory procedure is otherwise modelled on that for contentious proceedings, and the sources of applicable law are the same.

In principle the Court's advisory opinions are consultative in character and are therefore not binding as such on the requesting bodies. Certain instruments or regulations can, however, provide in advance that the advisory opinion shall be binding.

Since 1946 the Court has given 23 Advisory Opinions, concerning *inter alia* admission to United Nations membership, reparation for injuries suffered in the service of the United Nations, territorial status of South-West Africa (Namibia) and Western Sahara, judgments rendered by international administrative tribunals, expenses of certain United Nations operations, and applicability of the United Nations Headquarters Agreement.

International Criminal Court, The Hague

The International Criminal Court gets under way with its first trial, of Thomas Lubanga on charges of ethnic massacres in the Democratic Republic of Congo. This Court was established by the 1988 Statute signed by 120 Countries, as opposed to the *ad hoc* International Tribunals e.g. for the former Yugoslavia.

Opened in March 2003. Several major powers have not yet signed, or ratified, the Treaty setting up the Court, including USA, China, Russia India and Pakistan. It is additional to, and will eventually replace, the international criminal tribunals who try the leaders in the former

Yugoslavia and Rwanda. It presently has 60 signatories, but is expected to struggle without the USA, China and Russia being involved. 18 Judges have been appointed. It can only try crimes committed after 1 July 2002.

Unfortunately, with the main suspects of genocidal crimes in the former Yugoslavia, Darfur and Rwanda remaining at large, it would appear that the Court may well be very busy in the future. Special Court for Sierra Leone – Charles Taylor, the former Liberian President, was convicted of 11 charges of rape, murder and deployment of child soldiers in neighbouring Sierra Leone in April 2012. The trial of Radovan Karadzic is ongoing at the International Criminal Tribunal for the former Yugoslavia. Congolese suspect Thomas Lubanga was found guilty at the International Criminal Court in July 2012.

ICC Judges. Judges must have practical and professional experience to be nominated by the member states, who have to make clear how their nominee meets those requirements. The United Kingdom provides for the candidate to be chosen after advertisement, application, peer review and a process of competitive interview, which is a unique practice among countries.

Judge Burgenthal (a holocaust survivor and an International Court Judge) has never been able to understand fully why some people commit atrocities, “It troubled me for a long time. I don’t think it’s evil people, although there are some evil people. And it’s not insane people either. On the whole, it’s ordinary people who find themselves cogs in a process, who don’t ask, and continue doing what they’re expected to do. So I’ll never know the answer. But it’s very important to ask questions to which there are no answers”. Judge Burgenthal, writer of *A Lucky Child*.

For further details, visit the court’s website at www.icc-cpi.int

EUROPEAN COURTS

The European Court of Justice and the Court of First Instance

The Court of Justice of the European Communities (often referred to simply as 'the Court of Justice') was set up under the ECSC Treaty in 1952. It is based in Luxembourg. Its job is to make sure that EU legislation is interpreted and applied in the same way in all EU countries, so that the law is equal for everyone. It ensures, for example, that national courts do not give different rulings on the same issue. The Court also makes sure that EU member states and institutions do what the law requires. The Court has the power to settle legal disputes between EU member states, EU institutions, businesses and individuals. The Court is composed of one judge per member state, so that all 27 of the EU's national legal systems are represented. For the sake of efficiency, however, the Court rarely sits as the full court. It usually sits as a 'Grand Chamber' of just 13 judges or in chambers of five or three judges. The Court is assisted by eight 'advocates-general'. Their role is to present reasoned opinions on the cases brought before the Court. They must do so publicly and impartially. The judges and advocates-general are people whose impartiality is beyond doubt. They have the qualifications or competence needed for appointment to the highest judicial positions in their home countries. They are appointed to the Court of Justice by joint agreement between the governments of the EU member states. Each is appointed for a term of six years, which may be renewed. To help the Court of Justice cope with the large number of cases brought before it, and to offer citizens better legal protection, a Court of First Instance was created in 1988. This Court (which is attached to the Court of Justice) is responsible for giving rulings on certain kinds of case, particularly actions brought by private individuals, companies and some organisations, and cases relating to competition law. This court also has one judge from each EU country. Vassilios Skouris was elected President of the Court of Justice in 2003. Marc Jaeger is the current President of the Court of First Instance. The Court's role is to ensure that the European Treaties are interpreted and implemented in accordance with Community law. The Court passes judgment, at the request of a Community institution, a member State or any individual directly concerned, in any legal instrument enacted by European or national institutions which is alleged to be incompatible with Community law.

The Court also passes judgment, at the request of a national court, on the interpretation or validity of points of Community law. If a legal action produces a disputed point of this kind, a national court may seek a ruling from the court; it must do so if there is no higher court of appeal in the Member State concerned, in which case the judgment of the Court is binding. The Court of First Instance deals with all the actions brought by natural or legal persons; an appeal may be brought to the Court of Justice.

The Court of Justice helps to create a body of European law which applies to all in the same manner: Community institutions, Member States and individual citizens are obliged to comply with the Court's judgments. Furthermore, the Court is now empowered to fine a Member State which does not comply with its judgments.

In March 2008 a new urgent preliminary ruling procedure was introduced for cases relating to matters of freedom, security and justice. The intention was that such cases could be considered within a matter of weeks. This compares favourably with the current average waiting period for civil appeals in the Court of Session of 43 weeks in 2008/2009.

All Scottish legislation must comply with EU law, and if there are allegations of non-compliance Scottish legislation can be challenged and its effect suspended from the outset of a court case.

THE EUROPEAN COURT OF HUMAN RIGHTS

The European Convention on Human Rights of 1950

The Convention for the Protection of Human Rights and Fundamental Freedoms was drawn up within the Council of Europe. It was opened for signature in Rome on 4 November 1950 and entered into force in September 1953. The object of its authors was to take the first steps for the collective enforcement of certain of the rights stated in the United Nations Universal Declaration of Human Rights of 1948.

In addition to laying down a catalogue of civil and political rights and freedoms (*see list of substantive articles below*), the Convention set up a system of enforcement of the obligations entered into by Contracting States. Three institutions were entrusted with this responsibility: the European Commission of Human Rights (set up in 1954), the European Court of Human Rights (set up in 1959) and the Committee of Ministers of the Council of Europe, the latter organ being composed of the Ministers of Foreign Affairs of the member States or their representatives.

Under the 1950 Convention Contracting States and, where the Contracting States had accepted the right of individual petition, individual applicants (individuals, groups of individuals or non-governmental organisations) could lodge complaints against Contracting States for alleged violations of Convention rights.

Protocol No. 11 required ratification by all the Contracting States and entered into force one year after the last ratification had been deposited. That ratification was deposited with the Council of Europe in October 1997, ushering in a preparatory period of one year during which the judges were elected and held a number of meetings to take the necessary organisational and procedural measures for the establishment of the Court. In particular the judges elected their office holders and drew up new draft Rules of Court.

The new European Court of Human Rights came into operation on 1 November 1998 with the entry into force of Protocol No. 11. On 31 October 1998, the old Court had ceased to function. However, the Protocol provided that the Commission should continue for one year (until 31 October 1999) to deal with cases which had been declared admissible before the date of entry into force.

The European Court of Human Rights set up under the Convention as amended is composed of a number of judges equal to that of the Contracting States (currently forty). There is no restriction on the number of judges of the same nationality. Judges are elected by the Parliamentary Assembly of the Council of Europe for a term of six years. The terms of office of one half of the judges elected at the first election will expire after three years, so as to ensure that the terms of office of one half of the judges are renewed every three years.

Judges sit on the Court in their individual capacity and do not represent any State. They cannot engage in any activity which is incompatible with their independence or impartiality or with the demands of Full-time office. Their terms of office expire when they reach the age of seventy.

The Plenary Court elects its President, two Vice Presidents and two Presidents of Section for a period of three years.

Under the Rules of Court, the Court is divided into four Sections, whose composition, fixed for three years, is geographically and gender balanced and takes account of the different legal systems of the Contracting States. Each Section is presided over by a President, two of the Section Presidents being at the same time Vice-Presidents of the Court. Section Presidents are assisted and where necessary replaced by Vice-Presidents of Section.

Headings of substantive articles of the European Convention introduced by Protocol No. 11

Convention of 1950

Article 2	Right to life
Article 3	Prohibition of torture
Article 4	Prohibition of slavery and forced labour
Article 5	Right to liberty and security
Article 6	Right to a fair trial
Article 7	No punishment without law
Article 8	Right to respect for private and family life

Article 9	Freedom of thought, conscience and religion
Article 10	Freedom of expression
Article 11	Freedom of assembly and association
Article 12	Right to marry
Article 13	Right to an effective remedy
Article 14	Prohibition of discrimination

Protocol No. 1

Article 1	Protection of property
Article 2	Right to education
Article 3	Right to free elections

Protocol No. 4

Article 1	Prohibition of imprisonment for debt
Article 2	Freedom of movement
Article 3	Prohibition of expulsion of nationals
Article 4	Prohibition of collective expulsion of aliens

Protocol No. 6

Article 1	Abolition of the death penalty
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Protocol No. 7

Article 1	Procedural safeguards relating to expulsion of aliens
Article 2	Right of appeal in criminal matters
Article 3	Compensation for wrongful conviction
Article 4	Right not to be tried or punished twice
Article 5	Equality between spouses

Further details may be obtained from the web-site www.echr.coe.int

SCOTTISH COURTS

UK Supreme Court:

The Supreme Court has been established to achieve a complete separation between the United Kingdom's senior Judges and the Upper House of Parliament, emphasising the independence of the Law Lords and increasing the transparency between Parliament and the courts. In August 2009 the Justices moved out of the House of Lords (where they sat as the Appellate Committee of the House of Lords) into their own building, Middlesex Guildhall, on the opposite side of Parliament Square. They sat for the first time as a Supreme Court in October 2009. The Supreme Court is the final court of appeal for Scottish civil cases and hears appeals from the Court of Session. The Supreme Court has no formal *locus standi* for Scottish criminal appeals, but The Scottish Government published proposals for the Final Appellate Jurisdiction in the Scottish Legal System on 6 May 2011.

Supreme Court Justices

President of The Supreme Court,

The Right Hon the Lord Neuberger of Abbotsbury
Deputy President of The Supreme Court,

The Right Hon the Lord Hope of Craighead, KT

The Right Hon the Baroness Hale of Richmond

The Right Hon the Lord Mance

The Right Hon the Lord Kerr of Tonaghmore

The Right Hon the Lord Clarke of Stone-cum-Ebony

The Right Hon the Lord Wilson of Culworth

The Right Hon Lord Sumption

The Right Hon Lord Carnwath of Notting Hill, CVO

The Right Hon Lord Reed

The Right Hon Lord Hughes of Ombersley

The Right Hon Lord Toulson

Courtesy titles for Justices of the Supreme Court

On 13 December 2010, the Supreme Court announced that Sir John Dyson SCJ and all new Justices would be styled as "Lord" or "Lady". An anomaly had occurred in that, since Justices are no longer peers, Scottish Justices retained their courtesy titles but Justices from the other parts of the UK were Knights or Dames. Critics attacked the announcement as a reversion to aristocratic associations and for discriminating against the husbands and civil partners of Justices.

General enquiries:

The Supreme Court Parliament Square London SW1P 3BD

Switchboard: 020 7960 1500 or 1900, Fax: 020 7960 1901

www.supremecourt.gov.uk

UK Supreme Court Live: <http://news.sky.com/info/supreme-court>

Term Dates 2013:

Hilary: Friday, 11th January – Wednesday, 27th March

Easter: Tuesday, 9th April – Friday, 24th May*

Trinity: Tuesday, 4th June- Wednesday, 31st July

Michaelmas: Tuesday 1st October – Friday 20th December 2013

*Courts not sitting on early May Bank Holiday on 6th May

Term Dates 2014:

Hilary: Monday 13th January to Wednesday 16th April 2014

Easter: Tuesday 29th April to Friday 23rd May 2014*

Trinity: Tuesday 3rd June to Wednesday 31st July 2014

*Courts not sitting on Monday 5th May because of the early May Bank Holiday

Judicial Committee of The Privy Council

The Judicial Committee of the Privy Council's devolution jurisprudence has now been rolled into that of the Supreme Court. It continues its role as is the court of final appeal for the UK overseas territories and Crown dependencies, and for those Commonwealth countries that have retained the appeal to Her Majesty in Council or, in the case of Republics, to the

Judicial Committee. The Judicial Committee moved to the Supreme Court Building in Parliament Square on 13 August 2009.

The Judicial Committee website can be found at www.jcpc.gov.uk

Supreme Courts, Scotland:

The Supreme Courts in Scotland comprise of the Court of Session and the High Court of Justiciary as Court of Criminal Appeal.

The Court of Session:

Parliament House, Parliament Square, Edinburgh EH1 1RQ
Tel: 0131 225 2595 Fax: 0131 240 6755 DX: ED 549306 Edinburgh 36
www.scotcourts.gov.uk

The Court of Session is the supreme civil court in Scotland and comprises the Inner House with its two Divisions and the Outer House. The Lord President presides over the First Division with five judges, and the Lord Justice Clerk presides over the Second Division with four other judges. The remaining judges compose the Outer House. The sessions of Court are fixed by the Lord President under rules 10.1, 10.2(2), 10.3 and 10.4 of the Rules of the Court of Session 1994. The Rolls of Court can be found at web-site: www.scotcourts.gov.uk

The High Court of Justiciary as Court of Criminal Appeal

The High Court of Justiciary as Court of Criminal Appeal is the supreme criminal court in Scotland. It was established by the Criminal Appeal (Scotland) Act 1926. The quorum is three Lord Commissioners of Justiciary and the court always sits in Edinburgh. Appeal is by stated case or by Bill of Suspension. The court hears appeals arising out of its first instance business and from the inferior criminal courts. There is no right of appeal from the High Court of Justiciary to the House of Lords and thus is the Supreme Court for Scottish criminal law (*Mackintosh v Lord Advocate* 1876) 3 R (HL) 34).

The High Court of Justiciary as a Trial Court The High Court of Justiciary was founded in 1672. Its jurisdiction is nationwide and has exclusive jurisdiction over serious crimes. The court sits permanently in Edinburgh and sits in other places as required.

The Scottish Criminal Cases Review Commission Portland House, 17 Renfield Street, Glasgow G2 5AH LP-71 Glasgow 6 Tel: 0141-270 7030 Fax: 0141-270 7040 www.sccrc.org.uk

COURT OF SESSION**LORD PRESIDENT****The Rt. Hon. Lord Gill****LORD JUSTICE-CLERK****The Rt. Hon. Lord Carloway****Inner House****First Division**The Rt Hon Lord Gill, (1994, *LJC 2001, LP 2012, Brian Gill*)

the Lord President of the Court of Session and Lord Justice General

The Rt Hon Lord Eassie, (1997, *Ronald David Mackay*)The Rt Hon Lord Menzies, (2001, *Duncan Adam Young Menzies*)The Rt Hon Lady Smith, (2001, *Anne Mather Smith*)The Rt Hon Lord Brodie, (2002, *Philip Hope Brodie*)**Second Division**The Rt Hon Lord Carloway, Lord Justice Clerk, (2000, *LJC 2012, Colin John MacLean Sutherland*)The Rt Hon Lady Paton, (2000, *Ann Paton*)The Rt Hon The Lord Mackay of Drumadoon, (2000, *Donald Sage McKay*)The Rt Hon Lady Dorrian, (2005, *Leeona June Dorrian*)The Rt Hon Lord Bracadale, (2003, *Alistair Peter Campbell*)**Outer House**The Hon Lord McGhie, (1996, *James Marshall McGhie*)The Hon Lord Drummond Young, (2001, *James Edward Drummond Young*)The Hon Lord Hodge, (2005, *Patrick Stewart Hodge*)The Hon Lord Glennie, (2005, *Angus Glennie*)The Hon Lord Kinclaven, (2005, *Alexander (Sandy) Featherstonhaugh Wylie*)The Hon Lord Turnbull, (2006, *Alan Turnbull*)The Hon Lady Clark of Calton, (2006, *Lynda Clark*)The Hon Lord Brailsford, (2006, *Neil Brailsford*)The Hon Lord Uist, (2006, *Roderick Francis Macdonald*)The Hon Lord Malcolm, (2007, *Colin Malcolm Campbell*)The Hon Lord Matthews, (2007, *Hugh Matthews*)The Hon Lord Woolman, (2008, *Stephen Errol Woolman*)The Hon Lord Pentland, (2008, *Paul Cullen*)The Hon Lord Bannatyne, (2008, *Iain Alexander Scott Peebles*)The Hon Lady Stacey, (2009, *Valerie Elizabeth Stacey*)The Hon Lord Tyre, (2010, *Colin Jack Tyre*)The Hon Lord Doherty, (2010, *Joseph Raymond Doherty*)The Hon Lord Stewart, (2010, *Angus Stewart*)The RT Hon The Lord Boyd of Duncansby (2012, *Colin Boyd*)The Hon Lord Jones (2012, *Mike Jones*)The Hon Lord Burns (2012, *David Burns*)The Hon Lady Scott (2012, *Margaret Elizabeth Scott*)The Hon Lady Wise (2013, *Barbara Wise*)The Hon Lord Armstrong (2013, *Iain Armstrong*)

Senators of the College of Justice are given the courtesy titles “Lord” and “Lady” although they are not Peers of the Realm, unless specifically created as such, but are Lords of Council and Session, an old Scottish creation. What is of slightly more doubtful provenance is the right of wives of Lords of Council and Session to call themselves “Lady”. It is understood that a former Lord President, who was weary of signing hotel registers as Lord X and Mrs Y, started this custom. Husbands of Lady judges certainly have no right to be addressed as “Lord”.

Direction No. 3 of 2011

Sittings of the Court of Session for the Legal Years 2012/2013, 2013/2014 and 2014/2015

I, the Lord President of the Court of Session, under and by virtue of the powers conferred on me by rules 10.1, 10.2(2), 10.3 and 10.4 of the Rules of the Court of Session 1994 hereby make the following direction:

Session of Court

1. Subject to paragraph 4 below, the court shall be in session from –
 - (a) Tuesday 25th September 2012 to Monday 23rd September 2013 (“legal year 2012/2013”);
 - (b) Tuesday 24th September 2013 to Monday 22nd September 2014 (“legal year 2013/2014”); and;
 - (c) Tuesday 23rd September 2014 to Monday 21st September 2015 (“legal year 2014/2015”).

Terms of court

2. (1) The terms of the court for the legal year 2012/2013 shall be as follows:
 - (a) winter term – Tuesday 25th September 2012 to Friday 21st December 2012;
 - (b) spring term – Tuesday 8th January 2013 to Friday 22nd March 2013; and
 - (c) summer term – Tuesday 23rd April 2013 to Friday 12th July 2013.
- (2) The terms of the court for the legal year 2013/2014 shall be as follows:
 - (a) winter term – Tuesday 24th September 2013 to Friday 20th December 2013;
 - (b) spring term – Tuesday 7th January 2014 to Friday 21st March 2014; and
 - (c) summer term – Tuesday 22nd April 2014 to Friday 11th July 2014.
- (3) The terms of the court for the legal year 2014/2015 shall be as follows:
 - (a) winter term – Tuesday 23rd September 2014 to Friday 19th December 2014;
 - (b) spring term – Tuesday 6th January 2015 to Friday 20th March 2015; and
 - (c) summer term – Tuesday 21st April 2015 to Friday 10th July 2015.

Vacation

3. (1) The court shall be in vacation from –
 - (a) Saturday 22nd December 2012 to Monday 7th January 2013;
 - (b) Saturday 21st December 2013 to Monday 6th January 2014; and
 - (c) Saturday 20th December 2014 to Monday 5th January 2015.
- (2) The sederunt days during the periods mentioned in subparagraph (1) shall be as follows:
 - (a) Friday 28th December 2012 and Friday 4th January 2013;
 - (b) Tuesday 31st December 2013; and
 - (c) Tuesday 30th December 2014.

Public holidays

4. (1) Subject to rule 10.3(3) of the Rules of the Court of Session 1994, no Division, Lord Ordinary or Vacation Judge shall sit during the public holidays specified in subparagraphs (2) and (3).
- (2) The public holidays for the legal year 2012/2013 shall be as follows:

Monday 3rd December 2012 (St. Andrew’s Day);
the afternoon of Monday 24th December 2012;

Tuesday 25th December 2012;
 Wednesday 26th December 2012;
 Tuesday 1st January 2013;
 Wednesday 2nd January 2013;
 Friday 29th March 2013 (Good Friday);
 Monday 1st April 2013 (Easter Monday);
 Monday 15th April 2013 (Spring Holiday);
 Monday 6th May 2013 (May Day Holiday);
 Monday 20th May 2013 (Victoria Day Holiday); and
 Monday 16th September 2013 (Autumn Holiday).

- (3) The public holidays for the legal year 2013/2014 shall be as follows:

Monday 2nd December 2013 (St. Andrew's Day);
 the afternoon of Tuesday 24th December 2013;
 Wednesday 25th December 2013;
 Thursday 26th December 2013;
 Wednesday 1st January 2014;
 Thursday 2nd January 2014;
 Monday 14th April 2014 (Spring Holiday);
 Friday 18th April 2014 (Good Friday);
 Monday 21st April 2014 (Easter Monday);
 Monday 5th May 2014 (May Day Holiday);
 Monday 19th May 2014 (Victoria Day Holiday); and
 Monday 15th September 2014 (Autumn Holiday).

- (4) The public holidays for the legal year 2014/2015 shall be as follows:

Monday 1st December 2014 (St. Andrew's Day);
 the afternoon of Wednesday 24th December 2014;
 Thursday 25th December 2014;
 Friday 26th December 2014;
 Thursday 1st January 2015;
 Friday 2nd January 2015;
 Friday 3rd April 2015 (Good Friday);
 Monday 6th April 2015 (Easter Monday);
 Monday 20th April 2015 (Spring Holiday);
 Monday 4th May 2015 (May Day Holiday);
 Monday 18th May 2015 (Victoria Day Holiday); and
 Monday 21 September 2015 (Autumn Holiday).

Court hours

5. In term, the court shall normally sit between the following hours, with an appropriate adjournment for lunch:

- (a) Inner House – 10.00 am and 4.00 pm; and
 (b) Outer House – 10.00 am and 4.00 pm.



A. C. HAMILTON
 Lord President of the Court of Session
 Edinburgh, 8th August 2011

SCOTTISH SHERIFFDOMS AND SHERIFF COURT DISTRICTS

Sheriffdom of Glasgow and Strathkelvin (G & S)

District – Glasgow and Strathkelvin.

Sheriff Principal (Glasgow): Craig Alexander Leslie Scott.

Sheriffdom of Grampian, Highlands and Islands (G)

Districts – Aberdeen, Banff, Dingwall, Dornoch, Elgin, Fort William, Inverness, Kirkwall, Lerwick, Lochmaddy, Peterhead, Portree, Stonehaven, Stornoway, Tain, Wick.

Sheriff Principal (Inverness): Derek Colin Wilson Pyle.

Sheriffdom of Lothian and Borders (L)

Districts – Duns, Edinburgh, Haddington, Jedburgh, Linlithgow, Peebles, Selkirk.

Sheriff Principal (Edinburgh): Mhairi Margaret Stephen.

Sheriffdom of North Strathclyde (NS)

Districts – Campbeltown, Dumbarton, Dunoon, Greenock, Kilmarnock, Oban, Paisley, Rothesay.

Sheriff Principal (Paisley): Bruce Alexander Kerr QC.

Sheriffdom of South Strathclyde, Dumfries and Galloway (SS)

Districts – Airdrie, Ayr, Dumfries, Hamilton, Kirkcudbright, Lanark, Stranraer.

Sheriff Principal (Airdrie): Brian Alexander Lockhart.

Sheriffdom of Tayside, Central and Fife (T)

Districts – Alloa, Arbroath, Cupar, Dundee, Dunfermline, Falkirk, Forfar, Kirkcaldy, Perth, Stirling.

Sheriff Principal (Perth): Robert Alastair Dunlop QC.

SHERIFF COURTS

ABERDEEN SHERIFF COURT (G)

Castle Street, Aberdeen AB10 1WP

Tel: 01224 657200 Fax: 01224 657234

DX: AB61 or Legal Post : LP 7 e-mail aberdeen@scotcourts.gov.uk

Sheriffs in post: Graham Buchanan, Annella Marie Cowan, Malcolm Garden, Marysia Lewis, Graeme Napier, Christopher Snead, Kenneth Murray Stewart, William Summers.

AIRDRIE SHERIFF COURT (SS)

Graham Street, Airdrie ML6 6EE

Tel: 01236 751121 Fax: 01236 747497

DX: 570416 e-mail: airdrie@scotcourts.gov.uk

Sheriffs in post: John Cameron Morris QC, Morag McKissock Galbraith, Daniel Kelly QC, Robert Hamish Dickson, Petra Margaret Collins, Frank Pieri.

ALLOA SHERIFF COURT (T)

Mar Street, Alloa FK10 1HR

Tel: 01259 722734 Fax: 01259 219470

DX: 560433 e-mail: alloa@scotcourts.gov.uk

Sheriff in post: David Nicol Mackie.

ARBROATH SHERIFF COURT (T) – Due to close by January 2015, with business transferred to Forfar.

Town House, Arbroath DD11 1HL

Tel: 01241 876600 Fax: 01241 874413

DX: 530442 e-mail: arbroath@scotcourts.gov.uk

Sheriff in post: Peter Paterson.

AYR SHERIFF COURT (SS)

Wellington Square, Ayr KA7 1EE

Tel: 01292 268474 Fax: 01292 282442

DX: AY16 e-mail: ayr@scotcourts.gov.uk

Sheriffs in post: John Montgomery, Desmond John Leslie, Norman McFadyen, Scott Pattison.

BANFF SHERIFF COURT (G)

Low Street, Banff AB45 1AU
 Tel: 01261 812140 Fax: 01261 818394
 DX: 521325 e-mail: banff@scotcourts.gov.uk
 Philip Mann (qv Stonehaven).

CAMPBELTOWN SHERIFF COURT (NS)

Castlehill, Campbeltown PA28 6AN
 Tel: 01586 552503 Fax: 01586 554967
 e-mail: campbeltown@scotcourts.gov.uk

CUPAR SHERIFF COURT (T) – Due to close by January 2015, with business transferred to Dundee.

St. Catherine Street, Cupar KY15 4LX
 Tel: 01334 652121 Fax: 01334 656807
 DX: 560545 (LP-11) e-mail: cupar@scotcourts.gov.uk
Sheriffs in post: Charles Neville Macnair QC.

DINGWALL SHERIFF COURT (G) – Due to close by January 2015, with business transferred to Inverness.

Ferry Road, Dingwall IV15 9QX
 Tel: 01349 863153 Fax: 01349 863153
 DX: 520584 e-mail: dingwall@scotcourts.gov.uk
Sheriff in post: Andrew Miller.

DORNOCH SHERIFF COURT (G) – Due to close by January 2015, with business transferred to Tain.

Castle Street, Dornoch IV25 3SD
 Tel: 01862 810224 Fax: 01862 810224
 DX: On Legal Post only: LP 2 Dornoch
 e-mail: dornoch@scotcourts.gov.uk
Sheriff in post: David Oman Sutherland.

DUMBARTON SHERIFF COURT (NS)

Church Street, Dumbarton G82 1QR
 Tel: 01389 763266 Fax: 01389 764085
 DX: 500 597 e-mail: dumbarton@scotcourts.gov.uk
Sheriffs in post: Simon Charles Pender, Simon William Hetherington Fraser, William Dunlop QC.

DUMFRIES SHERIFF COURT (SS)

Buccleuch Street, Dumfries DG1 2AN
 Tel: 01387 262334 Fax: 01387 262357
 DX: 580617 e-mail: dumfries@scotcourts.gov.uk
Sheriffs in post: Kenneth Alexander Ross, George Jamieson.

DUNDEE SHERIFF COURT (T)

6 West Bell Street, Dundee DD1 9AD
 Tel: 01382 229961 Fax: 01382 318222
 DX: DD33 e-mail: dundee@scotcourts.gov.uk
Sheriffs in post: Richard Alexander Davidson, Alistair John Mackenzie Duff, Thomas George Hughes, Elizabeth Cumming Munro, George Alexander Way.

DUNFERMLINE SHERIFF COURT (T)

1/6 Carnegie Drive, Dunfermline KY12 7HJ
 Tel: 01383 724666 Fax: 01383 621205
 DX: DF17 e-mail: dunfermline@scotcourts.gov.uk
Sheriffs in post: Alastair Brown, Ian Abercrombie QC, John Craig Cunningham McSherry.

DUNOON SHERIFF COURT (NS)

George Street, Dunoon PA23 8BQ
 Tel: 01369 704166 Fax: 01369 702191
 DX: 591655/ LP2 Dunoon e-mail: dunoon@scotcourts.gov.uk
Sheriff in post: Thomas Ward.

DUNS SHERIFF COURT (L) – Due to close by January 2015, with business transferred to Jedburgh.

Newtown Street, Duns TD11 3DU
 Tel: 01835 863231 Fax: 01835 864110
 DX: 581222 - JEDBURGH e-mail: jedburgh@scotcourts.gov.uk
Sheriff in post: Derrick McIntyre (qv Jedburgh).

EDINBURGH SHERIFF COURT (L)

27 Chambers Street, Edinburgh EH1 1LB

Tel: 0131-225 2525 Fax: 0131-225 4422

DX: ED 550 308 e-mail: edinburgh@scotcourts.gov.uk

Sheriffs in post: Paul Arthurson QC, Frank Richard Crowe, Donald Corke, William Henry Holligan, Gordon Wright McFarlane Liddle, Kenneth MacLean Maciver, Kathrine Ellen Clark Mackie, Neil Joseph Mackinnon, Roderick John MacLeod, Deirdre Margaret MacNeill QC, Isabella Garden McColl, Nigel Morrison QC, Alistair William Noble, Derek O'Carroll, Michael Gerard O'Grady QC, Fiona Lennox Reith QC, Nigel Ross, James Peterkin Scott, Thomas Welsh QC*.

ELGIN SHERIFF COURT (G)

High Street, Elgin IV30 1BU

Tel: 01343 542505 Fax: 01343 542517

DX: 520652; LP 8 e-mail: elgin@scotcourts.gov.uk

Sheriff in post: Susan Raeburn QC.**FALKIRK SHERIFF COURT (T)**

Main Street, Camelon FK1 4AR

Tel: 01324 620822 Fax: 01324 678238

DX: 55207 Falkirk 4 e-mail: falkirk@scotcourts.gov.uk

Sheriffs in post: Craig Caldwell, William John Gallacher, John Mundy.**FORFAR SHERIFF COURT (T)**

Market Street, Forfar DD8 3LA

Tel: 01307 462186 Fax: 01307 462268

DX: 503674 e-mail: forfar@scotcourts.gov.uk

Sheriff in post: Kevin Veal.**FORT WILLIAM SHERIFF COURT (G)**

High Street, Fort William PH33 6EE

Tel: 01397 702087 Fax: 01397 706214

DX: 531405 e-mail: fortwilliam@scotcourts.gov.uk

GLASGOW SHERIFF COURT (G & S)

PO Box 23, 1 Carlton Place, Glasgow G5 9DA

Tel: 0141-429 8888 Fax: 0141-418 5244 (Admin);

418 5247 (Crim); 418 5248 (Civil)

DX: 551020 e-mail: glasgow@scotcourts.gov.uk

Sheriffs in post: John Anthony Baird, John William Probart Beckett, Samuel Cathcart, Paul Crozier, Sir Andrew Cubie, Anthony Frederick Deutsch, Johannanna M Johnston QC, Martin Jones QC, Margaret Isabel Liddell, Andrew Mackie, John McCormick, Charles William McFarlane QC, Alan McKenzie, Alan Miller, Ian Harper Lawson Miller, James Kenneth Mitchell, Sean Francis Murphy QC, Andrew Christie Normand, Joseph Platt, Rita Emilia Anna Rae QC, Norman Ritchie QC, Linda Margaret Ruxton, Wendy Sheehan, Alayne Swanson, William Totten, Lindsay Wood.

GREENOCK SHERIFF COURT (NS)

1 Nelson Street, Greenock PA15 1TR

Tel: 01475 787073 Fax: 01475 729746

DX: GR16 e-mail: greenock@scotcourts.gov.uk

Sheriffs in post: Ruth Anderson QC (qv Dumbarton), Derek Hamilton, Rajni Swanney.

HADDINGTON SHERIFF COURT (L) – Due to close by January 2015, with business transferred to Edinburgh.

Court Street, Haddington EH41 3HN

Tel: 01620 822936 Fax: 01620 826350

DX: 540732 e-mail: haddington@scotcourts.gov.uk

Sheriff in post: Peter Braid.**HAMILTON SHERIFF COURT (SS)**

4 Beckford Street, Hamilton ML3 0BT

Tel: 01698 282957 Fax: 01698 201365

DX: HA2, Hamilton 2 or Legal Post : LP15

e-mail: hamilton@scotcourts.gov.uk

Sheriffs in post: David Montgomery Bicket, Alistair Brown, Douglas Allan Brown, Alastair Carmichael, Carole Cunninghame, Alasdair MacFadyen, Thomas Millar, John Joseph Miller, Joyce Powrie, Harry (Ray) K Small, Marie Therese Smart, Vincent J Smith, Shona Ann Waldron.

INVERNESS SHERIFF COURT (G)

The Castle, Inverness IV2 3EG

Tel: 01463 230782 Fax: 01463 710602

DX IN 25 e-mail: inverness@scotcourts.gov.uk

Sheriffs in post: Jamie Gilchrist QC (qv Tain), Margaret Marion Neilson.**JEDBURGH SHERIFF COURT (L)**

Castlegate, Jedburgh TD8 6AR

Tel: 01835 863231 Fax: 01835 864110

DX: 581222 e-mail: jedburgh@scotcourts.gov.uk

Sheriff in post: Derrick McIntyre (qv Duns)**KILMARNOCK SHERIFF COURT (NS)**

St. Marnock Street, Kilmarnock KA1 1ED

Tel: 01563 550024 Fax: 01563 543568

DX KK 20 e-mail: kilmarnock@scotcourts.gov.uk

Sheriffs in post: William Seith Stanners Ireland, Iona Sara McDonald, Elizabeth Thomson McFarlane, Alistair Gordon Watson.**KIRKCALDY SHERIFF COURT (T)**

Whytes Causeway, Kirkcaldy KY1 1XQ

Tel: 01592 260171 Fax: 01592 642361

DX: DX KY17 e-mail: kirkcaldy@scotcourts.gov.uk

Sheriffs in post: Maxwell Gibb Hendry, Andrew Grant McCulloch, Fiona Tait, Alastair Thornton, James Williamson.**KIRKCUDBRIGHT SHERIFF COURT (SS) – Due to close by January 2015, with business transferred to Dumfries.**

High Street, Kirkcudbright DG6 4JW

Tel: 01557 330574 Fax: 01557 331764

DX: 580812 e-mail: kirkcudbright@scotcourts.gov.uk

KIRKWALL SHERIFF COURT (G)

Watergate, Kirkwall KW15 1PD

Tel: 01856 872110 Fax: 01856 874835

e-mail: kirkwall@scotcourts.gov.uk

LANARK SHERIFF COURT (SS)

Hope Street, Lanark ML11 7NE

Tel: 01555 661531 Fax: 01555 664319

DX: 570832 e-mail: lanark@scotcourts.gov.uk

Sheriff in post: Nikola Stewart.**LERWICK SHERIFF COURT (G)**

King Erik Street, Lerwick ZE1 0HD

Tel: 01595 693914 Fax: 01595 693340

e-mail: lerwick@scotcourts.gov.uk

LINLITHGOW/LIVINGSTON SHERIFF COURT (L)

Linlithgow Sheriff Court has been relocated to:

The Civic Centre, Howden Road South, Livingston EH54 6FF

Tel: 01506 402 400 Fax: 01506 415 262

e-mail: livingston@scotcourts.gov.uk

Sheriffs in post: Susan Craig, Martin George Ritchie Edington, Grahame Ritchie Fleming QC, Douglas Alexander Kinloch.**LOCHMADDY SHERIFF COURT (G)**

Sheriff Court House, Lochmaddy, North Uist, HS6 5AE

Tel: 01478 612191 Fax: 08445 613015

e-mail: lochmaddy@scotcourts.gov.uk

(open every fourth week only - at other times contact the Sheriff Clerk in Portree)

OBAN SHERIFF COURT (NS)

Albany Street, Oban PA34 4AL DX OB 8

Tel: 01631 562414 Fax: 01631 562037

e-mail: oban@scotcourts.gov.uk

Sheriff in post: William D Small.**PAISLEY SHERIFF COURT (NS)**

St. James Street, Paisley PA3 2HW

Tel: 0141 887 5291 Fax: 0141 887 6702

e-mail: paisley@scotcourts.gov.uk

Sheriffs in post: Neil Douglas, Carol Kelly, Thomas McCartney, David James Pender, Colin William Pettigrew, Susan Myriad Sinclair, James Spy.

PEEBLES SHERIFF COURT – Due to close by January 2015, with business transferred to Selkirk.

Council Buildings, Rosetta Road, Peebles EH45 8HG

DX 581011, LP-2 Selkirk.

Tel: 01750 721269 (Selkirk)

e-mail: selkirk@scotcourts.gov.uk

PERTH SHERIFF COURT (T)

Tay Street, Perth PH2 8NL

Tel: 01738 620546 Fax: 01738 623601

e-mail: perth@scotcourts.gov.uk

Sheriffs in post: Michael John Fletcher, Lindsay David Robertson Foulis, Robert Anderson McCreadie QC.**PETERHEAD SHERIFF COURT (G)**

Queen Street, Peterhead AB42 1TP

Tel: 01779 476676 Fax: 01779 472435

e-mail: peterhead@scotcourts.gov.uk

Sheriff in post: Gregor Murray.**PORTREE SHERIFF COURT (G)**

Somerset Square, Portree IV51 9EH

Tel: 01478 612191 Fax: 01478 613203

e-mail: portree@scotcourts.gov.uk

ROTHESAY SHERIFF COURT (NS) – Due to close by January 2015, with business transferred to Greenock.

Eaglesham House, Mountpleasant Road, Rothesay, isle of Bute PA20 9HQ

Tel: 01700 502982 Fax: 01700 504112

DX: 590655 e-mail: rothesay@scotcourts.gov.uk

SELKIRK SHERIFF COURT (L)

Ettrick Terrace, Selkirk TD7 4LE

Tel: 01750 721269 Fax: 01750 722884

DX: 581011 e-mail: selkirk@scotcourts.gov.uk

Sheriff in post: Thomas Drummond QC.**STIRLING SHERIFF COURT (T)**

Viewfield Place, Stirling FK8 1NH

Tel: 01786 462191 Fax: 01786 470456

DX: ST15 LP: 6 e-mail: stirling@scotcourts.gov.uk

Sheriffs in post: William Alexander Gilchrist, Kenneth McGowan, Alexander Wylie Robertson.**STONEHAVEN SHERIFF COURT (G) – Due to close by January 2015, with business transferred to Aberdeen.**

Dunnotar Avenue, Stonehaven AB39 2JH

Tel: 01569 762758 Fax: 01569 762132

DX: 521023 e-mail: stonehaven@scotcourts.gov.uk

Sheriff in post: Peter Hammond (qv Banff).**STORNOWAY SHERIFF COURT (G)**

Lewis Street, Stornoway HS1 2JF

Tel: 01851 702231 Fax: 01851 704296

e-mail: stornoway@scotcourts.gov.uk

STRANRAER SHERIFF COURT (SS)

Lewis Street, Stranraer DG9 7AA

Tel: 01776 702138 Fax: 01776 706792

DX: 581261 e-mail: stranraer@scotcourts.gov.uk

Sheriff in post: Kenneth Richard Robb.**TAIN SHERIFF COURT (G)**

High Street, Tain IV19 1AB

Tel: 01862 892518 Fax: 01862 892518

LP: 2 Tain e-mail: tain@scotcourts.gov.uk

Sheriff in post: Jamie Gilchrist.**WICK SHERIFF COURT (G)**

Bridge Street, Wick KW1 4AJ

Tel: 01955 602846 Fax: 01955 602846

e-mail: wick@scotcourts.gov.uk

Sheriff in post: Andrew Berry.

PART-TIME SHERIFFS

Brian Campbell Adair, Ian Gair Anderson, Michael Peter Anderson, Aisha Anwar, Mungo Bovey QC, Simon Bowie QC, Pamela Bowman, Eric Brown, Jack Albert Brown, Gillian Fergusson Bryson, Brian Cameron, Ailsa Jane Carmichael, David Charles Clapham, Richard Clark, Simon Collins QC, Charlotte Winifred Blanche Coutts, George Jack Davidson QC, Lorna Allison Drummond QC, Ian McLean Duguid QC, Donald William Ferguson, Robert Donald Mathieson Fife, Gordon Fleetwood, Iain Macdonald Fleming, Mary Shirley Foran, James Hamilton Campbell Gilmour, Peter Alexander Grant-Hutchison, David Warrack Hall, John Halley, James Michael Hendry, Kenneth Robert Watson Hogg, Valerie Johnston, Joan Kerr, Vinit Khurana, Derek Livingston, Murdo MacLeod QC, Gerard MacMillan, Mhari Scott MacTaggart, Shelagh Margaret McCall, Colin McClory, Marion McDonald, Richard H McFarlane, Raymond Anthony McMenamin, Walter Mercer, Brian Allitt Murphy, Duncan Law Murray, John Rafferty, Paul Anthony Reid, Celia Lousie Sanderson, Edward George Savage, Janys Margaret Scott QC, Gerard Sinclair, Linda Smith, Mark Stewart, Alison Stirling, William James Taylor QC, Mark Thorley, Craig Turnbull, Robert Smith Vaughan, Graham Christopher Warner, Peter Black Watson, Andrew Webster, Michael Wood, William Wood, David Young QC.

**Lord Lyon King of Arms and Secretary of the
Most Ancient and Most Noble Order of the Thistle**

DAVID SELLAR

Head of the heraldic executive and sits as a Judge in the Court of the Lord Lyon, which maintains the Scottish Public Register of Arms and Genealogies and deals with petitions for coats of arms. The Lord Lyon is also responsible for all State Ceremonial in Scotland.

The court is composed of the Lord Lyon and the Officers of Arms in Scotland, namely:

Rothsay Herald of Arms: Sir Crispin Agnew of Lochnaw Bt, QC

Snawdoun Herald of Arms: Elizabeth A. Roads, LVO

Marchmont Herald of Arms: The Hon Adam Bruce, WS

Ormond Pursuivant of Arms: Mark D. Dennis

Dingwall Pursuivant of Arms: Yvonne Holton

Uicorn Pursuivant of Arms: John Malden

Orkney Herald Extraordinary: Sir Malcolm Innes of Edingight,
KCVO, WS

Angus Herald Extraordinary: Robin O. Blair CVO, WS

Islay Herald Extraordinary: Alastair Campbell of Airds

Ross Herald Extraordinary: Charles J. Burnett

Procurator Fiscal to the Court of the Lord Lyon: Alexander M. S.
Green

Herald Painter at the Court of the Lord Lyon: Yvonne Holton

12. LAW REPORTS METHODS OF CITATION AND REFERENCE

AC	Law Reports, Appeal Cases (House of Lords and Privy Council) 1890-
ALR	Argus Law Reports (Australia) 1895-1973, and Australian Law Reports 1973-
Adam	Adam's Justiciary Reports 1894-1919
All ER	All England Law Reports 1936-
App Cas	Law Reports, Appeal Cases (House of Lords) 1875-90
Arkley	Arkley's Justiciary Reports 1846-48
Arnot	Arnot's Criminal Trials 1535-1784
Asp MLC	Aspinall's Maritime Law Cases 1870-1943
ATC	Annotated Tax Cases 1922-
B & CR	Bankruptcy and Companies Winding up Reports 1918-41
BCLC	Butterworths Company Law Cases 1983-
BILC	British International Law Cases
BTLC	Butterworths Trading Law Cases 1986-
BTR	British Tax Review 1956-
BYIL	British Yearbook of International Law 1920-
Bell App	S. S. Bell's Scotch Appeals (House of Lords) 1842-50
Bell Fol Cas	P. Bell's Folio Cases (Court of Session) 1794-95
Bell Oct Cas	P. Bell's Octavo Cases (Court of Session) 1790-92
Bligh	Bligh's Reports (House of Lords) 1819-21
Bligh NS	Bligh's Reports, New Series (House of Lords) 1827-37
Broun	Broun's Justiciary Reports 1842-45
Brown's Supp	Brown's Supplement to Morison's Dictionary of Decisions (Court of Session) 1622-1794
Brown's Syn	Brown's Synopsis of Decisions (Court of Session) 1532-1827
Bruce	Bruce's Decisions (Court of Session) 1714-15
Buchan	Buchanan's Reports (Court of Session) 1800-13
CL	Current Law 1947-
CLR	Commonwealth Law Reports (Australia) 1903-
CLY	Current Law Year Book 1947-
CMLR	Common Market Law Reports 1962-
Ch	Law Reports, Chancery Division (England) 1890-
Ch App	Law Reports, Chancery Appeals (England) 1865-75
Ch D	Law Reports, Chancery Division (England) 1875-90
Cl & Fin	Clark and Finnelly's Reports (House of Lords) 1831-46
Com LR	Commercial Law Reports 1981-
Coup	Couper's Justiciary Reports 1868-85
Cr App Rep	Criminal Appeal Reports (England) 1908-
D	Dunlop's Session Cases 1838-62
DLR	Dominion Law Reports (Canada) 1912-55; 2d, 1956-67; 3d, 1968-83; 4th, 1984-
Dalr	Dalrymple's Decisions (Court of Session) 1698-1718
Deas & And	Deas and Anderson's Decisions (Court of Session) 1829-32
Dirl	Dirleton's Decisions (Court of Session) 1665-77
Dow	Dow's Reports (House of Lords) 1812-18
Dow & Cl	Daw and Clark's Reports (House of Lords) 1827-32
Durie	Durie's Decisions (Court of Session) 1621-42
ECR	European Court of Justice Reports 1954-
EG	Estate Gazette 1858-
EGD	Estates Gazette Digest 1902-
EHRR	European Human Rights Reports 1979-
Edgar	Edgar's Decisions (Court of Session) 1724-26
Elchies	Elchies' Decisions (Court of Session) 1733-54
F	Fraser's Session Cases 1898-1906 (preceded by year and volume number); Federal Reporter (USA) 1880-1924; 2d, 1924- (preceded by volume number and followed by year)
FC	Faculty Collection (Court of Session) 1752-1825
F (HL)	House of Lords cases in Fraser's Session Cases 1898-1906
F (J)	Justiciary cases in Fraser's Session Cases 1898-1906

FLR	Federal Law Reports (Australia) 1957-
Falc	Falconer's Decisions (Court of Session) 1744-51
Fam	Law Reports, Family Division (England) 1972-
Ferg	Ferguson's Consistorial Decisions 1811-17
Forbes	Forbes' Journal of the Sessions 1705-13
Fount	Fountainhall's Decisions (Court of Session) 1678-1712
Gil & Fal	Gilmour's and Falconer's Decisions (Court of Session) 1661-66, 1681-86
HL Cas	House of Lords Cases 1847-66
Hailes	Hailes' Decisions (Court of Session) 1766-91
Harc	Harcase's Decisions (Court of Session) 1681-91
Home	Clerk Home's Decisions (Court of Session) 1735-44
Hume	Hume's Decisions (Court of Session) 1781-1822
ICJR	International Court of Justice Reports
ICLQR	International and Comparative Law Quarterly Review 1952-
ICR	Industrial Cases Reports (England) 1972-
ILT	Irish Law Times 1867-
ILT Jo	Irish Law Times Journal 1867-
IR	Irish Reports 1893-
IRLR	Industrial Relations Law Reports 1972-
ITR	Industrial Tribunal Reports 1966-78
Imm AR	Immigration Appeal Reports 1972-
Irv	Irvine's Justiciary Reports 1851-68
JC	Justiciary Cases 1917-
JLSS	Journal of the Law Society of Scotland 1956-
JP	Justice of the Peace reports (England) 1837-
JP Jo	Justice of the Peace and Local Government Review (England) 1837-
JPL	Journal of Planning Law 1948-53; Journal of Planning and Property Law 1954-72; and Journal of Planning and Environmental Law 1973-
J Shaw	J. Shaw's Justiciary Reports 1848-51
JR	Juridical Review 1889-
Jur Soc P	Judicial Society Papers 1858-74
KB	Law Reports, King's Bench Division (England) 1900-52
KIR	Knight's Industrial Reports (England) 1966-75
K & W Dic	Kames' and Woodhouselee's Dictionary of Decisions (Court of Session) 1540-1796
Kames Rem Dec	Kames' Remarkable Decisions (Court of Session) 1716-28
Kames Sel Dec	Kames' Select Decisions (Court of Session) 1752-68
Kilk	Kilkerran's Decisions (Court of Session) 1738-52
LGR	Knight's Local Government Reports 1902-
LRRP	Law Reports, Restrictive Practices 1957-
LR Sc & Div	Law Reports, House of Lords (Scotch and Divorce) 1866-75
LS Gaz	Law Society's Gazette (England) 1903-
Lloyd's Rep	Lloyd's Law Reports 1968-
M	Macpherson's Session Cases 1862-73
M (HL)	House of Lords cases in Macpherson's Session Cases 1862-73
MacF	MacFarlane's Jury Trials (Court of Session) 1838-39
MacI & R	Maclean and Robinson's Scotch Appeals (House of Lords) 1839
Maclaurin	Maclaurin's Arguments and Decisions 1670-1770
Macq	Macqueen's House of Lords Reports 1851-65
Mor	Morison's Dictionary of Decisions (Court of Session) 1540-1808
NI	Northern Ireland Law Reports 1925-
NZLR	New Zealand Law Reports 1883-
Pat	Paton's House of Lords Appeal Cases 1726-1821
Paters	Paterson's House of Lords Appeals 1851-73
Pitc	Pitcairn's Criminal Trials 1488-1624
QB	Law Reports, Queen's Bench Division (England) 1891-1901, 1952- (year precedes)
R	Rettie's Session Cases 1873-98
RA	Rating Appeals 1965-

R (HL)	House of Lords cases in Rettie's Session Cases 1873-98
R (J)	Justiciary cases in Rettie's Session Cases 1873-98
RPC	Reports of Patents, Designs and Trade Marks Cases 1884-
RTR	Road Traffic Reports 1970-
Robert	Robertson's Scotch Appeals (House of Lords) 1707-27
Robin	Robinson's Scotch Appeals (House of Lords) 1840-41
S	P. Shaw's Session Cases 1821-38
SA	South African Law Reports 1947-
S & D Just	Shaw and Dunlop's Justiciary Cases 1819-31
SC	Session Cases 1907-; Supreme Court
SCCR	Scottish Criminal Case Reports 1981-
SC (HL)	House of Lords cases in Session Cases 1907-
SC (J)	Justiciary Cases in Session Cases 1907-16
SCLR	Scottish Civil Law Reports 1987-
SLCR	Scottish Land Court Reports in Scottish Law Review (1913-63) (preceded by year and volume number), and Scottish Land Court Reports 1982- (preceded by year)
SLG	Scottish Law Gazette 1933-
SLJ	Scottish Law Journal and Sheriff Court Record 1858-61
SLM	Scottish Law Magazine and Sheriff Court Reporter 1862-67
SLPQ	Scottish Law & Practice Quarterly 1995-
SLR	Scottish Law Reporter 1865-1925
SL Rev	Scottish Law Review and Sheriff Court Reporter 1885-1963
SLT	Scots Law Times 1893-1908 (preceded by year and volume number), and 1909- (preceded by year)
SLT (Land Ct)	Scottish Land Court Reports in Scots Law Times 1964-
SLT (Lands Trib)	Lands Tribunal for Scotland Reports in Scots Law Times 1971-
SLT (Lyon Ct)	Lyon Court Reports in Scots Law Times 1950-
SLT (Notes)	Notes of Recent Decisions in Scot Law Times 1946-
SLT (Sh Ct)	Sheriff Court Reports in Scots Law Times 1893-
SN	Session Notes 1925-48
SPLP	Scottish Planning Law and Practice 1980-
SRR	Scots Revised Reports 1707-1873; 1898-1908
STC	Simon's Tax cases 1973-
Sh & Malc	P. Shaw and Maclean's House of Lords Appeal Cases 1835-38
Sh App	P. Shaw's Scotch Appeals (House of Lords) 1821-26
Sh Ct Rep	Sheriff Court Reports in Scottish Law Review 1885-1963
Shaw Just	P. Shaw's Justiciary Reports 1819-31
Shaw Teind	P. Shaw's Teind Court Decisions 1821-31
Sol Jo	Solicitor's Journal (England) 1856
Stair	Volume number <i>Stair Memorial Encyclopaedia</i> paragraph numbers
Stair Rep	Stair's Reports (Court of Session) 1661-81
Stuart	Stuart, Milne and Peddie's Reports (Court of Session) 1851-53
Swin	Swinton's Justiciary Reports 1835-41
Syme	Syme's Justiciary Reports 1826-29
TC	Tax Cases 1875-
TR	Taxation Reports 1939-
US	United States Supreme Court Reports 1754-
VATTR	Value Added Tax Tribunal Reports 1973-
W & S	Wilson and Shaw's House of Lords Cases 1825-34
WLR	Weekly Law Reports (England) 1953-
White	White's Justiciary Reports 1885-93

NEUTRAL CITATIONS

The official neutral citation system was introduced for the United Kingdom in January 2001.

Scotland:

The courts that have “official” vendor/media neutral citations from 1 January 2005 are the:

Scotland High Court of Justiciary

[year] HCJT number

Scotland Court of Criminal Appeal

[year] HCJAC number

Scotland Court of Session, Outer House

[year] CSOH number

Scotland Court of Session, Inner House)

[year] CSH number

The courts that have “official” vendor/media neutral citations from 11 January 2001 are the

United Kingdom House of Lords/Supreme Court

[year] UKHL/UKSC number

United Kingdom Privy Council

[year] UKPC number

England and Wales Court of Appeal (Civil Division)

[year] EWCA Civ number

England and Wales Court of Appeal (Criminal Division)

[year] EWCA Crim number

England and Wales High Court (Administrative Court)

[year] EWHC Admin number

The courts that have “official” vendor/media neutral citations from 14 January 2002 are the:

England and Wales High Court (Chancery Division)

[year] EWHC number (Ch)

England and Wales High Court (Patents Court)

[year] EWHC number (Pat)

England and Wales High Court (Queen’s Bench Division)

[year] EWHC number (QB)

England and Wales High Court (Administrative Court)

[year] EWHC number (Admin)

England and Wales High Court (Commercial Court)

[year] EWHC number (Comm)

England and Wales High Court (Admiralty Court)

[year] EWHC number (Admlty)

England and Wales High Court (Technology & Construction Court)

[year] EWHC number (TCC)

England and Wales High Court (Family Division)

[year] EWHC number (Fam)

In line with international standards, references to paragraphs within a judgment should be in square brackets and the end of the citation (to distinguish them from page numbers) as in: *Bettison and Others v. Langton and Others* [2001] UKHL 24 at [11]. (www.bailii.org)

13. LICENSING**THE LICENSING (FEES)
(SCOTLAND) REGULATIONS 2007****Categories of premises**

- Cat. 1 – As defined by Regulation 4 – mainly premises where the supply of alcohol is incidental to the main purpose e.g. clubs, souvenir shops etc.
- Cat. 2 – rateable value between £1 and £11,500.
- Cat. 3 – rateable value between £11,501 and £35,000.
- Cat. 4 – rateable value between £35,001 and £70,000.
- Cat. 5 – rateable value between £70,001 and £140,000.
- Cat. 6 – rateable value over £140,001.

Fees for Premises Licences

- Cat. 1 – £200.
- Cat. 2 – £800.
- Cat. 3 – £1,100.
- Cat. 4 – £1,300.
- Cat. 5 – £1,700.
- Cat. 6 – £2,000.

Annual Renewal

- Cat. 1 – £180.
- Cat. 2 – £220.
- Cat. 3 – £280.
- Cat. 4 – £500.
- Cat. 5 – £700.
- Cat. 6 – £900.

Application for occasional licence – £10.

Application for extended hours – £10.

Application for personal licence – £50.

14. MOTOR VEHICLES

FIXED PENALTIES UNDER THE ROAD TRAFFIC OFFENDERS ACT 1988

<i>Offence</i>	<i>Maximum Penalties</i>			
	<i>Imprisonment</i>	<i>Fine</i>	<i>Disqualification</i>	<i>Penalty Points</i>
*Causing death dangerous driving	14 years	Unlimited	Obligatory – 2 years minimum	3-11 (if exceptionally not disqualified)
*Dangerous driving	2 years	Unlimited	Obligatory	3-11 (if exceptionally not disqualified)
Causing death by careless driving under the influence of drink or drugs	14 years	Unlimited	Obligatory – 2 years minimum	3-11 (if exceptionally not disqualified)
Careless or inconsiderate driving	—	£5,000	Discretionary	3-9
Driving while unfit through drink or drugs or with excess alcohol; or failing to provide a specimen for analysis	6 months	£5,000	Obligatory	3-11 (if exceptionally not disqualified)
Failing to stop after an accident or failing to report an accident	6 months	£5,000	Discretionary	5-10
Driving when disqualified	6 months (12 months in Scotland)	£5,000	Discretionary	6
Driving after refusal or revocation of licence on medical grounds	6 months	£5,000	Discretionary	3-6
Driving without insurance	—	£5,000	Discretionary	6-8
Driving otherwise than in accordance with a licence	—	£1,000	Discretionary	3-6
Speeding	—	£1,000 (£2,500 for motorway offences)	Discretionary	3-6 or 3 (fixed penalty)

<i>Offence</i>	<i>Maximum Penalties</i>			
	<i>Imprisonment</i>	<i>Fine</i>	<i>Disqualification</i>	<i>Penalty Points</i>
Traffic light offences	—	£1,000	Discretionary	3
No MOT certificate	—	£1,000	—	—
Seat belt offences	—	£500	—	—
Dangerous cycling	—	£2,500	—	—
Careless cycling	—	£1,000	—	—
Cycling on pavement	—	£500	—	—
Failing to identify driver of a vehicle	—	£1,000	Discretionary	6

VEHICLE REGISTRATION PLATES

The system was changed from September 2001. The first two letters refer to the DVLA Office where the vehicle was first registered, *see below*, and is followed by numbers showing the date of registration and three random letters.

Registration Areas:

AA – AN	Peterborough	LU – LY	Sidcup
AO – AU	Norwich	MA – MY	Manchester and Merseyside
AV – AY	Ipswich	NA – NO	Newcastle
BA – BY	Birmingham	NP – NY	Stockton
CA – CO	Cardiff	OA – OY	Oxford
CP – CV	Swansea	PA – PT	Preston
CW – CY	Bangor	PU – PY	Carlisle
DA – DK	Chester	RA – RY	Reading
DL – DY	Shrewsbury	SA – SJ	Glasgow
EA – EY	Chelmsford	SK – SO	Edinburgh
FA – FP	Nottingham	SP – ST	Dundee
FR – FY	Lincoln	SX – SY	Inverness
GA – GO	Maidstone	VA – VY	Worcester
GP – GY	Brighton	WA – WJ	Exeter
HA – HJ	Bournemouth	WK & WL	Truro
HK – HY	Portsmouth	WM – WY	Bristol
KA – KL	Luton	YA – YL	Leeds
KM – KY	Northampton	YM – YV	Sheffield
LA – LJ	Wimbledon	YW – YY	Beverley
LK – LT	Stanmore		

FOREIGN COUNTRY CODES

The relevant codes will appear in the 'Information codes' section of the driving licence if you have exchanged your licence from any of these countries for a GB licence.

Australia . . . . .	.AUS	Italy . . . . .	.I
Austria . . . . .	.A	Japan . . . . .	.J
Barbados . . . . .	.BDS	Jersey . . . . .	.GBJ
Belgium . . . . .	.B	Latvia . . . . .	.LV
British Virgin Islands . . . . .	.VGB	Liechtenstein . . . . .	.FL
Bulgaria . . . . .	.BG	Lithuania . . . . .	.LT
Canada . . . . .	.CDN	Luxembourg . . . . .	.L
Cyprus . . . . .	.CY	Malta . . . . .	.M
Czech Republic . . . . .	.CZ	Monaco . . . . .	.MC
Denmark . . . . .	.DK	Netherlands . . . . .	.NL
Estonia . . . . .	.EST	New Zealand . . . . .	.NZ
Falkland Islands . . . . .	.FK	Norway . . . . .	.N
Faroe Islands . . . . .	.FO	Poland . . . . .	.PL
Finland . . . . .	.FIN	Portugal . . . . .	.P
France . . . . .	.F	Republic of Korea . . . . .	.ROK
Germany . . . . .	.D	Romania . . . . .	.RO
Gibraltar . . . . .	.GBZ	Singapore . . . . .	.SGP
Greece . . . . .	.GR	Slovakia . . . . .	.SK
Guernsey . . . . .	.GBG	Slovenia . . . . .	.SLO
Hong Kong . . . . .	.HK	South Africa . . . . .	.ZA
Hungary . . . . .	.H	Spain . . . . .	.E
Iceland . . . . .	.IS	Sweden . . . . .	.S
Ireland . . . . .	.IRL	Switzerland . . . . .	.CH
Isle of Man . . . . .	.GBM	Zimbabwe . . . . .	.ZW

SEAT BELT REQUIREMENTS

This table summarises the main legal requirements for wearing seat belts.

	<i>FRONT SEAT</i> (all vehicles)	<i>REAR SEAT</i> (cars & small minibuses*)	<i>WHOSE RESPONSIBILITY</i>
DRIVER	MUST be worn if fitted		DRIVER
CHILD under 3 years of age	Appropriate child restraint MUST be worn	Appropriate child restraint MUST be worn	DRIVER
CHILD aged 3 to 11 and under 1.35 metres (about 4ft 5in) in height (or 12th birthday, whichever they reach first)	Appropriate child restraint MUST be worn <i>if available</i> if not, an adult seat belt MUST be worn	Appropriate child restraint MUST be worn <i>if available</i> if not, an adult seat belt MUST be worn <i>if available**</i>	DRIVER
CHILD aged 12 or 13 or younger child 1.35 metres or more in height	Adult seat belt MUST be worn <i>if available</i>	Adult seat belt MUST be worn <i>if available</i>	DRIVER
PASSENGER over the age of 14	MUST be worn <i>if available</i>	MUST be worn <i>if available</i>	PASSENGER

* *Minibuses with an unladen weight of 2540kg or less*

** *Exceptions are:*

- *in a taxi; or*
- *for a short distance in an unexpected necessity; or*
- *if two occupied child restraints prevent the fitting of a third*

15. NOT FOR PROFIT ORGANISATIONS

CHARITIES

The Office of the Scottish Charity Regulator (OSCR) formally took up its powers under the Charities and Trustees Investment (Scotland) Act 2005.

Its vision is for a flourishing charity sector in which the public has confidence, underpinned by OSCR's effective delivery of its regulatory role.

The 2005 Act states that its general functions are to:

- determine whether bodies are charities
- keep a public register of charities
- encourage, facilitate and monitor compliance by charities with the provisions of the Act
- identify and investigate apparent misconduct in the administration of charities and to take remedial or protective action in relation to such misconduct
- give information or advice, or to make proposals, to Scottish Ministers on matters relating to OSCR's functions.

THE CHARITY TEST

Applicants for charitable status have to fulfil a number of conditions which Sections 7 & 8 of the 2005 Act set out. These are in summary that (1) the applicant must have one or more of the charitable purposes set out in the Act and no none charitable purposes and (2) the applicant needs to provide or intends to provide public benefit in Scotland or elsewhere.

SCIO

The Scottish Charitable Incorporated Organisation (SCIO) is a new legal form for charities since April 2011. It is intended to be less onerous to administer than a company limited by guarantee and yet provide the legal personality and protections of a company to charity trustees. In March 2013, OSCR announced that the 500th SCIO had been registered.

CONTACT:

OSCR
2nd Floor
Quadrant House
9 Riverside Drive
DUNDEE
DD1 4NY

Telephone: **01382 220446**. Website: **www.oscr.org.uk**

CHARITIES REFERENCES IN DOCUMENTS (SCOTLAND) REGULATIONS 2007

OSCR have published *Guidance to the Regulations* for the designation of charities in Scotland in all relevant documents issued or signed after 31 March 2008. An example of acceptable wording for a charity registered on the Scottish Charity Register is: "The DEF Fund is a charity registered in Scotland, No: SC123456". Breach of the regulations may result in the charity and its trustees themselves being penalised. Where the breach has been by the charity's solicitor, it is to be assumed that a complaint by the charity could result in a finding of inadequate professional service against the solicitor.

16. PLANNING

Planning in Scotland is essentially a local function, delegated to Councils and the two National Park Authorities as Planning Authorities. The Planning Authorities have three main duties, namely, development management, development planning and enforcement.

Strategic regional plans are now the responsibility of Strategic Development Planning Authorities, five of which have been established as follows:

Aberdeen City and Shire Strategic Development Planning Authority

Archibald Simpson House 27 - 29 King Street Aberdeen AB24 5AA.

Tel: 01224 673760 Fax: 01224 673763

Email: team@aberdeencityandshire-sdpa.gov.uk

Website: www.aberdeencityandshire-sdpa.gov.uk

Ayrshire Joint Structure Plan & Transportation Committee

Liberator House, Glasgow Prestwick Airport, Prestwick KA9 2PT.

Tel: 01292 476716 Fax: 01292 671455.

E-mail: AJSPmail@south-ayrshire.gov.uk

Website: <http://www.ayrshire-jsu.gov.uk/>

The Glasgow and the Clyde Valley Strategic Development Planning Authority

125 West Regent Street (lower ground floor) GLASGOW G2 2SA.

Telephone: 0141 229 7730.

Email: info@gcvsdpa.gov.uk

Website: www.gcvsdpa.gov.uk

TAYplan - Strategic Development Planning Authority

Enterprise House, 3 Greenmarket, Dundee DD1 4QB.

Telephone: 01382 307180

Email: contactus@tayplan-sdpa.gov.uk

Website: <http://www.tayplan-sdpa.gov.uk/>

SESplan

Claremont House, Ground Floor, 130 East Claremont Street, Edinburgh EH7 4LB.

Telephone: 0131 524 5165 Fax: 0131 524 5151.

Email: contactus@sesplan.gov.uk

Website: <http://www.sesplan.gov.uk/>

If a Planning Authority has refused consent or grants consent subject to conditions, the applicant may have the right of appeal to the Scottish Ministers. The Scottish Ministers may uphold or dismiss the appeal, or reverse or vary any part of the decision of the Planning Authority. This can include amending a condition previously attached to the grant of consent.

The vast majority of appeals (some 99%) are delegated to a member of the Scottish Government's Directorate for Planning and Environmental Appeals (DPEA), known as a reporter. Decisions are issued by the reporter without reference to Ministers. This is an efficient means of handling appeals that do not raise issues of national importance.

The remaining appeals, which are not delegated to reporters for decision, are 'recalled' to be determined by the Scottish Ministers themselves. 'Recall' of appeals is achieved by the issue of a direction to the Directorate for Planning and Environmental Appeals. In general, an appeal would be recalled by Scottish Ministers only where it raised issues of genuine national interest, or perhaps where Ministers were already required to make a decision on a separate, but clearly related, matter. A substantial volume of objection, while a relevant consideration, would not in itself provide sufficient grounds for an appeal to be recalled. Each case is assessed individually, with full regard to all relevant considerations. The handling of a recalled appeal involves a reporter producing a report for the Scottish Ministers, containing a recommendation. Ministers may either accept or reject the reporter's recommendation, and they may either uphold or dismiss the appeal.

Although the decision of the Scottish Ministers is final, any party who is aggrieved by it may appeal to the Court of Session within six weeks of the date of the letter announcing the decision. The Court may quash the decision if satisfied that it is not within the powers of the 1997 Act or that

the applicant's interests have been substantially prejudiced by a failure to comply with any requirements of that Act, or of the Tribunals and Inquiries Act 1992 etc. The Court cannot impose its own decision over that of the Scottish Ministers. All it can do is quash the decision, which then refers the matter back to the Scottish Ministers for redetermination. There can be no guarantee, therefore, that a successful challenge to the Court will result in a different decision.

Contact details for:

DPEA Directorate for Planning and Environmental Appeals

4 The Courtyard Callendar Business Park Falkirk FK1 1XR.

Telephone: 01324 696400 Fax: 01324 696444.

<http://www.dpea.scotland.gov.uk/>

E-mail: DPEA@scotland.gsi.gov.uk

17. PRIVACY AND FREEDOM OF INFORMATION

The first Scottish Information Commissioner, Kevin Dunion OBE, served from inauguration of the office in 2003 until February 2012. His successor, Rosemary Agnew, was formerly Chief Executive of the Scottish Legal Complaints Commission from October 2010 until taking office on 1 May 2012. The Scottish Information Commissioner is a public official appointed by Her Majesty The Queen on the nomination of the Scottish Parliament. The Commissioner is responsible for enforcing and promoting Scotland's freedom of information laws, namely:

- The Freedom of Information (Scotland) Act 2002
- The Environmental Information (Scotland) Regulations 2004
- The INSPIRE (Scotland) Regulations 2009

The Scottish Information Commissioner:

- investigates applications and issues legally enforceable decisions;
- promotes good practice amongst public authorities; and
- provides the public with information on their rights.

The Commissioner is funded by the Scottish Parliament, and the budget is submitted to the Scottish Parliamentary Corporate Body every year for agreement. The Commissioner submits monthly financial performance reports to the SPCB, and these are made publicly available.

The Commissioner is supported by a team of 22 staff, based in St Andrews, Fife. The Commissioner's website is at: www.itspublicknowledge.info.

18. PRIVATE CLIENT

POWERS OF ATTORNEY

Adults With Incapacity (Scotland) Act 2000

- From 2 April 2001 a Power of Attorney will be of no effect after the granter has lost his or her mental capacity, UNLESS it has been made a Continuing Power of Attorney.
- This is done by
 1. The granter declaring in the deed that he/she wants it to be a continuing power if they lose mental capacity;
 2. a doctor, solicitor (with a current practising certificate) or advocate signs a declaration on the deed that they believe the granter understands what he/she is doing; and
 3. the deed is registered with the Public Guardian before it is used.
- The Public Guardian will keep a public register of Powers and will be able to investigate complaints made on the conduct of Attorneys.
- Powers may not appoint Attorneys who are not specifically named as the Power, and there is no provision for Attorneys to appoint another person as Attorney without the constituent's specific consent.
- The OPG publishes guidelines for Attorneys on the exercise of their powers. They will need to keep records of everything they do on behalf of the granter. if the granter has limited mental power, he or she may control part of their affairs (*eg* day to day expenditure) while an Attorney looks after more complex matters (*eg* control of investments).
- Advice is available from the Office of the Public Guardian, Callander Business Park, Callander Road, Falkirk FK1 1XR (01324 678300) www.publicguardian-scotland.gov.uk

EPOAR

The Office of the Public Guardian rolled out Electronic Power of Attorney Registration for use by law agents and members of the public in 2012.

How does EPOAR work?

The end-user will input granter, attorney and sender data and upload the power of attorney deed in PDF format for transmission to the Office of the Public Guardian. Payment of the Public Guardian's fee is by means of credit or debit card via a secure on-line payment gateway.

Staff at the Office of the Public Guardian will continue to check the power of attorney deed to help to ensure that it meets statutory registration requirements but there will be no check of the data input by the end-user.

The certificate of registration and accompanying documentation will be made available electronically via EPOAR for downloading by the sender. The granter and where appropriate, specified persons, will receive their copy documents either electronically or in hard copy, whichever format is preferred.

Some law agents might prefer to continue to clerically submit powers of attorney. There are no plans at the moment to make electronic submission mandatory.

Certificate of Registration

The certificate of registration issued under EPOAR looks different to the clerical version which is currently, and will continue to be, issued:

- There is no embossed red seal on the certificate. The wording on the certificate states this.
- The certificate and accompanying deed carry a watermark.
- Each page is numbered, e.g. 1 of 7, 2 of 7 etc.
- The PG reference number and unique certificate number appears on every page
- The certificate details how to verify registration (see below) and who to contact if there are concerns about its authenticity.
- It states that a copy of the principal document is as valid as the original in accordance with s.3 of the Powers of Attorney Act 1971

How much will registration cost?

The Public Guardian's fee is £70 per submission whether by electronic or clerical means.

Verifying Registration – Additional feature

EPOAR includes an additional feature which will enable organisations and financial institutions presented with the electronically generated certificate to verify it. To use this feature, key details from the certificate will be required to be inserted into EPOAR.

The verification search will also confirm the following details:

- Granter's full name
- Date the power of attorney deed was signed by the granter
- Name of principal attorney(s)
- The nature of the powers e.g. continuing/welfare or both
- Registration status, e.g. registered/revoked/terminated.
- Public Guardian's reference number.

Certifying a True Copy

Following consultation with financial institutions on the acceptability of the new certificate of registration, the certificate and the copy deed need to be certified as a true copy. The agreed standard form of words is as follows:

1. At the end of each page -

I certify this page to be true and complete of the corresponding page of the original instrument.

Signed:

2. At the end of of each complete copy. i.e. on the last page -

I certify the foregoing reproduction to be true and complete copy of the original instrument.

Signed:

Print Name:

Designation/Profession:*

Address:

Date:

* Granter of the deed, solicitor, stockbroker or authorised person for the purposes of the legal Services Act 2007 (as provided for by the Powers of Attorney Act 1971).

WELFARE POWER OF ATTORNEY

Appointment

I, _____, residing at _____, appoint _____, residing at _____ to be my Welfare attorney (my "Attorney") in terms of section 16 of the Adults with Incapacity (Scotland) Act 2000 (which act and any subsequent amendment of that is referred to as the "Act").

General Powers

In the event of my being incapable in terms of the Act in relation to decisions about my personal welfare, or in the event that my Attorney reasonably believes that that is the case, the my Attorney may make decisions on my behalf in relation to my personal welfare. I have considered how my incapacity will be determined.

My Attorney shall be subject to the requirements of the Act.

Without prejudice to these general powers my Attorney shall have powers set out in the following clauses.

Particular Welfare Powers

My Attorney may have the following Powers:

- 1 To decide where my permanent place of residence should be
- 2 To decide what care and accommodation may be appropriate for me
- 3 To consent on my behalf to any medical treatment not specifically disallowed by the Act
- 4 To consent to any medical treatment or procedure or therapy of whatever nature my attorney may decide is for my benefit and provide access for that, or refuse such consent
- 5 To decide, alone or with others, on the level of care which I require
- 6 To take any legal action on my behalf involving my personal welfare
- 7 To make such decisions relating to my dress, diet and personal appearance as are appropriate
- 8 To make such decisions regarding my social and cultural activities
- 9 To exercise any rights of access I have in relation to personal data and records
- 10 To decide with whom I should or should not consort
- 11 To arrange for me to undertake work, education or training
- 12 To take me on holiday or authorise someone else to do so
- 13 My Attorney is to be reimbursed for any reasonable outlays or out of pocket expenses while acting on my behalf

Validity of decisions

All decisions which may be made and all documents which may be granted by my Attorney shall be equally valid and binding as if granted by me.

Recall

This welfare power of attorney shall remain in existence until it is recalled by me in writing or until my death.

Testing Clause

This document is executed as follows:

.....
Signature of Witness

.....
Signature of Granter

.....
Full name of Witness (print)

.....
(Address of Witness)

.....
Date of Signing

.....
Place of Signing

**PRESCRIBED CERTIFICATE
from 1 April 2008 (SSI 2008/56)**

SCHEDULE 1

CERTIFICATE UNDER SECTIONS 15(3)(C) AND/OR 16(3)(C) OF THE ADULTS WITH INCAPACITY (SCOTLAND) ACT 2000 TO BE INCORPORATED IN A DOCUMENT GRANTING A POWER OF ATTORNEY.

1. This certificate is incorporated in the document subscribed by

Insert name of granter

2. On

Insert date subscribed

3. That confers a

Tick appropriate box – tick one box only

- | | |
|--------------------------|---|
| <input type="checkbox"/> | • Continuing power of attorney (i.e. confers property or financial powers only) |
| <input type="checkbox"/> | • Welfare power of attorney (i.e. confers welfare powers only) |
| <input type="checkbox"/> | • Combined power of attorney (i.e. confers both property or financial and welfare powers) |

4. Appointing as Attorney(s)

Insert name(s) of Attorney(s)

5. Declaration of Certifier

Note: any person signing this certificate should not be the person to whom this power of attorney has been granted.

Note: any person signing this certificate should not be the person to whom the power of attorney has been granted.

attorney;

2. I am satisfied that, at the time this power of attorney was granted, the granter understood its nature and extent; and

I have satisfied myself of this:

Please tick appropriate box. (Both may apply but one must apply)

- (a) because of my own knowledge of the granter;

and/or

- (b) because I have consulted the following person who has knowledge of the granter on the matter

Insert name, address and relationship with granter, of person consulted

3. I have no reason to believe the granter was acting under undue influence or that any other factor vitiates the granting of this power of attorney.

Signed:

Print name:

Profession:

Address:

.....

.....

Date:

SCHEDULE 2

CERTIFICATE UNDER SECTION 22A(2)(b) OF THE ADULTS WITH INCAPACITY (SCOTLAND) ACT 2000 TO INCORPORATED IN NOTICE REVOKING A POWER OF ATTORNEY.

1. This certificate is incorporated in the revocation notice subscribed by

Insert name of granter

2. On

Insert date subscribed

3. That revokes

(tick the appropriate box to indicate what is being revoked)

- All powers granted in the power of attorney
or
 Specific powers granted in the power of attorney (which power or powers have been specified in the revocation notice of which this forms part)

4. In relation to

Insert name(s) of Attorney(s) whose powers are being revoked

5. Declaration of Certifier

Note: any person signing this certificate should not be the person to whom the power of attorney was granted.

I certify that

1. I interviewed the granter *immediately* before he/she subscribed this revocation notice;
2. I am satisfied that, at the time this revocation notice was subscribed, the granter understood its effect; and

I have satisfied myself of this:

Please tick appropriate box. (Both may apply but one must apply)

(a) because of my own knowledge of the granter;

and/or

(b) because I have consulted the following person who has knowledge of the granter on the matter

Insert name, address and relationship with granter, of person consulted

--

3. I have no reason to believe the granter was acting under undue influence or that any other factor vitiates this revocation.

Signed:

Print name:

Profession:

Address:

.....

.....

Date:

POWER OF ATTORNEY CHECKLIST

POWER OF ATTORNEY DOCUMENT	✓
Power of Attorney is dated and signed by granter	
Incorporates a statement clearly expressing granter's intention that the power is continuing and/or welfare	
Where welfare powers are granted – a statement is incorporated stating the granter has considered how their incapacity will be determined	
Where financial powers are granted that are to start only on the granter's incapacity - a statement is incorporated stating the granter has considered how their incapacity will be determined	
If copies are to be sent to specified individuals, this is stated within the document	
Nothing in the document prevents registration (no springing clause)	
If power of attorney revokes previous powers of attorney, a certificate in terms of SSI 56/2008 Schedule 2 is enclosed.	
PRESCRIBED CERTIFICATE	✓
Certificate is in prescribed form (SSI 56/2008) Schedule 1. <i>N.B. if conferring welfare and financial powers, a single certificate may be incorporated.</i>	
Granter's name is entered and matches name on document	
Date granter subscribed the power of attorney document is entered on certificate	
Attorney(s) name(s) entered and this matches name(s) on document	
At least 1 box ticked at section 5(2). Either (a) or (b) or both	
Where appropriate, details of anyone else consulted is entered at (b). <i>N.B. It is preferred that the nominated attorney is not the person consulted due to the potential conflict of interest</i>	
Certificate signed by a practising Scottish solicitor, medical practitioner or advocate	
Certifier details completed in full	
Certifier is not the person granted power of attorney	
REGISTRATION FORM	✓
Registration form is completed	
Attorney(s) have signed confirming they are willing to act.	
REGISTRATION FEE	✓
Correct fee enclosed – refer to OPG website	
Cheque made out to 'The Scottish Court Service'	
<i>NB: Failure to submit a valid document will lead to its rejection. A further fee will be incurred for re-representation of the revised document</i>	

BIRTHS, MARRIAGES AND DEATHS

REGISTRATION OF BIRTH

A birth which occurs in Scotland must be registered within 21 days by the Registrar of Births, Deaths and Marriages. The law allows a birth to be registered in any registration office in Scotland. The card issued by the hospital and the marriage certificate of the child's parents (if they are married to each other) are required. For more information about the birth registration process contact the local registrar or the General Register Office for Scotland, 0131 314 4452, or at: www.gro-scotland.gov.uk

Following changes made in the Family Law (Scotland) Act 2006, a child's parents are both given parental responsibilities and rights if they register the child's birth together and both of their names appear on the child's birth certificate.

The mother of a child always has parental responsibilities and rights in relation to the child, unless a court has removed them. However, a father of a child only has parental responsibilities and rights in relation to a child if:

- he was married to the child's mother at the time of a child's conception or subsequently;
- on or after 4 May 2006 he is registered as the father of a child;
- he is given them by a court order under section 11 of the Children (Scotland) Act 1995; or
- he is given them under section 4(1) of the Children (Scotland) Act 1995 by way of a Parental Responsibilities and Parental Rights Agreement.

MARRIAGE

There were 29,135 marriages conducted in Scotland in 2011; of these 23% (6,829) were "tourism" marriages where neither the bride nor groom was resident in Scotland. 52% (15,092) of marriages were civil marriages conducted by registrars, who have wide discretion over the form of the ceremony. In 1971, 31% of all marriages were civil ceremonies.

Scotland's Population 2011 (Registrar General, 2012)

Both parties to either a Religious or Civil marriage must each complete a marriage notice form which should be submitted with certain documentation (eg birth certificates, divorce documents, etc) and the appropriate fee to the Registrar for the District in which the marriage is to take place. Notice of Marriage should be given 4-6 weeks before the date of the proposed marriage. The minimum notice period is 15 days and notice should not generally be given more than 3 months prior to the date of the proposed marriage. Contracting parties and witnesses to a marriage must be at least 16 years of age. Following a Religious Marriage, the Schedule must be returned to the Registrar within 3 days of the marriage taking place. A marriage in Scotland may take place anywhere, other than a place of religion or registry office, provided that a Minister of Religion performs the ceremony. Registrars are not, at this time, so entitled.

Any two person, regardless of where they live, may marry in Scotland provided that:

- both persons are at least 16 years of age on the day of their marriage.
- they are not related to one another in a way which would prevent their marrying.
- they are unmarried (any person who has already been married must produce documentary evidence that the previous marriage has been ended by death, divorce or annulment).
- they are not of the same sex.
- they are capable of understanding the nature of a marriage ceremony and of consenting to marriage.
- the marriage would be regarded as valid in any foreign country to which either party belongs.

From 10 June 2002 a similar power to marry outwith a Registry Office

is available to Registrars, subject to local authority's approval of place.

In June 2005 the Registrar General registered the first humanist wedding, made without a minister or registrar being present. The Registrar General allowed this because of human rights legislation.

The Civil Partnership Act 2004 came into force on 5 December 2005 and permitted persons of the same sex to enter into a formal civil partnership, with the intention of giving the civil partners the same status as spouses. The first ceremony of civil partnership took place in Scotland on 20 December 2005.

Enquiries about marriage or civil partnerships in Scotland should be made to the Scottish Government, Civil Law Division, Area 2W, St. Andrew's House, Edinburgh EH1 3DG. Telephone: 0131 244 3581, <http://www.scotland.gov.uk/Topics/Justice/law/17867/fm-couples-root/fm-couples-marriage-cp>

BEREAVEMENT

What to do after a death in Scotland – practical advice for times of bereavement (Scottish Government 10th edition) available at <http://www.scotland.gov.uk/Publications/2012/05/4929/0>

SHERIFF COURTS CARRYING OUT COMMISSARY BUSINESS

Grampian, Highlands and Islands:

Aberdeen, Banff, Stonehaven*, Elgin, Wick, Inverness, Peterhead, Dingwall*, Dornoch*, Kirkwall and Lerwick.

Tayside, Central and Fife:

Arbroath, Forfar, Dundee, Perth, Alloa, Falkirk, Stirling, Cupar*, Dunfermline and Kirkcaldy.

Lothian and Borders:

Haddington*, Edinburgh, Livingston, Selkirk, Jedburgh and Peebles*.

Glasgow and Strathkelvin:

Glasgow.

North Strathclyde:

Dumbarton, Greenock, Kilmarnock and Paisley.

South Strathclyde, Dumfries and Galloway:

Dumfries, Kirkcudbright*, Stranraer, Airdrie, Ayr, Hamilton and Lanark.

* due to close by January 2015.

FORM OF DOCKET ON CONFIRMATION

provided by the Succession (Scotland) Act 1964 s. 15 and Schedule 1

1. AB, being by virtue of the within confirmation (*or certificate of confirmation*) the executor on the estate of the deceased CD so far as specified in the confirmation (*or certificate or inventory attached hereto*) hereby nominate EF (*design*) as the person entitled:

(a) in (part) satisfaction of his/her claim to prior rights, as a surviving spouse, on the death of the deceased,

(b) in (part) satisfaction of his/her claim to legal rights on the death of the deceased,

(c) in (part) satisfaction of his/her share in the said estate,

(d) in (part) implement of a trust disposition and settlement, (*or will as the case may be*) of the deceased dated ... and registered in the Books of Council and Session, to the following item of estate, that is to say (*short description*) being number ... of the items of the estate specified in the said confirmation (*or certificate or inventory*).

Testing clause

Note—Subscription of the document by the granter of it will be sufficient for the document to be formally valid, but witnessing of it may be necessary or desirable for other purposes (*see the Requirements of Writing (Scotland) Act 1995*).

DRAFT DEED OF ASSUMPTION AND MINUTE OF RESIGNATION

I
Execut.....-Nominate appointed by
by the late.....dated the day of
 Nineteen hundred anddo
 hereby ASSUME.....residing at.....
 as Executor-Nominate under the said Will; And I the said
hereby accept office; And I the said
 hereby RESIGN the office of Execut.....-Nominate under the said Will
 and I the said hereby accept intimation
 of the foregoing resignation: And I hereby certify that this Instrument
 falls within category A in the Schedule to the Stamp Duty (Exempt
 Instruments) Regulations 1987: IN WITNESS WHEREOF

(Note the case of *Kennedy Petr* 1983 SLT (Sh. Ct.) 10, which established that the assumption of a single new trustee is sufficient. Assumption of more than one may be desirable.)

COMMISSARY PROCEDURES**Table of Fees
As from 10 December 2012**

1. Petition for (a) appointment of executor, (b) restriction of caution, (c) special warrant, (d) sealing up of repositories or the like, or (e) appointment of Commissary factor£16.00
2. Sealing up repositories or the like, per hour.....£27.00
3. (a) Receiving and examining inventory of estate, except where sub-paragraph (b) or (c) of this paragraph applies –
 - (i) where the amount of the estate vested in or belonging beneficially to the deceased, of which confirmation is required, or for which resealing under the Colonial Probates Act 1892[2] is required does not exceed – £5,000.....No Fee
£50,000 £200.00
 - (ii) where the amount of the said estate exceeds
£50,000 £200.00
- (b) Receiving and examining additional or corrective inventory of estate or inventory of estate *ad non executa*.....£200.00
- (c) Receiving and examining inventory of estate where it is declared that confirmation is not required:
Note: The fees payable shall be half those specified in sub-paragraph (a) or (b) of this paragraph. If confirmation is subsequently required the remaining half of the fees specified in sub-paragraph (a) or (b) shall be payable
4. Commissary copying and extracting
 - (1) Issuing certificate of confirmation
 - (a) if ordered when lodging inventory – each certificate £5.00
 - (b) if ordered subsequent to lodging inventory –
 - (i) first certificate – including search fee £16.00
 - (ii) each subsequent certificate.....£5.00
 - (2) Copy or duplicate confirmation –
 - (a) if ordered when lodging inventory £11.00
 - (b) if ordered subsequent to lodging inventory –
 - (i) first duplicate – including search fee£21.00
 - (ii) each subsequent duplicate if ordered at the same time as the first duplicate.....£11.00
 - (3) Certified extract confirmation and will (if any) –
 - (a) if ordered when lodging inventory£21.00
 - (b) if ordered subsequent to lodging inventory –
 - (i) first certified extract – including search fee£32.00
 - (ii) each subsequent certified extract if ordered at the time of the first certified extract £21.00
 - (4) Copy will –
 - (a) if ordered when lodging inventory£5.00
 - (b) if ordered subsequent to lodging inventory –
 - (i) first copy – including search fee.....£16.00
 - (ii) each subsequent copy, if ordered at the same time as the first copy.....£5.00

Confirmation dues increased with effect from 10 December 2012 under the Sheriff Court Fee Amendment Order 2012 (SSI 2012 No. 293).

INTESTATE SUCCESSION IN SCOTLAND

In dividing an intestate estate a practitioner must bear in mind three classes of rights, namely:

- (i) Prior rights of a surviving spouse.
- (ii) Legal rights – *jus relictii, jus relictiae* and legitim, and
- (iii) Rights of statutory successors to the “free” or “intestate estate”.

Practitioners *must* check up to date cash limits. Further, the Civil Partnership Act 2004 Schedule 28 Part I assimilated civil partners to spouses in all respects, including intestate succession, and the word “spouse” should be taken to include civil partners. The Prior Rights of Surviving Spouse and Civil Partner Order amended the amount of prior rights with effect from 1 February 2012.

I. SURVIVING SPOUSES PRIOR RIGHTS

This is a class of rights introduced by the Succession (Scotland) Act 1964 for the benefit of the surviving spouse of a marriage or civil partner on intestacy only. These rights consist of two parts and dealt within Sections 8 and 9 of the Act respectively as amended and are as follows with effect from 1 February 2012 (previous amounts in brackets).

1. Dwellinghouse and furniture

On intestacy, the surviving spouse of a marriage or civil partner is entitled, subject to any burdens affecting it, to the ownership or tenancy of any one house owned or tenanted (other than under the Rent Acts) by the intestate, plus its furniture and plenishings. This applies to any house in which surviving spouse or civil partner of the intestate was ordinarily resident at the date of death, and may include part of a building occupied as a separate dwelling. If there is more than one such house, then the surviving spouse may, within six months of the death, elect which house he or she is to take in satisfaction of this right.

“Dwellinghouse” is defined in Section 8(6)(a) of the Act.

There are two special cases:

- (a) If the value of the relevant interest exceeds £473,000 the surviving spouse or civil partner is entitled to £473,000 in lieu of the relevant interest (previously £300,000).
- (b) If the dwellinghouse forms part of the subjects contained on one tenancy, or forms the whole or part of business premises of the intestate, and the value of the estate as a whole would be likely to be substantially diminished if the house were disposed of otherwise than with the assets of the business, the surviving spouse or civil partner cannot claim the relevant interest but is entitled instead to the value of the interest.

Furniture and plenishings are defined under Section 8(6)(a) of the Act, but it should be noted that this definition is not necessarily exhaustive of all possibilities and certain items such as heirlooms are specifically excluded. The furniture and plenishings are those in the dwellinghouse in which the surviving spouse of the intestate or civil partner was ordinarily resident at the date of the intestate’s death, whether or not it is comprised in the intestate estate. If there is more than one dwellinghouse the surviving spouse may, within six months of the date of death, elect to take furniture and plenishings of one of these. If the value of the furniture and plenishings exceeds £29,000 the surviving spouse or civil partner is entitled to such part thereof up to that value as he or she may select.

Provision is made in Section 8(5) of the Act for arbitration in the event of any question arising as to the value of any interest in a house or the furniture or plenishings therein for the purposes of any provision of that Section of the Act.

2. Financial right

In addition to the rights to the relevant interest in a house and to furniture and plenishings under Section 8 of the Act, the surviving spouse of the

intestate is entitled, under Section 9, to a financial provision. This is (a) if the intestate or civil partner is survived by any issue (however remote) the sum of £50,000 (previously £42,000) or (b) if the intestate is not survived by issue the sum of £89,000 (previously £75,000). For the purpose of computing legal rights, the financial provision is borne by and paid out of the parts of the intestate estate consisting of heritable and moveable property respectively in proportion to the respective amounts of those parts.

If the intestate estate is insufficient to meet in full the whole prior rights under Sections 8 and 9, the surviving spouse or civil partner takes the whole estate.

II. LEGAL RIGHTS

Legal rights entitle the surviving issue one third of the moveable estate where there is a surviving spouse or civil partner and one half if not. Legal rights prescribe after twenty years.

One important factor is representation in legitim (Section 11(1)). Where a person dies (testate or intestate) predeceased by a child who has left issue who survive the deceased and the child would, if he had survived the deceased, have been entitled to legitim out of the deceased's estate, such issue shall have the right to legitim as the original child would have had on survivorship. Issue is defined by Section 36 as "lawful issue however remote." Thus the right of representation is infinite. Division is among the members of the nearest surviving class *per capita* and the issue of predeceasing members of that class *per stirpes*, in shares of equal amount one such share to each nearest surviving relative and one such share to each such stirps. After legal rights have been satisfied, the remaining balance in the moveable estate is known as the "dead's part", to be distributed according to the testator's wishes expressed in the will or forming the intestate estate.

III. DISTRIBUTION ON INTESTATE ESTATE

"Intestate Estate" or the "Free Estate" is that part of the Estate, both heritable and moveable, not disposed of by any testamentary disposition, and remaining after satisfaction of Government Duties, debts, prior and legal rights, or the proportion dealt with in Part I of the Act, Sections 1-7. Section 37 of the Act excludes from the operation thereof certain items such as titles, coats-of-arms, tenancies of crofts and others.

The statutory list of persons entitled to succeed to this portion of the Estate, in Section 2 of the Act, is exhaustive, but must be read along with Sections 2-6. The order of succession is first in favour of descendants, and it should be noted that adopted children are now to be treated as lawful children of the adopter or adopters. The rights of illegitimate children are dealt with by a new section (Sec. 1) of the Law Reform Act of 1968. That section, also sections 2 and 3 and Schedule I amend the law so that illegitimate children have the same rights, in general, as legitimate children.

This matter is taken further by the Law Reform (Parent and Child) (Scotland) Act 1986 whose general principle is stated at Section 1(1):

"The fact that a person's parents are not or have not been married to one another shall be left out of account in establishing the legal relationship between the persons and any other person, and accordingly any such relationship shall have effect as if the persons were or had been married to one another."

Failing descendants, the succession opens to collaterals and parents or parent of the intestate thus: when the intestate is survived both by collaterals and by a parent or parents, collaterals take one half of the intestate estate; if neither parent survives, collaterals take the whole. "Collaterals" includes brothers and sisters of the intestate, of the full or half blood, and their issue, however remote. (Sections 2(2) and 5).

Collaterals of the full blood are preferred to those of the half blood, but the distinction between collaterals of the half blood consanguinean and uterine has now been removed. (Section 3). In the case of adopted children, they are in terms of the Act, where adopted by two spouses jointly, treated as being the brother or sister of the whole blood of any other person who is the child or adopted child of both the spouses, and in

any other case as a brother or sister of the half blood of any child or adopted child of the adopter. (Section 24).

The surviving parent or parents of the intestate take either (a) one half of the intestate estate if any collateral also survives; or (b) if no collateral survives, the whole estate. In any such case where both parents survive, they share equally. It should be noted that an illegitimate person shall be presumed not to be survived by his father unless the contrary is shown (1968 Act Section (1)(3)).

In the absence of all descendants and collaterals, and both parents, of the intestate, the surviving spouse comes next into the line of succession in preference to uncles and aunts and remoter relatives of the intestate.

If no descendants, collaterals, parents or spouse survive, the succession to the intestate estate then goes to the ascendants of the intestate other than parents as defined in Section 2(1)(f), (g), (h) and (i) of the Act, and as previously in the absence of any party in any of the preceding categories the Crown succeeds to the intestate estate as *ultimus haeres* as provided in Section 7 of the Act.

By Section 5, issue of predeceasing statutory successors represent their predeceasing parent throughout all lines of succession. By Section 6, where all persons entitled to succeed, including issue representing predeceases under Section 5, are of the same degree of relationship to the intestate, the division is *per capita*; in other cases the division is among the members of the nearest surviving class *per capita* and the issue of predeceasing members of that class *per stirpes*, in shares of equal amount, one such share to each nearest surviving relative and one such share to each such stirpes.

PRESUMPTION OF DEATH (SCOTLAND) ACT 1977

The Court may grant declarator of death if it satisfied on a balance of probabilities that a person who is missing:

- (1) has died, or
- (2) has not been known to be alive for a period of at least seven years.

The Court in granting declarator must find the date and time of death. If that is uncertain, it will be taken to be the end of the period to which the uncertainty relates or, where the missing person has not been known to be alive for a period of seven years or more, the end of the day occurring seven years after the date in which he was last known to be alive.

The Court may also determine the domicile of the missing person at his death and any question relating to an interest in property arising as a consequence of his death, and may appoint a judicial factor in his estate.

SURVIVORSHIP IN A COMMON CALAMITY

Succession (Scotland) Act 1964, section 31 (as amended)

31 – (1) Where two persons have died in circumstances indicating that they died simultaneously or rendering it uncertain which, if either, of them survived the other, then, for all purposes affecting title or succession to property or claims to legal rights or the prior rights of a surviving spouse, or civil partner.

- (a) where the persons were husband and wife or civil partners to each other, it shall be presumed that neither survived the other; and
- (b) in any case, it shall be presumed that the younger person survived the elder unless the next following subsection applies.

(2) If, in a case to which paragraph (b) of the foregoing subsection would (apart from this subsection) apply, the elder person has left a testamentary disposition containing a provision, however expressed, in favour of the younger if he survives the elder and, failing the younger, in favour of a third person, and the younger person has died intestate, then it shall be presumed for the purposes that provision that the older person survived the younger.

**INTESTATE SUCCESSION IN SCOTLAND (HERITABLE AND MOVEABLE)
DEATHS OCCURRING ON OR AFTER 10 SEPTEMBER 1964**

<i>A person dying, leaving</i>	<i>Prior Rights of Widow or Widower</i>	<i>Legal Rights</i>	<i>Intestate Estate (Heritable & Moveable)</i>
Widow or widower or surviving civil partner, no descendants, no collateral or issue of same, and neither parent surviving.	<p>(a) Relevant interest in house and furniture and plenishings (subject to maxima of £473,000 and £29,000 respectively)</p> <p>(b) £89,000 (Paid from heritage and moveables <i>pro rata</i>).</p>	Surviving spouse or surviving civil partner half of moveable estate as <i>jus relicti</i> or <i>jus relictae</i> .	Whole to widow, widower or surviving civil partner
Widow or widower or surviving civil partner, and child or children (by one or more marriages and illegitimate) but no issue of predeceasing children.	<p>(a) Relevant interest in house and furniture and plenishings (subject to maxima of £473,000 and £29,000 respectively)</p> <p>(b) £50,000 (Paid from heritage and moveables <i>pro rata</i>).</p>	Surviving spouse or surviving civil partner one third of moveable estate as <i>jus relicti</i> or <i>jus relictae</i> . Child or children one third of moveable estate as legitim.	Whole to child or children.
Widow or widower or surviving civil partner and grandchildren.	<p>(a) Relevant interest in house and furniture and plenishings (subject to maxima of £473,000 and £29,000 respectively)</p> <p>(b) £50,000 (Paid from heritage and moveables <i>pro rata</i>).</p>	Surviving spouse or surviving civil partner one third of moveable estate as <i>jus relicti</i> or <i>jus relictae</i> . Grandchildren one third of moveable estate as legitim	Whole to grandchildren equally <i>per capita</i> .

<i>A person dying, leaving</i>	<i>Prior Rights of Widow or Widower</i>	<i>Legal Rights</i>	<i>Intestate Estate (Heritable & Moveable)</i>
Children only (by one or more marriages).	None.	Half of moveable estate as legitim equally <i>per capita</i> .	Whole to children equally <i>per capita</i> .
Children and issue of predeceasing children.	None.	Half of moveable estate as legitim to children <i>per capita</i> and issue of predeceasing children <i>per stirpes</i> .	Whole to children <i>per capita</i> and issue of predeceasing children <i>per stirpes</i> .
Grandchildren only.	None.	Half of moveable estate as legitim equally <i>per capita</i> .	Whole to grandchildren equally <i>per capita</i> .
Widow or widower or surviving civil partner, father and/or mother, and brothers and sisters	(a) Relevant interest in house and furniture and plenishings (subject to maxima of £473,000 and £29,000 respectively) (b) £89,000 (Paid from heritage and moveables <i>pro rata</i>).	Surviving spouse or surviving civil partner half of moveable estate as <i>jus relicti</i> or <i>jus relictae</i> .	Half to parents equally or to surviving parent; half to brothers and sisters equally <i>per capita</i> .
Father and/or mother, and brothers and sisters.	None.		Half to parents equally or to surviving parent; half to brothers and sisters equally <i>per capita</i> .

<i>A person dying, leaving</i>	<i>Prior Rights of Widow or Widower</i>	<i>Legal Rights</i>	<i>Intestate Estate (Heritable & Moveable)</i>
Father and/or mother, brothers and sisters and issue of deceased brothers and sisters.	None.	None.	Half to parents equally or to surviving parent; half to brothers and sisters <i>per capita</i> and nephews and nieces <i>per stirpes</i> .
Father and/or mother and nephews and nieces.	None.	None.	Half to parents equally or to surviving parent; half to nephews and nieces equally <i>per stirpes</i> .
Father and/or mother, nephews and nieces and children of deceased nephews and nieces.	None.	None.	Half to parents equally or to surviving parent; half to nephews and nieces equally <i>per capita</i> and children of deceased nephews and nieces <i>per stirpes</i> .
Brothers and sisters.	None.	None.	Whole to brothers and sisters equally.
Brothers and sisters and nephews and nieces.	None.	None.	Whole to brothers and sisters <i>per capita</i> and nephews and nieces <i>per stirpes</i> .
Nephews and nieces only.	None.	None.	Estate divided equally among the nephews and nieces <i>per capita</i> .

<i>A person dying, leaving</i>	<i>Prior Rights of Widow or Widower</i>	<i>Legal Rights</i>	<i>Intestate Estate (Heritable & Moveable)</i>
Remoter issue of brothers and sisters only.	None.	None.	Equally between nearest class of issue surviving <i>per capita</i> and to issue of predeceasing members of that class <i>per stirpes</i> .
Father and/or mother, uncles, aunts and their descendants.	None.	None.	Whole estate to parents equally or whole to surviving parent.
Paternal and maternal uncles and aunts and issue of predeceasing uncles and aunts.	None.	None.	Whole estate to uncles and aunts <i>per capita</i> and issue of predeceasing uncles and aunts <i>per stirpes</i> .
Paternal and maternal grandparents, greatuncles and great-aunts.	None.	None.	Whole estate to grandparents equally among them.
No other successor.	None	None.	To the Crown as <i>Ultimus Haeres</i> .

PS. Since 4 May 2006 Practitioners will have to consider the legal rights of co-habitees under The Family Law (Scotland) Act 2006.

ATTESTATION OF ENGLISH WILLS

This is governed by the Wills Act 1837 s.9 or, in the case of deaths after 1st January, 1983, by the Administration of Justice Act 1982 s.17.

It is not strictly necessary for the will to be signed at the foot or end, provided that it should appear that the testator intended by his signature to give effect to the will.

A witness should not be a beneficiary, or the spouse of a beneficiary.

Only persons aged 18 or over can make a full will.

The witnesses must sign or acknowledge in the testator's presence, whether or not in the presence of each other.

The following form of attestation clause can be used:

Signed by the Testator(rix) in our presence and then by us in his (hers).

Where the testator cannot sign the will, but can make a mark, the following form may be used:

Signed by the Testator(rix) with his (her) mark in our presence and then signed by us in his (her) presence (the will above having been first read over to him (her) and he (she) having appeared truly to understand and approve it.)

If another person has to sign the Will for the testator, the following form should be used:

Signed by (name) of (address) with the name of the testator(rix) in his (her) presence by his (her) direction and in our presence and then signed by us in the presence of the testator(rix) (the will having first been read over to him (her) and he (she) having appeared truly to understand and approve it.)

DISTRIBUTION OF INTESTATE ESTATES IN ENGLAND

The intestacy rules in a simplified form.

Entitlement to the estate of a deceased person who was domiciled in England & Wales, and who did not leave a valid will.

Deceased person dies leaving these relatives:

A spouse or civil partner (but no children or other issue) and either parents or brothers or sisters of the whole blood or issue of brothers and sisters of the whole blood who predeceased the deceased.

After the payment of funeral expenses, tax and all other debts owed by the deceased, the rest of the estate goes to:

For dates of death prior to 1 February 2009

1. where the net estate is not more than £200,000 – everything to spouse/civil partner.
2. where the net estate is over £200,000 – the first £200,000 plus personal possessions plus half of the balance over and above £200,000. The other half of the balance over and above £200,000 to the deceased's parents equally; but if no parents then to brothers and sisters of the whole blood and to any children or other issue of brothers and sisters of the whole blood who have predeceased the deceased in equal shares.

For dates of death after 1 February 2009

1. where the net estate is not more than £450,000 – everything to

spouse/civil partner
 2. where the net estate is over £450,000 – the first £450,000 plus personal possessions plus half of the balance over and above £450,000. The other half of the balance over and above £450,000 to the deceased's parents equally; but if no parents then to brothers and sisters of the whole blood and to any children or other issue of brothers and sisters of the whole blood who have predeceased the deceased in equal shares.

A spouse or civil partner and children

For dates of death prior to 1 February 2009

1. Where the net estate is not more than £125,000 – Everything to spouse/ civil partner.

2. Where the net estate is over £125,000 – the first £125,000 plus personal possessions to the spouse/civil partner.

Half of the rest is shared equally amongst the children.

The spouse/civil partner gets the income or interest on the other half during his/her lifetime, and when the spouse or civil partner dies, the capital goes to the deceased's children equally.

For dates of death after 1 February 2009

1. Where the net estate is not more than £250,000 – Everything to spouse/ civil partner.

2. Where the net estate is over £250,000 – the first £250,000 plus personal possessions to the spouse/civil partner.

Half of the rest is shared equally amongst the children.

The spouse/civil partner gets the income or interest on the other half during his/her lifetime, and when the spouse or civil partner dies, the capital goes to the deceased's children equally.

A spouse or civil partner (but no children), and either parents, or brothers or sisters of the whole blood.

For dates of death prior to 1 February 2009

1. Where the net estate is not more than £200,000 (for dates of death after 1 February 2009) – Everything to spouse/ civil partner.

2. Where the net estate is over

£200,000 for dates of death after 1 February 2009 – £200,000, plus half of the rest, plus personal possessions to spouse/ civil partner.

The other half to the deceased's parents equally; but if no parents, then to brothers and sisters of the whole blood in equal shares.

For dates of death after 1 February 2009

1. Where the net estate is not more than £450,000 (for dates of death after 1 February 2009) – Everything to spouse/ civil partner.

2. Where the net estate is over £450,000 for dates of death after 1 February 2009 – £450,000, plus half of the rest, plus personal possessions to spouse/ civil partner.

The other half to the deceased's parents equally; but if no parents, then to brothers and sisters of the whole blood in equal shares.

Children , but no spouse or civil partner

Everything to children in equal shares.

Parent(s), but no spouse or civil partner, or children

Everything to parents in equal shares.

Brother(s) or sister(s), but no spouse or civil partner, or children or parents

Everything to brothers and sisters of the whole blood equally.

If there are no brothers or sisters of the whole blood, then to brothers and sisters of the half blood equally.

Grandparent(s), but no spouse or civil partner, or children, or parents, or brothers or sisters

Everything to grandparents equally.

Uncle(s), Aunt(s), but no spouse or civil partner, or children or parents, or brothers or sisters or grandparents

Everything to uncles and aunts of the whole blood equally.

If there are no uncles or aunts of the whole blood , then to uncles or aunts of the half blood equally.

No spouse or civil partner and no relatives in any of the categories shown above

Everything to the Crown.

NOTARIAL EXECUTION

Subscription on behalf of blind granter or granter unable to write

The procedure laid down by section 5 of the Requirements of Writing (Scotland) Act 1995 is as follows:

1. The "relevant person" (*ie* the former "Notary" which in itself was a misnomer after 1924) for such execution, means a solicitor who has in force a current Practising Certificate, an Advocate, a Justice of the Peace or a Sheriff Clerk. Outwith Scotland, the "relevant person" is a Notary Public or any other person with official authority under the law of the place execution to execute documents on behalf of persons who are blind or unable to write.
2. Nothing in section 9 prevents the granter of a document who is blind from subscribing or signing a document in the normal fashion (s 7). It is questionable, however, if this is good practice.
3. One witness of the execution only is required.
4. The "relevant person" shall read the document to the granter, in presence of a witness, or the granter shall make a declaration that he does not wish the "relevant person" to read the document to the granter.
5. Subscription by a "relevant person" and the witness shall take place in the presence of a granter, as previously.
6. The docquet prescribed by the 1924 Act is no longer required. The Testing Clause now reflects the execution in a new form to be governed by regulation in terms of section 10 of the 1995 Act. To date no such regulation has, however, been promulgated. The style recommended by the Scottish Law Commission may be adopted, although there is no obligatory style. It should be noted that the Testing Clause runs from the end of the document and does away with the docquet and Testing Clause formerly used.
7. The Scottish Law Commission recommended styles are as follows:

(a) Where document is read over to the granter:

THIS DOCUMENT [consisting of this and the ... preceding pages] has been read over to the said A.B. by me R.S., solicitor, (address) and is SIGNED by me for and with the authority of, and in the presence of, the said A.B., who has declared that he blind [or unable to write], and WITNESSED as shown below –

Signature of witness	Signature on behalf of granter
----------------------	--------------------------------

Name of witness	
-----------------	--

Address of witness	Date	Place
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(b) Where the granter declares that he does not wish the document to be read over to him.

THIS DOCUMENT [etc. as in Form 1(a)] is SIGNED by me R.S., solicitor, (address) for and with authority of, and in the presence of, the said A.B., who has declared that he blind [or unable to write], and that he does not wish the document to be read over to him, and WITNESSED as shown below [etc. as in Form (a)].

8. Subscription by the "relevant person" must take place in the presence of the granter (section 9(2)).
9. A document which confers benefit on the "relevant person" or his spouse, son or daughter, shall be invalid but only in so far as it confers benefit on these persons (section 9(4)). Contrast former strict law of voiding deed stated in *Ferrie v Ferrie's Trustees* (1869) 1M 291.
10. These provision also apply to annexations or alterations of documents (section 9(5)).
11. Any reference to reading of a document includes a reference to describing to the granter a plan, drawing, photograph or similar representation (section 9(5)).
12. The witness shall require to know the granter, be over 16, and be mentally capable of acting as a witness.
13. As previously, *every page* of a Will should be signed by the "relevant person".

**FORM OF STATUTORY DECLARATION UNDER
5 & 6 William IV CAP. 62**

I, A.B., Do solemnly and sincerely Declare that:

(Here state matter to be declared.)

And I make this solemn Declaration conscientiously believing the same to be true and by virtue of the provisions of "The Statutory Declarations Act, 1835".

A.B.

C.D. (J.P. or Notary Public or other Officer).

EXECUTION BY PARTNERSHIPS

The Requirements of Writing (Scotland) Act 1995 provided that from 1 August 1995 a partnership may execute a document, or an alteration to a document, through the signature of one partner, or another authorised person. The person who signs may use either his or her own name, or the firm name. The form of Testing Clause suggested by the Scottish Law Commission, but not adopted by any legal provision, is as follows:

THIS DOCUMENT ... is SIGNED AND WITNESSED as shown below –

.....
Signature of witness	Signature on behalf of (first) granter
Name of witness	Name of person signing
Address of witness	Capacity in which signs
	Date .....Place

(1) The partner or authorised signatory, if he chooses, signs the firm name instead of his own name. In such a case, the form should be modified accordingly. (2) The statement of the capacity in which the subscriber signs may be either "Partner" or "Authorised signatory". In the latter case, if there is express written authority, this may usefully be mentioned – *eg* "*under letters of authority dated*".

PRESERVING FAMILY BUSINESSES

Statistics from BDO Stoy Hayward's Centre for Family Business suggest the odds of a family business surviving into the third generation of ownership are as low as 13 per cent.

The Scotsman, 11 January 2008.

The Scottish Family Business Association (SFBA) point out that:

- 45% of the UK's GDP is produced by family businesses.
- 50% of the private sector workforce in Scotland is employed by family businesses.
- Almost 70% of Scottish businesses describe themselves as family businesses, reflecting the European norm where 75% of businesses are family firms.
- 25% of the largest businesses in Europe are Family firms.
- There is more likely to be a woman at the head of a family business compared with the general trend in firms.
- Family firms represent more than one third of the UK's leading private firms.
- During a five year period studied, the Family Business Index outperformed the FTSE All Share Index by 40%.

YET

- Only 33% make it to the second generation and 9% to the third.

This is because

- The majority of conflicts in family firms arise from family issues such as succession or family relationships.
- 54% of Scottish businesses are controlled by the founding generation.
- 57% of family firms have no defined plan of succession although 39% expect the CEO to retire or leave within the coming years.

MISTAKES MADE

1. *The Royal Family succession plan:*
Promotion of the eldest child regardless of skills, market appeal or interest in the business is not recommended.
2. *The mortgage based remuneration policy:*
Paying family employees at levels commensurate with their mortgage rather than their skills or experience can alienate non-family employees.
3. *The "happy family" performance review:*
It can be hard to review performance of family members on a truly objective basis.
4. *Using the business as a personal piggy bank:*
Ensure that family members compensation is via the payroll, and that independent approval is required for personal expenses and that loans are properly conducted.
5. *The caged animal syndrome:*
Children should only work in the business if they want to.
6. *Inter Generational misfortunes:*
Do not depend on the business to provide an income in retirement.
7. *The democratic approach is fair but may not be equitable:*
Running the family business as a democracy is a fast route to divorce and bankruptcy.
8. *Keeping non-family members in the doghouse:*
As the business grows, attracting and retaining outside talent is a must.

Further details on this topic are available from the Association's website sfba.co.uk

19. TAXATION

STAMP DUTY LAND TAX

<i>Rate</i>	<i>Residential</i>	<i>Non-residential</i>
Zero	up to £125,000	up to £150,000
1%	£125,001 up to £250,000	£150,001 up to £250,000
3%	£250,001 up to £500,000	£250,001 up to £500,000
4%	£500,001 up to £1,000,000	over £500,000
5%	over £1,000,000 up to £2,000,000	
7%	over £2,000,000 (15% if purchased by a non-natural entity, e.g. a company)	

Lease rentals

<i>Rate</i>	<i>Residential</i>	<i>Non-residential</i>
Zero	up to £125,000	up to 150,000
1%	over 125,000	over 150,000

Annual charge on "enveloped dwellings"

<i>Property value</i>	<i>Charge</i>
More than £2 million up to £5 million	£15,000
More than £5 million but not more than £10 million	£35,000
More than £10 million but not more than £20 million	£70,000
More than £20 million	£140,000

Stamp Duty (including SDRT)

Rate of 0.5% on stocks and marketable securities if the duty exceeds £5.

INCOME TAX

Basic rate of 20% on £0 up to £32,010
 Higher rate of 40% on £32,010 up to £150,000
 Additional rate of 45% on £150,001 and above

Non-dividend savings income

10% up to £2,790
 20% up to basic rate limit
 40% up to higher rate limit
 45% thereafter

Dividend income

10% up to basic rate limit
 32.5% up to higher rate limit
 37.5% above higher rate limit

Trusts

Dividends 37.5%
 All other income 45%

Personal allowance

Age under 65 £9,440
 Age 65 to 74 £10,500
 Age 75 & over £10,660

The personal allowance is gradually withdrawn for income over £100,000 at a rate of £1 of allowance for every £2 over £100,000 until the allowance is used up.

Non-domicile remittance basis charge

UK resident for less than 7 of the past 9 years – nil
 UK residence for 7 or more of the previous 9 years - £30,000.
 UK residence for 12 or more of the previous 14 tax years - £50,000

NATIONAL INSURANCE CONTRIBUTIONS (NIC)

NIC rate where not contracted out - employee 12%
 NIC rate where not contracted out - employer 13.8%
 2% NIC on employee earnings over £797 per week

Class 1 primary employee contributions limits and thresholds

Lower earnings	£109 weekly £436 monthly £5,668 yearly
Upper earnings	£797 weekly £3,189 monthly £41,450 yearly
Upper accrual point	£770 weekly £3,337 monthly £40,040 yearly

Class 1A Employer

Rate on car and fuel benefits and most other taxable benefits is 13.8%.

Self employed**Class 2**

Flat rate	£2.70 per week
Small earnings exception	£5,725 per annum

Class 4

On profits	£7,755 to £41,450	9%
	Over £41,450	2%

Voluntary**Class 3**

Flat rate	£13.55 per week
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CAPITAL GAINS TAX**Individuals**

Up to basic rate limit	18%
Above basic rate limit	28%

Trusts and estates

28%

Annual exemptions

Individuals and estates	£10,900
Trusts	£5,450

Entrepreneurs' Relief

Gains taxed at	10%
Lifetime Limit	£10,000,000

CORPORATION TAX**Profits**

£0 to £300,000	Effective rate to 31/03/14 20%
£300,001 to £1,500,000	23.75% (effective marginal rate)
£1,500,001 and over	23%

VALUE ADDED TAX**Standard rate**

20%

Reduced rate, e.g. on domestic fuel	5%
Registration level from 1 April 2012	£79,000
Flat rate scheme turnover limit	£150,000
Cash and annual accounting schemes turnover limit	£1,350,000

INHERITANCE TAX**Nil rate band**

£325,000

Rate of tax on excess	40%
Lifetime transfers to and from certain trusts taxed at	20%
Where at least 10% of net estate left	

to charity taxed at (where the
death is after 5/4/12) 36%

Up to 100% of the unused portion of a deceased spouse's/civil partner's nil rate band can be claimed on the surviving spouse's/civil partner's death.

LANDFILL TAX

Lower rated waste £2.50 per tonne
Standard rated waste £72 per tonne

AGGREGATES LEVY

£2 per tonne

All subject to Finance Tax 2013. With thanks to James Aitken, Partner, Legal Knowledge Scotland. james@legalknowledgescotland.com

COUNCIL TAX

This tax was introduced on 1 April 1993, to replace the Community Charge. The size of the contribution payable depends on the band for the house, the level of tax set by the relevant Council, and whether or not the occupants are entitled to any reduction or benefits.

There are eight different bands A-H, based on the valuation of the house as at 1 April 1991. The Tax Bands are: Band A – up to £27,000; Band B – £27,001-£35,000; Band C – £35,001-£45,000; Band D – £45,001-£58,000; Band E – £58,001-£80,000; Band F – £80,001-£106,000; Band G – £106,001-£212,000; Band H – over £212,000. The top valuation pays three times the lowest.

The figures in the table following are based on the full payment for a household of two persons. Persons who live alone will be entitled to a 25% discount. This rises to 50% when there is no one living in the house. Certain persons, such as students, student nurses, YT trainees, apprentices, and under 18's do not count as persons for this purpose.

If there is someone in the house with a disability, and extra space is accordingly needed (*eg* for a wheelchair) there is reduction available, and the bill may be reduced to the next lower band.

Solicitors who are acting as Estate Agents should carefully heed the provisions of the Property Misdescriptions Act 1991 when making any statements about Council Tax on particulars of sale. Accordingly such matters as valuation banding, and whether alterations have been carried out to the house which might give rise to a review of valuation banding, should be considered.

COUNCIL TAX BILLS 2013/2014

Council	Average Annual Bill on Band 'D'
Aberdeen	£1,230
Aberdeenshire	1,141
Angus	1,072
East Ayrshire	1,189
North Ayrshire	1,152
South Ayrshire	1,154
Borders	1,084
Clackmannanshire	1,148
Dumfries & Galloway	1,049
East Dunbartonshire	1,142
West Dunbartonshire	1,163
Edinburgh	1,169
Falkirk	1,070
Fife	1,118
Glasgow	1,213
Highland	1,163
North Lanarkshire	1,098
South Lanarkshire	1,101
East Lothian	1,118
Midlothian	1,210
West Lothian	1,128
Moray	1,135
Orkney	1,037
Perth and Kinross	1,158

Renfrewshire	1,164
East Renfrewshire	1,126
Shetland.....	1,053
Stirling.....	1,223
Western Isles	1,024

In respect of a payment from Scottish Government, local authorities have left Council Tax unchanged for the year 2013/14.

*Band D is the medium band with no weighting.
Thus if Band D payment is £1,050.00 the other Bands are:*

<i>Property</i>	<i>Valuation Band</i>	<i>Weighting</i>	<i>Amount</i>
A	Up to £27,000	6/9	£700.00
B	£27,001 to £35,000	7/9	£816.67
C	£35,001 to £45,000	8/9	£933.33
D	£45,001 to £58,000	9/9	£1,050.00
E	£58,001 to £80,000	11/9	£1,283.33
F	£80,001 to £106,000	13/9	£1,516.67
G	£106,001 to £212,000	15/9	£1,750.00
H	Over £212,00	18/9	£2,100.00

Note: If your home is not connected to the public sewer, you do not have to pay the waste water charge. Contact Scottish Water if you are in any doubt, at www.scottishwater.co.uk or call the Customer Helpline on **0845 601 8855**.

Some Council Tax exemptions/discounts continue to apply to these charges. The permanent Water Charges Reduction Scheme, a reduction of up to 25%, introduced by the Scottish Government at 1 April 2006, is applied automatically to households with 2 or more adults, which are in receipt of Council Tax Benefit and are not already in receipt of status discounts. If your property has been altered to meet the needs of a disabled person, you may be entitled to Disabled Banding Reduction on the charges you pay for your property.

To these must be added Water and Sewerage charges, to maintain 47,000 kilometres of water pipes, 50,000 kilometres of sewer pipes, 1837 waste water treatment works (including 1206 septic tanks) and 297 water treatment works plus pumping stations, sludge treatment centres and reservoirs. (Scottish Water's figures) all of which are suffering from chronic under investment for many years. The table of sums payable are:

<i>Council Tax Band</i>	<i>Water Supply</i>	<i>Waste Water Collection</i>	<i>Combined Services</i>
Band A	£124.80	£144.84	£269.64
Band B	£145.80	£168.98	£314.58
Band C	£166.40	£193.12	£359.52
Band D	£187.20	£217.26	£404.46
Band E	£228.80	£265.54	£494.34
Band F	£270.40	£313.82	£584.22
Band G	£312.00	£362.10	£674.10
Band H	£374.40	£434.52	£808.92

The regulatory body is contactable at www.waterwatchscotland.org.uk

NON-DOMESTIC RATES

Poundage

The Poundage (pence in the pound) Rate that will apply in Scotland from April 2013 will be 46.2p (formerly 45p). For property with a rateable value over £35,000 a supplement of 0.9p (formerly 0.8p) will also apply.

In addition large retail properties with a Rateable Value on or over the threshold of £300,000 which sells **both** alcohol **and** tobacco will also be required to pay the Public Health Supplement of 13p (formerly 9.3p). The Small Business Bonus Scheme (SBBS) will continue throughout 2013-14.

Empty Property Relief

For 2013-2014 mandatory rates relief for empty properties will be restricted to properties unoccupied for the first three months and 10% discount thereafter. Some properties with rateable of less than £1,700 may be eligible for a full discount.

Two new reliefs apply from 1st April 2013:

“Fresh Start” – New occupiers of shops or offices that have been empty for a least a year will be able to apply for a 50% discount on their business rates for a year”.

“New Start” – This new relief runs for three years. It provides rates relief up to 100% for new build empty properties for up to 18 months.

Future rates

calculator at <http://bit.ly/IBMOeB>

Revaluation

The quinquennial revaluation due to take effect from 1 April 2015 has been postponed until 2017 when all business properties will have their rateable values re-assessed.

Appeals

Appeals made be made to the relevant Valuation Appeal Committee. Details at www.saa.gov.uk.

20. DIRECTORY**INTERNET ADDRESSES****1. General Information of practical use**

Registers of Scotland	www.ros.gov.uk
Scottish Parliament	www.scottish.parliament.uk
Scottish Legal Aid Board (SLAB)	www.slab.org.uk
Scottish Government	www.scotland.gov.uk
Prime Minister	www.number10.gov.uk
Flood Information	www.sepa.org.uk/flooding
Scottish Paralegals	www.scottish-paralegal.org.uk
Mail Preference Service – Stop Junk Mail	www.mpsonline.org.uk
BBC	http://www.bbc.co.uk
BT's phone Book	http://www.thephonebook.bt.com
BBC Roadwatch	www.bbc.co.uk/travelnews/
Traffic Information	www.trafficscotland.org/
Details of Historic Sites	rcahms.gov.uk/research

2. Legislation

Acts of Parliament	
Full text of Acts as enacted from 1/1/96; arrangements of sections for other Acts	www.legislation.gov.uk/ukpga
Statutory Instruments	
Full text of SIs from 1/97	www.legislation.gov.uk/uksi
Bills before Parliament	www.parliament.uk/business/bills-and-legislation/draft-bills
Scottish legislation	www.legislation.gov.uk/browse/scotland

3. Cases

Supreme Court decisions	http://www.supremecourt.gov.uk/decided-cases/index.html
Supreme Court Live	news.sky.com/home/supreme-court
British and Irish Legal Information Institute	www.bailii.org
Europa	
Recent ECJ case-law	curia.europa.eu
Scottish Courts	
Court of Session and High Court judgments	www.scotcourts.gov.uk/

4. Parliament

UK Parliament Home Page	www.parliament.uk/
The Scottish Parliament	www.scottish.parliament.uk/

5. Arbitration and ADR

The Chartered Institute of Arbitrators	
News, publications, discussion groups	www.ciarb.org
Scottish Arbitration Centre	www.scottisharbitrationcentre.org/

6. Construction Law

Society of Construction Law General information and links	www.scl.org.uk
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7. Government

All government departments and agencies. Links to related organisations	www.direct.gov.uk/
HM Treasury	
News, speeches, initiatives, guidance	www.hm-treasury.gov.uk/
Law Commission (England and Wales)	
Recent publications and details of areas under review	www.lawcom.gov.uk
Intellectual Property Office	
Contact details, commercial	

searches, special projects	www.ipo.gov.uk
Companies House	
Company Information	www.companieshouse.co.uk
HMRC	www.hmrc.gov.uk
Department of Health	www.dh.gov.uk
NHS 24	www.nhs24.com
Office of Fair Trading	www.oft.gov.uk
Business Link	www.businesslink.gov.uk
UK Border Agency	www.Ind.homeoffice.gov.uk
Health and Safety Executive	www.hse.gov.uk
Department of Business	
Innovation and Skills	www.bis.gov.uk
Energy efficiency	www.energysavingstrust.org.uk
Food Standards Agency	www.food.gov.uk

8. Local Government

COSLA	www.cosla.gov.uk
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9. Law and Other Professional Associations

Law Society of Scotland	www.lawscot.org
Royal Faculty of Procurators	www.rfpg.org.uk
Society for Computers & Law	
Computers & Law Journal	
on-line, news, views, reviews	www.scl.org/
Paralegal Information	www.scottish-paralegal.org.uk
Faculty of Advocates	www.advocates.org.uk
Scottish Law Agents Society	
contact the Secretary for username and password	
	www.slas.org.uk
Mental Welfare Commission	www.mwscot.org.uk

10. Property Centres

ESPC	www.espc.co.uk
Glasgow SPC	www.gspc.co.uk
Scottish SPC	www.spsc.co.uk

11. Publishers

Bloomsbury Professional	www.bloomsburyprofessional.com/
Estates Gazette	www.egi.co.uk
W. Green	www.wgreen.co.uk
Thomson Group (Sweet & Maxwell, W. Green etc.)	www.thomsonreuters.com
Reed Elsevier Group (Lexis Nexis etc.)	
Lexis Nexis Group	www.lexisnexis.com

12. Maps

www.ordnancesurvey.co.uk	www.mapquest.co.uk
www.maps.com	www.streetmap.co.uk
www.worldatlas.com	www.getmapping.com

13. Business

British Bankers Association	
(info about dormant accounts etc)	www.bba.org.uk
Legal Defence Union	www.ldu.org.uk
The Public Guardian	www.publicguardian-scotland.gov.uk/
Scottish Information Commissioner	
(Freedom of Information)	http://www.itspublicknowledge.info/
Purchasing power of the Pound	http://eh.net//hmit
Anti spam e-mail	www.spamhaus.org
Traffic Offences Ready reckoner	www.road-law.co.uk
Location of Speed Cameras	www.speedcamerasuk.com
Registers of Scotland House Prices	www.ros.gov.uk
House Prices	www.MyHousePrice.com
EBay	www.ebay.co.uk
Listed Buildings	www.historic-scotland.gov.uk
Links to Important Government	

Websites	http://www.tagish.co.uk/links
Information from the Financial Watchdog	www.moneymadeclear.org.uk
Flood Information	www.sepa.org.uk/flooding/flood_maps.aspx
Charities Regulator	www.oscr.org.uk
Filing Company Accounts Online	www.companieshouse.gov.uk/link/eaccounts
Scottish Information Commissioner	www.itpublicknowledge.info

14. Sports

Tennis	www.wimbledon.org
Motor Racing	www.formula1.com
Golf	www.pgatour.com
Open Championship	www.opengolf.com
English Cricket News	www.ecb.co.uk
Athletics	www.scottishathletics.org.uk
Cricket	www.cricketscotland.com
Football	www.scottishfa.co.uk
Curling	www.royalcaledoniancurlingclub.org
Hockey	www.scottish-hockey.org.uk
Rugby	www.scottishrugby.org
Swimming	www.scottishswimming.com
Tennis	www.tennisscotland.org

15. Travel

City Link Buses	www.citylink.co.uk
National Express	www.nationalexpress.com
Stagecoach	www.stagecoachbus.com
Caledonian MacBrayne	www.calmac.co.uk
Western Ferries	www.western-ferries.co.uk
John O'Groats to Orkney	www.jogferry.co.uk
Cairnryan to Belfast	www.stenaline.co.uk
Aberdeen/Scrabster to Lerwick/Kirkwall	www.posf.co.uk
All UK Train Times	http://www.traintimes.org.uk
Weather Reports	www.yr.no/place/United_Kingdom/ www.metoffice.gov.uk
World Health Organisation (for information about epidemics etc)	www.who.int
Foreign Office (is it advisable?)	www.fco.gov.uk

16. Health

- www.besttreatments.co.uk** – authoritative information about common conditions
- www.patient.co.uk** – produced by doctors working with an information systems company
- www.nhs24.com** – homepage to help you find nearest doctor, dentist or optician
- www.netdoctor.co.uk** – information on common complaints
- www.bbc.co.uk/health/conditions** – reliable information on everything from the common cold to social anxiety – good for complementary therapies
- www.nlm.nih.gov/medlineplus/** – American site but gives details of the latest research
- www.hon.ch/MedHunt** – search engine of medical sites
- www.bupa.co.uk** – explains treatments
- www.pfizerlife.co.uk/** – sound advice on healthier living
- www.malehealth.co.uk/** – health advice for men
- www.womens-health-concern.org** – health advice for women
- macmillan.org.uk** – information about cancer for patients, families and carers
- www.diabetes.org.uk** – lifestyle advice for sufferers
- www.asthma.org.uk** – clear information on asthma for sufferers and

families

www.alzheimers.org.uk – comprehensive information on all forms of dementia

www.kidneypatientguide.org.uk – details of kidney treatments

www.prostate-link.org.uk – information about prostate cancer

www.nutrition.org.uk – information about healthy eating

www.food.gov.uk – information on food safety and nutrition

www.mind.org.uk – information about mental health

www.livinglifetothefull.com – Glasgow University website providing therapy online

www.rcpsych.ac.uk – covers childrens' issues like tantrums, sleep problems, ADHD and scizophrenia

www.thesite.org – advice for teenagers

www.relate.org.uk – information about relationships

Breast Cancer Forum

Helpline: 0808 800 6000 – www.breastcancer.org.uk

Breakthrough Breast Cancer

Info Line: 08080 100 200 – www.breakthrough.org.uk

Prostate Cancer Charity

Helpline: 0800 074 8383 – www.prostate-cancer.org.uk

Bowel Cancer

Helpline: 08708 50 50 50 – www.bowelcanceruk.org.uk

Roy Castle Lung Cancer Foundation

Helpline: 0800 358 7200 – www.roycastle.org

Cancer Counselling Trust

Helpline: 020 7704 1137 – www.cancercounselling.org.uk

Cancer Research UK's advice on how to cut risk of cancer

<http://info.cancerresearchuk.org/healthyliving/index.htm>

The conditions

most searched

on Patient

UK website

- 1 Shingles
- 2 Chickenpox
- 3 Mumps
- 4 Diabetes
- 5 Depression
- 6 Cholestrol
- 7 Hypertension
- 8 Menopause
- 9 Irritable bowel
- 10 Gout
- 11 Pregnancy
- 12 Impetigo
- 13 Scabies
- 14 Asthma
- 15 Back pain
- 16 MRSA
- 17 Thrush
- 18 Anxiety
- 19 Contraception
- 20 Measles

LIST OF COURTS, PUBLIC OFFICES AND USEFUL ADDRESSES

ACCOUNTANT OF COURT'S OFFICE

Hadrian House, Callander Business Park, Callander Road, Falkirk FK1 1XR. DX: 550361, Falkirk 3LP 17. Falkirk Tel: 01324 678300 Fax: 01324 678365. e-mail: AccountantofCourt@scotcourts.gov.uk

ACCOUNTS COMMISSION FOR SCOTLAND

110 George Street, Edinburgh EH2 4LH. Tel: 0845 146 1010
www.accounts-commission.gov.uk

ADVISORY CONCILIATION AND ARBITRATION SERVICE

Helpline 08457 47 47 47

ADVOCATES' LIBRARY

11 Parliament Square, Edinburgh EH1 1RF. DX: ED 549302 Edinburgh 36. Tel: 0131-226 5071 Fax: 0131-225 3642. www.advocates.org.uk

AUDIT SCOTLAND

110 George Street, Edinburgh EH2 4LH. Tel: 0845 146 1010.
www.audit-scotland.gov.uk

AUDITOR OF THE COURT OF SESSION

Parliament House, 2 Parliament Square, Edinburgh EH1 1RQ. DX: ED 549304 Edinburgh 36. Tel: 0131-240 6789 Fax: 0131-220 0137.
www.auditorcos.org.uk

BANK OF ENGLAND

Threadneedle Street, London EC2R 8AH. Tel: 020-7601 5460.
www.bankofengland.co.uk

BRITISH ASSOCIATION FOR ADOPTION AND FOSTERING

BAAF Scottish Centre, 113 Rose Street, Edinburgh EH2 3DT.
Tel: 0131-226 9270 Fax: 0131-226 2503.
www.baaf.org.uk/scotland

BRITISH BROADCASTING CORPORATION

40 Pacific Quay, Glasgow G51 1DA. Tel: 0870 010 0222.
www.bbc.co.uk/scotland

BRITISH ENERGY GROUP PLC

GSO Business Park, East Kilbride G74 5PG. Tel: 01355 846000
Fax: 01355 846001.
www.british-energy.co.uk

BRITISH HUMANIST ASSOCIATION

39 Moreland Street, London EC1V 8BB. Tel: 020-7324 3060
Fax: 020-7324 3061.
info@humanism.org.uk; website: www.humanism.org.uk

BT GROUP

Residential customers Call 150 from a BT landline
from non BT lines or mobiles please use 0800 800 150
Business customers Call 152 from a BT landline
from non BT lines or mobiles please use 0800 800 152
General enquiries Call 020-7356 5000

For corporate enquiries only:

BT Centre, 81 Newgate Street, London EC1A 7AJ.

CHANCERY OFFICE AND H.M. COMMISSARY HOUSE

See Sheriff Clerk of Chancery.

CHURCH OF SCOTLAND

121 George Street, Edinburgh EH2 4YN. Tel: 0131-225 5722 Fax: 0131-220 3113 e-mail: lawdept@cofscotland.org.uk DX: ED 144.

CITIZENS ADVICE SCOTLAND

2 Powderhall Road, Edinburgh EH7 4JB. Tel: 0131-550 1000 Fax: 0131-550 1001 www.cas.org.uk

CLYDEPORT plc

16 Robertson Street, Glasgow G2 8DS. Tel: 0141-221 8733 Fax: 0141-248 3167. www.clydeport.co.uk

COAL AUTHORITY

200 Lichfield Lane, Berry Hill, Mansfield NE18 4RG.

Main Switchboard: 0845 762 6848

Mining Reports: 0845 762 6848

Subsidence: 01623 637 119

Mining Records: 0845 762 6848

Surface Hazards Emergency: 01623 646 333. www.coal.gov.uk

COMMISSIONERS OF NORTHERN LIGHTHOUSES

84 George Street, Edinburgh EH2 3DA. Tel: 0131-473 3100

Fax: 0131-220 2093. www.nlb.org.uk

COMMON SERVICES AGENCY

Central Legal Office, Anderson House, Breadalbane Street, Bonnington Road, Edinburgh EH6 5JR. DX: ED 154. www.clo.scot.nhs.uk

COMPANIES HOUSE

4th Floor, Edinburgh Quay 2, 139 Fountainbridge, Edinburgh EH3 9FF.

LP-4 Edinburgh 2 (Legal Post) or DX: ED 235 Edinburgh 1.

www.companieshouse.gov.uk

THE COMPETITION COMMISSION

Victoria House, Southampton Row, London WC1B 4AD. Tel: 020-7271

0100. e-mail: info@cc.gsi.gov.uk www.competition-commission.org.uk

CONDUCT SERVICES AUTHORITY

25 The North Colonnade, Canary Wharf, London E14 5HS.

Tel: 0800 111 6768 (freephone) www.fca.org.uk

CONSUMER FUTURES

(formerly the National Consumer Council)

Royal Exchange House, 100 Queen Street, Glasgow G1 3DN.

Tel: 0141-226 5261 Fax: 0141-221 9695

e-mail: contact@consumerfutures.org.uk

CONVENTION OF SCOTTISH LOCAL AUTHORITIES

Verity House, 19 Haymarket Yards, Edinburgh EH12 5BH.

Tel: 0131-474 9200 Fax: 0131-474 9292.

Suite 3, Floor 2, 27 Waterloo Street, Glasgow G2 6BZ.

www.cosla.gov.uk

COUNCIL OF MORTGAGE LENDERS

Bush House, North West Wing, Aldwych, London WC2B 4PJ.

Tel: 0845 373 6771 Fax: 0845 373 6778. www.cml.org.uk

COURT OF APPEAL IN CRIMINAL CASES

High Court of Justiciary, Parliament House, 2 Parliament Square,

Edinburgh EH1 1RQ. DX: 549307 Edinburgh 36. Tel: 0131-225 2595

Fax: 0131-220 6915.

COURT OF SESSION

Parliament House, Edinburgh EH1 1RQ. Tel: 0131-225 2595

Fax: 0131-225 8213 DX: ED 306 Edinburgh 1.

COURT OF SESSION RULES COUNCIL

Lord President's Private Office, Court of Session, Parliament Square, Edinburgh EH1 1RQ. Tel: 0131-225 2595 ext 324.

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West George Street, Glasgow G2 4QE. Tel: 0330 333 2000

CRIMINAL INJURIES COMPENSATION AUTHORITY

300 Bath Street, Glasgow G2 4LN. DX: GW 379. Tel: 0845 358 3601.

www.cica.gov.uk

CROFTERS COMMISSION

Great Glen House, Leachkin Road, Inverness IV3 8NW.

Tel: 01463 663450 Fax: 01463 711820. www.crofting.scotland.gov.uk

CROWN ESTATE COMMISSIONERS

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 Fax: 0131-260 6090. www.thecrownestate.co.uk

CROWN OFFICE AND PROCURATOR FISCAL SERVICE

25 Chambers Street, Edinburgh EH1 1LA. DX: ED 310. Tel: 0131-226 2626
 Fax: 0131-226 6564 DX: 540310 Edinburgh 37. www.copfs.gov.uk

EDICTAL CITATIONS OFFICE

2 Parliament Square, Edinburgh EH1 1RQ. DX: ED 306.
 Tel: 0131-225 2595 Fax: 0131-240 6746.

EMPLOYMENT TRIBUNALS (SCOTLAND)

Employment Tribunals public enquiry line on 08457 959 775.
www.justice.gov.uk/tribunals/employment

THE EXTRACTOR OF THE COURT OF SESSION

2 Parliament Square, Edinburgh EH1 1RQ. DX: ED 306.
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FACULTY SERVICES LTD.

Advocates' Library, Parliament House, Edinburgh EH1 1RQ.
 Tel: 0131-226 5071 Fax: 0131-225 3642.

FAMILY MEDIATION SCOTLAND

www.relationships-scotland.org.uk

FINANCIAL OMBUDSMAN SERVICE

South Quay Plaza, 183 Marsh Wall, London E14 9SR. Tel: 020 7964 1000.
www.financial-ombudsman.org.uk

FORESTRY COMMISSION

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 Tel: 0845 367 3787 e-mail: fcscotland@forestry.gsi.gov.uk
www.forestry.gov.uk

FORTH PORTS plc

1 Prince of Wales Dock, Edinburgh EH6 7DX. Tel: 0131-555 8700
www.forthports.co.uk

GENERAL REGISTER OFFICE FOR SCOTLAND

Registration matters and family history research: New Register House, 3
 West Register Street, Edinburgh EH1 3YT, Scotland
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General enquiries: Tel: 0131- 334 0380.
Births, deaths and marriage certificates: Tel: 0131-314 4411

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 St Mungo's Road, Cumbernauld G70 5TR
 Plaza Tower, East Kilbride G74 1LW
 Queensway House, Stewartfield Way, East Kilbride G79 1AA
 Cotton House, 7 Cochrane Street, Glasgow G1 1GY
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HEALTH AND SAFETY EXECUTIVE

A list of offices in Scotland and link to online enquiry service is at
<http://www.hse.gov.uk/contact/maps/scotland.htm> or Tel: 0845 345 0055.

HIGH COURT OF JUSTICIARY

Parliament House, Edinburgh EH1 1RQ. DX: ED 307. Tel: 0131-225 2595
 Fax: 0131-220 6915.

HISTORIC SCOTLAND

Longmore House, Salisbury Place, Edinburgh EH9 1SH.
 Tel: 0131-668 8600 www.historic-scotland.gov.uk

INFORMATION COMMISSIONER OFFICE (UK)

Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.
 Fax: 0303 123 1113 Fax: 01625 524510.

Information Commissioner's Office – Scotland

45 Melville Street, Edinburgh EH3 7HL. Tel: 0131 244 9001.
 e-mail: scotland@ico.org.uk

LANDS TRIBUNAL FOR SCOTLAND

George House, 126 George Street, Edinburgh EH2 4HH. DX: ED 259; LP-14 Edinburgh 2. Tel: -0131-271 4350 Fax: 0131-271 4399.
 www.lands-tribunal-scotland.org.uk

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 www.lr.org

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The Law Society's Hall, 113 Chancery Lane, London WC2A 1PL.
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 www.lawsociety.org.uk

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THE LYON OFFICE

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MENTAL HEALTH FOUNDATION

30 George Square, Glasgow G2 1EG. Tel: 0141-572 0125 and
 18 Walker Street, Edinburgh EH3 7LP. Tel: 0131 243 3800.
 www.mentalhealth.org.uk/about-us/scotland

MENTAL WELFARE COMMISSION

Thistle House, 91 Haymarket Terrace, Edinburgh EH12 5HE.
 Tel: 0131-313 8777 Fax: 0131-313 8778. www.mwscot.org.uk

MINISTRY OF JUSTICE

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 www.justice.gov.uk

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 Tel: 0845-964 5000 Fax: 01253 693182.

For Premium Bonds: National Savings Blackpool, Government Buildings,
 Marton, Blackpool FY3 9YP. Tel: 01253 766151 Fax: 01253 693182.

For National Savings Certificates, SAYE and Gift Tokens Savings
 Certificates: National Savings, Millburngate House, Durham DH99 1NS.
 Tel: 0845-964 5000 Fax: 0191-374 5495.

For Deposit Bonds, Investment Accounts, Ordinary Accounts, Children's
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 www.nsandi.com

NATIONAL TRUST FOR SCOTLAND

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Fax: 0141-335 2153. DX: 500953 Cowcaddens. www.networkrail.co.uk

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NOTARIES PUBLIC

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Scottish Office: 23 Walker Street, Edinburgh EH3 7HX.
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OFFICE OF THE SCOTTISH CHARITIES REGULATOR (OSCR)

2nd Floor, Quadrant House, 9 Riverside, Dundee DD1 4NG.
Tel: 01382 220446 www.oscr.org.uk

PARLIAMENTARY AND HEALTH SERVICE OMBUDSMAN

Millbank Tower, Millbank, London SW1P 4QP. Tel: 0300 061 4000
www.ombudsman.org.uk

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Tel: 0131-244 8373 Fax: 0131-244 6974 www.scottishparoleboard.gov.uk

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Concept House, Cardiff Road, Newport, Gwent NP9 1RH.
Tel: 0300 300 2000 Fax: 01633-817777 www.ipo.gov.uk

PUBLIC GUARDIAN

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Fax: 01324 678301. DX 550360 Falkirk 3 LP-17 Falkirk
e-mail: opg@scotcourts.gov.uk www.publicguardian-scotland.gov.uk

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Dissolved Company Cases) Tel: 08445613806, 0844 5613802 or 0844
561 4468 (Ultimus Haeres Cases) Tel: 0844 5613806, 0844 5613805,
0844 561 4468 or 0844 5613802 (Treasure Trove) Tel: 0844 5613899
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Hanover House, 24 Douglas Street, Glasgow G2 7NQ
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Tel. 0845 607 0164 Fax. 0141 306 1721
e-mail. customer.services@ros.gov.uk

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Tel: 0131-226 7411 Fax: 0131-225 2934 e-mail: lawscot@lawscot.org.uk

ROYAL CALEDONIAN CURLING CLUB

Cairnie House, Ingliston Showground, Newbridge. Tel: 0131-333 3003
Fax: 0131-333 3323 e-mail: office@royalcaledoniancurlingclub.org

ROYAL COMMISSION ON THE ANCIENT AND HISTORICAL MONUMENTS OF SCOTLAND

John Sinclair House, 16 Bernard Terrace, Edinburgh EH8 9NX.
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www.glasgowairport.com

Edinburgh Airport, Edinburgh EH12 9DN Tel: 0844 481 8989
www.edinburghairport.com

Aberdeen Airport, Dyce AB21 7DU Tel: 0844 481 6666
www.aberdeenairport.com

Inverness Airport, Dalcross, Inverness IV2 7JB Tel: 01667 464000
www.hial.co.uk/inverness-airport.html

Glasgow Prestwick Airport, Aviation House, Prestwick KA9 2PL
Tel: 0871 223 0700 www.glasgowprestwick.com

SCOTTISH ARBITRATION CENTRE

Dolphin House, 4 Hunter Square, Edinburgh EH1 1QW.
Tel: 0131 474 7844. www.scottisharbitrationcentre.org

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Caledonian Canal Office: Seaport Marina, Muirtown Wharf, Inverness IV3 5LS. Tel: 01463 725500.

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Lowland Canals Office (Forth & Clyde, Monkland and Union Canals):
Canal House, Applecross Street, Glasgow G4 9SP. Tel: 0141-332 6936
e-mail:enquiries@scottishcanals.co.uk
www.scottishcanals.co.uk

SCOTTISH CIVIC TRUST

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sct@scottishcivictrust.org.uk

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SCOTTISH COURT SERVICE

Saughton House, Broomhouse Drive, Edinburgh EH11 3XD.
Tel: 0131 444 3300 Fax: 0131 443 2610 e-mail:
enquiries@scotcourts.gov.uk

SCOTTISH ENVIRONMENT PROTECTION AGENCY (SEPA)

Erskin Court, Stirling FK9 4TR. Tel: 01786-457700 Fax: 01786-446885.

SCOTTISH HUMAN RIGHTS COMMISSION

4 Melville Street, Edinburgh EH3 7NS. Tel: 0131 240 2989.
e-mail: hello@scottishhumanrights.com

SCOTTISH INFORMATION COMMISSIONER

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Tel: 01334 464610 e-mail: enquiries@itspublicknowledge.com

SCOTTISH LAND COURT

George House, 126 George Street, Edinburgh EH2 4HH.
Tel: 0131 271 4360 Fax: 0131 271 4399. DX: ED 259 LP:
14 Edinburgh 2
e-mail: mailbox@scottish-land-court.org.uk

SCOTTISH LAW COMMISSION

140 Causewayside, Edinburgh EH9 1PR. Tel: 0131-668 2131
Fax: 0131-662 4900.

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44 Drumsheugh Gardens, Edinburgh EH3 7SW. DX: ED 555250
Edinburgh 30. Tel: 0131-226 7061 Fax: 0131-220 4878 e-mail:
general@slab.org.uk

SCOTTISH LEGAL COMPLAINTS COMMISSION

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Tel: 0131 201 2030 Fax: 0131 201 2031
e-mail: enquiries@scottishlegalcomplaints.org.uk

SCOTTISH NATURAL HERITAGE (SNH)

Great Glen House, Leachkin Road, Inverness, IV3 8NW.
Tel: 01463 725000 Fax: 01463 725067 and local offices throughout
Scotland listed at <http://www.snh.gov.uk/contact-us/how-to-contact-us/offices/>
Web-site: www.snh.gov.uk

SCOTTISH PRISON SERVICE

5 Redheughs Rigg, Edinburgh EH12 9HW. Tel: 0131 244 8745
e-mail: gaolinfo@sps.pnn.gov.uk

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VISIT SCOTLAND

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UNIVERSITY INFORMATION

Detailed information regarding degree courses may be obtained by application to the undernoted:

Aberdeen University

King's College, Aberdeen AB24 3FX (01224 272000)
www.abdn.ac.uk

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Bell Street, Dundee DD1 1HG (tel: 01382 308000)
www.abertay.ac.uk

Dundee University

Nethergate, Dundee DD1 4HN (tel: 01382 344160)
www.dundee.ac.uk

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Old College, South Bridge, Edinburgh EH8 9YL
(tel: 0131-650 1000) www.ed.ac.uk

Edinburgh College of Art

Lauriston Place, Edinburgh EH3 9DF (tel: 0131 651 5800)
www.eca.ac.uk

Edinburgh Napier University

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www.napier.ac.uk

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Heriot-Watt University

Riccarton, Edinburgh EH14 4AS
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Schoolhill, Aberdeen AB10 1FR
(tel: 01224 262000) www.rgu.ac.uk

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www.rsamd.ac.uk

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www.st-andrews.ac.uk

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University of the West of Scotland

High Street, Paisley PA1 2BE (tel: 0141 848 3000) www.uws.ac.uk

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www.aspc.co.uk

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14 Queensberry Street, Dumfries DG1 1EX. Tel: 01387 254010/252684.
Also at 48 King Street, Castle Douglas DG7 1AD. Tel: 01556 503245.
34 High Street, Annan DG12 6AJ. Tel: 01461 204459.
www.dgspc.co.uk

Edinburgh SPC:

85 George Street, Edinburgh EH2 3ES. Tel: 0131-624 8000.
www.espc.com

Fife & Kinross SPC:

www.f-kspc.co.uk

Glasgow SPC:

145/147 Queen Street, Glasgow G1 3BJ. Tel: 0845 229 922.
www.gspc.co.uk

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30 Queensgate, Inverness IV1 1DJ. Tel: 01463 231173.
www.hspc.co.uk

Moray SPC:

29/31 High Street, Elgin IV30 1EE. Tel: 01343 548755.
www.spcmoray.com

Perthshire SPC:

6 South St John's Place, Perth PH1 5SU. Tel: 01738 635301.
www.pspc.co.uk

Tayside SPC:

9 Whitehall Crescent, Dundee DD1 4AR. Tel: 01382 228770.
www.tspc.co.uk

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Enterprise House, 3 Greenmarket, Dundee DD1 4QB.

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Kilmarnock

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Paisley

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Stirling

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 Tel: 01870 604900 Fax: 01870 604901

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*Readership: 1,304,000 per week**The Times*

1 Pennington Street, London E98 1TT

Tel: 020-7782 5000 Web: www.thetimes.co.uk*Readership: 1,304,000 per week**Racing Post*

Floor 23, 1 Canada Square, Canary Wharf, London E14 5AP

Tel: 020-7293 Web: www.racingpost.com**LIST OF PRINCIPAL SCOTTISH NEWSPAPERS****Dailies****Aberdeen:***The Press and Journal**Evening Express*

Lang Stracht Mastrick, Aberdeen AB15 6DF

Tel: 01224 690222

www.pressandjournal.co.uk*Readership: 165,000 per week***Dundee:***The Courier**Evening Telegraph*

Albert Square, Dundee DD1 9QJ

Tel: 01382 223131

*Readership: 129,000 per week***Edinburgh:***The Scotsman**Edinburgh Evening News*

both 108 Holyrood Road, Edinburgh EH8 8AS

Tel: 0131-620 8888 Fax: 0131-523 0348

*Readership: 135,000 per week***Glasgow:***Daily Record*

1 Central Quay, Glasgow G3 8DA

Tel: 0141-248 7000

www.dailyrecord.co.uk*Readership: 846,000 per week**Metro Scotland*

Clydesdale Bank Exchange

20 Waterloo Street, Glasgow G2 6DB

www.metro.co.uk*The Herald**Evening Times*

200 Renfield Street, Glasgow G2 3PR

Tel: 0141-302 7000

www.theherald.co.uk www.eveningtimes.co.uk*Readership: 136,000 per week*

Greenock: *Greenock Telegraph*
 2 Crawford Street, Greenock PA15 1LH
 Tel: 01475 726511
www.greenocktelegraph.co.uk

Paisley: *Paisley Daily Express*
 14 New Street, Paisley PA1 1YA
 Tel: 0141-887 7911

Sundays

Scotland on Sunday
 108 Holyrood Road, Edinburgh EH8 8AS
 Tel: 0131-620 8620
www.scotsman.com
Readership: 146,000 per week

Sunday Mail
 1 Central Quay, Glasgow G3 8DA
 Tel: 0141-248 7000
Readership: 1,011,000 per week

Sunday Post
 2 Albert Square, Dundee DD1 9QJ
 Tel: 01382 223131
Readership: 800,000 per week

Sunday Herald
 200 Renfield Street, Glasgow G2 3PR
 Tel: 0141-302 7800
www.hearldscotland.com
Readership: 126,000 per week

CONSULATES-GENERAL CONSULATES AND VICE-CONSULATES

- * denotes a member of the Consular Corps who is a career officer.
- ** denotes a member of the Consular Corps who is an honorary officer.
- *** denotes an associate of the Consular Corps who may be either a career or honorary officer.

Australia

Hon Consul Richard Jeffrey**
 Consulate of Australia, Mitchell House, 5 Mitchell Street, Leith,
 Edinburgh, EH6 7DB Tel: 0131 538 0582 (opening times 9am-11.30am;
 12 noon - 4.30pm Tuesday - Friday)
 e-mail: edinburghpassports@hotmail.com

Austria

Hon Consul John Clifford**
 Consulate of Austria, 9 Howard Place, Edinburgh EH3 5JZ.
 Tel: 0131 558 1955 Fax 0131 558 1124
 E-mail: austrianconsulate@focusscotland.co.uk

Bangladesh

Hon Consul Dr Wali Tasar Uddin**
 Consulate of Bangladesh, 312 Lanark Road, Edinburgh EH14 2IJ.
 Tel: 0131 443 4627 Fax: 0131 555 0800.
 E-mail: waliuddin@aol.com

Belgium

Hon Consul Yves Lemarchand***
 Consulate of Belgium, c/o Experience Scotland Travel Services,
 2 West Street, Penicuik EH26 9DL.
 Tel: 01968 679 969 Fax: 01968 677 638
 E-mail: yves@experiencescotland.co.uk

Canada

Hon Consul John Rafferty**
 Consulate of Canada, 5 St Margaret's Road, Edinburgh EH9 1AZ.
 Tel: 07702 359 916
 E-mail: canada.consul@blueyonder.co.uk

Chile

Hon Consul Iain Alexander Douglas Blair Cochrane,
 Earl of Dundonald**
 Consulate of Chile, Lochnell Castle, Ledaig PA37 1QT.
 E-mail: douglas@angloscientific.com

China

Consul-General Mr Ruiyou Li*, Deputy Consul General Mme Deyun
 Ma, Vice Consul Ms Hongying Zhu (Connie) Consulate General of the
 Peoples Republic of China,
 55 Corstorphine Road, Edinburgh EH12 5QG.
 Tel: 0131 337 9896 Fax: 0131 337 7866
 E-mail: Li_Ruiyou@mfa.gov.cn, zhu_hongying@mfa.gov.cn

Croatia

Hon Consul Alexander Henry Scrymgeour, Earl of Dundee,
 Consulate of Croatia, 2 Douglas Gardens, Edinburgh EH4 3DA.
 Tel: 0131 220 5775
 E-mail: dundeea@parliament.uk

Cyprus

Consul-General Constantinos Hajivassiliou **
 Vice-Consulate of Cyprus, 126-128 Great Western Road,
 Glasgow G4 9AD.
 Tel: 0141 331 1366. E-mail: constantinos.hajivassiliou@glasgow.ac.uk

Czech Republic

Hon Consul-General Dr Paul Millar**
 Consulate General of the Czech Republic,
 12A Riselaw Crescent, Edinburgh, EH10 6HL.
 Tel/fax: 0131 447 9509 (office)
 E-mail: czech.consul.edinburgh@blueyonder.co.uk

Denmark

Hon Consul Stuart MacPherson**
 The Royal Danish Consulate, 48 Melville Street, Edinburgh, EH3 7HF.
 Tel: 0131 220 0300 Fax 0131 220 0301
 E-mail: denmark@ironsfoulner.co.uk

Mr Kim Minke***

Danish Cultural Institute, 3 Doune Terrace, Edinburgh, EH3 6DY.
 Tel: 0131 225 7189 Fax: 0131 220 6162
 E-mail: km@dancult.co.uk

European Commission

Mr Graham Blythe*
 Head of Representation, European Commission Scotland,
 9 Alva Street, Edinburgh EH2 4PH.
 Tel: 0131 225 2058 Fax: 0131 226 4105
 E-mail: graham.blythe@ec.europa.eu

European Parliament

Mr James Temple Smithson***
 Head of Office, European Parliament Office,
 The Tun, 4 Jackson's Entry, Holyrood Road, Edinburgh, EH8 8PJ.
 Tel: 0131 557 7866 Fax: 0131 557 4977
 E-mail: epedinburgh@europarl.eu.int

Finland

Consul Henry Fairweather**
 Consulate of Finland, The Hoolets Yett, Pencaitland,
 East Lothian, EH34 5EY.
 Tel: 01875 340 284
 E-mail: les.fairweather@btinternet.com

France

Consul-General Pierre Alain Coffinier*
 Consul Antoine Mention* Consulate General of France,
 11 Randolph Crescent, Edinburgh, EH3 7TT.
 Tel: 0131 225 7954 Fax: 0131 225 8975
 E-mail: anne.vandevall@diplomatic.gouv.fr
 E-mail: ecrire@consulfrance-edimbourg.org

Germany

Consul-General Verena Gräfin von Roedern*
 Consul Heinrich Schnettger*
 Vice-Consul Alexander Mundigl* Consulate General of Germany,
 16 Eglinton Crescent, Edinburgh, EH12 5DG.
 Tel: 0131 337 2323 Fax: 0131 346 1578
 E-mail: general.consulate@btconnect.com

Greece

Consul-General Mrs Melpo Papaioannou-Plevris**
 Consulate General of Greece,
 12 Queen's Crescent, Edinburgh, EH9 2AZ.
 Tel/fax: 0131 620 5496
 E-mail: melpo@blueyonder.co.uk

Hungary

Dr Norman Irons CBE
 Consulate of Hungary, 48 Melville Street, Edinburgh EH3 7HF
 Tel: 0131 202 5110, Fax: 0131 220 0301
 E-mail: hungary@ironsfoulner.co.uk

Iceland

Consul Cameron R.M. Buchanan**
 Consulate of Iceland, 2 Douglas Gardens, Edinburgh EH4 3DA.
 Tel: 0131 220 5775 Fax: 0131 225 6317
 E-mail: cameron@cameronbuchanan.com

Vice-Consul Kristin Hannesdóttir**
 Vice Consulate of Iceland, Lamb's House, 11 Waters Close,
 Edinburgh EH6 6RB.
 Tel 0131 467 7777
 E-mail: iceland@grovesraines.com

India

Acting Consul-General Oscar Kerketta*,
 Deputy Consul-General I P Lakra* Consulate General of India,
 17 Rutland Square, Edinburgh EH1 2BB.
 Tel: 0131 229 2144 Fax: 0131 229 2155
 E-mail: indianconsul.edinburgh@btconnect.com

Ireland

Consul-General Susan Conlon Consulate General of Ireland,
 16 Randolph Crescent, Edinburgh EH3 7TT.
 Tel: 0131 226 7711 Fax 0131 226 7704
 E-mail: susan.conlon@dfa.ie

Italy

Consul General Mauro Carfagnini* Economic and Cultural Attaché
 Arturo Camillacci* Consulate General of Italy,
 32 Melville Street, Edinburgh EH3 7HA.
 Tel: 0131 226 3631 Fax: 0131 226 6260
 E-mail: consolato.edimburgo@esteri.it

Dr Stefania Del Bravo*** Director Italian Cultural Institute,
 82 Nicolson Street, Edinburgh EH8 9EW.
 Tel: 0131 668 2232 Fax: 0131 668 2777
 Email: iicedimburgo@esteri.it

Japan

Consul-General Masataka Tarahara
 Deputy Consul General Mr Shinichi Hamada*
 Consulate General of Japan,
 2 Melville Crescent, Edinburgh EH3 7HW.
 Tel: 0131 225 4777 Fax: 0131 225 4828
 E-mail: claire.cgj@btconnect.com

Jordan

Consul William P.C. Macnair**
 Consulate of the Hashemite Kingdom of Jordan,
 11 Windsor Street, Edinburgh, EH7 5LA.
 Tel: 0131 466 9336 Fax: 0131 478 2967
 E-mail: jordan@rhetoric.co.uk

Latvia

Hon Consul John AS McGregor ** Consulate of Latvia,
 17 Rutland Street, Edinburgh EH1 2AE.
 Tel: 0131 228 3344
 E-mail: jmcgregor@hpfm.co.uk

Luxemburg

Hon Consul Sir Timothy Noble, Bt** Consulate of Luxembourg,
 Ardnahane, 37 Barnton Avenue, Edinburgh EH4 6JJ.
 Tel: 0131 336 3565
 E-mail: noble.noblehouse@btinternet.com

Malawi

Consul Dr Peter West OBE** Consulate of Malawi,
10 Matilda Road, Glasgow G41 5HL.
Tel: 0141 548 2001
E-mail: mcfwest@googlemail.com

Malta

Consul George A Hunter OBE, KStJ, KLJ** Consulate of Malta,
1 Craighlockhart Crescent, Edinburgh EH14 1EZ.
Tel: 0131 443 2533

Monaco

Consul John Scott Moncrieff** Consulate of Monaco
3 Glenfinlas Street, Edinburgh, EH3 6AQ.
Tel: 0131 225 1200 Fax: 0131 225 4412
E-mail: john.scottmoncrieff@murraybeith.co.uk

Mongolia

Consul-General Robyn M Murray*** Consulate of Mongolia,
Balhearty House, Coalsnaughton, FK13 6NA.
Tel: 01259 752 343 Fax: 01259 751 670
E-mail: robyn@balhouse.wanadoo.co.uk

Namibia

Consul Professor Alan Barnard***
Consulate of the Republic of Namibia,
Greystone, Lamancha, West Linton, EH46 7BD.
Tel: 01968 661 171 or 0131 650 3938 Fax: 0131 650 3945
E-mail: namibia.scotland@btinternet.com

Netherlands

Consul Frank Gill The Netherlands Consulate,
127 George Street, Edinburgh EH2 4JN.
Tel: 0131 510 0323 Fax: 0131 629 0983
E-mail: info@netherlands-consulate.co.uk

New Zealand

Hon Consul Eric Milligan** Consulate of New Zealand,
22 Hailes Grove, Edinburgh, EH13 0NE.
Tel: 0131 222 8109 Tel: 0131 222 8008
E-mail: eric.janismilligan@btinternet.com

Norway

Consul-General David Windmill**
Consul Ms. Mona Røhne* Royal Norwegian Consulate General,
12 Rutland Square, Edinburgh, EH1 2BB.
Tel: 0131 228 2444 Fax: 0131 228 1449
E-mail: norwayconsgen.edinburgh@gmail.com

Pakistan

Consul General Shehryar Akbar Khan Consulate of Pakistan,
45 Maxwell Drive, Pollokshields, Glasgow, G41 5JF.
Tel: 0141 427 5755 Fax: 0141 427 4114
E-mail: parepglasgow@gmail.com

Philippines

Hon Consul Gladys Corbett** Consulate of the Philippines,
1 Bankhead Midway, Edinburgh, EH11 4BY.
Tel: 0131 453 3222 Fax: 0131 453 6444
E-mail: g.corbett@blueyonder.co.uk

Poland

Consul-General Dr Tomasz Trafas* Consulate General of Poland,
2 Kinnear Road, Edinburgh, EH3 5PE.
Tel: 0131 552 0301 Fax: 0131 552 1086
E-mail: edinburgh@polishconsulate.org

Portugal

Hon Consul James Rust** Consulate of Portugal,
c/o Morton Fraser, Quartermile Two, 2 Lister Square, Edinburgh, EH3
9GL. Tel: 0131 247 1000
E-mail: james.rust@morton-fraser.com

Romania

Dr Mihai Delcea* Minister Councillor,
Head of the Romanian Consular Office in Edinburgh,
7/9 St David Street, Edinburgh EH2 1AW.
Tel: 0131 524 9498 Fax: 0131 524 9499
Email: infoconsul.edinburgh@yahoo.co.uk

Russian Federation

Consul-General Sergey Krutikov*
Consulate General of the Russian Federation,
58 Melville Street, Edinburgh EH3 7HF.
Tel: 0131 225 7098 Fax: 0131 225 9587
E-mail: visa@edconsul.co.uk

Rwanda

Hon Consul Professor Gerda Siann** Consulate of Rwanda,
11 Rosslyn Crescent, Edinburgh EH6 5AT.
Tel: 0131 554 4919
E-mail: gerdasiann@yahoo.co.uk

Slovak Republic

Hon Consul Duncan A. Spiers** Consulate of the Slovak Republic,
18 Stories Park, East Linton, EH40 3BN.
Tel: 0131 455 4563
E-mail: d.spiers@napier.ac.uk

Slovenia

Hon Consul Ana Wersun** Consulate of Slovenia,
3 Coltbridge Terrace, Edinburgh, EH12 6AB.
Tel: 0131 337 5167
E-mail: sloveneconsulate@btinternet.com

South Africa

Hon Consul Brian Filling
Consulate of the Republic of South Africa, 10 Midlothian Drive, Waverley
Park, Glasgow G41 3RA.
Tel: 0141 649 3831
E-mail: b.filling@btinternet.com

Spain

Consul-General Javier Jiménez-Ugarte*
Chancellor Conrado Lozano Hita* Consulate General of Spain,
63 North Castle Street, Edinburgh, EH2 3LJ.
Tel: 0131 220 1843 Fax: 0131 226 4568
E-mail: cogedinburgo@mae.es

Sweden

Consul-General Miguel Utray Delgado*
Consulate General of Sweden,
4 Newhailes Estate, Newhailes Road, Musselburgh, EH21 6SY.
Tel: 0131 220 6050 Fax: 0131 665 7711
E-mail: cog.edimburgo@maec.es

Switzerland

Consul-General Peter Müller-McDougall**
Consulate General of Switzerland,
58/2 Manor Place, Edinburgh EH3 7EH.
Tel: 0131 225 9313 Fax: 0131 777 8094
E-mail: edinburgh@honrep.ch.

Thailand

Consul A.D. Stewart*** Royal Thai Consulate,
4 Woodside Place, Glasgow, G3 7QF.
Tel: 0141 353 5090 Fax: 0141 332 2928
E-mail: thaiconsulglasgow@btconnect.com

Tunisia

Hon Consul Harry Murray*** Consulate of Tunisia,
38 Braehead Road, Thorntonhall, Glasgow G74 5AQ.
Tel: 0141 644 3964
E-mail: hmyewtree@btopenworld

Turkey

Hon Consul Ian Wittet** Consulate of Turkey,
28 Rutland Square, Edinburgh EH1 2BW.
Tel: 0131 221 6590 Fax: 0131 221 6591
E-mail: i.wittet@coburnblair.co.uk

Ukraine

Consul General Mykhailo Osnach* Consulate General of Ukraine,
8 Windsor Street, Edinburgh EH7 5JR.
Tel: 0131 556 0023 Fax: 0131 557 3460
E-mail: edinburgh@consulateukr.co.uk

United States of America

Principal Officer Zoja D Bazarnic* Consulate General of the U.S.A.,
3 Regent Terrace, Edinburgh, EH7 5BW.
Tel: 0131 556 8315 Fax: 0131 557 6023
E-mail: edinburgh-info@state.gov

21. MISCELLANY**BRITISH MONARCHS (1603-1707) AND
UNITED KINGDOM MONARCHS (1707-present day)****House of Stuart**

James VI/I	1603 - 1625
Charles I	1625 - 1649
Charles II	1649 - 1685
James VII/II	1685 - 1688

House of Orange and Stuart

William III, Mary II	1689 - 1702
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House of Stuart

Anne	1702 - 1714
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House of Brunswick, Hanover

George I	1714 - 1727
George II	1727 - 1760
George III	1760 - 1820
George IV	1820 - 1830
William IV	1830 - 1837
Victoria	1837 - 1901

House of Saxe-Coburg-Gotha

Edward VII	1901 - 1910
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House of Windsor

George V	1910 - 1936
Edward VIII	1936
George VI	1936 - 1952
Elizabeth II	1952 - present day

POST-WAR PRIME MINISTERS

1945-51	Clement Attlee (Labour)
1951-55	Winston Churchill (Conservative)
1955-57	Anthony Eden (Conservative)
1957-63	Harold MacMillan (Conservative)
1963-64	Alex Douglas Home (Conservative)
1964-70	Harold Wilson (Labour)
1970-74	Edward Heath (Conservative)
1974-76	Harold Wilson (Labour)
1976-79	James Callaghan (Labour)
1979-90	Margaret Thatcher (Conservative)
1990-97	John Major (Conservative)
1997-07	Tony Blair (Labour)
2007-10	Gordon Brown (Labour)
2010-	David Cameron (Conservative)

FIRST MINISTERS

1999-00	Donald Dewar (Labour)
2000-01	Henry McLeish (Labour)
2001-07	Jack McConnell (Labour)
2007-	Alex Salmond (SNP)

WEIGHTS AND MEASURES

Convert just about anything to anything else:
www.onlineconversion.com

Conversion formulae

To convert	multiply by
Inches to cm	2.54
Cm to inches	0.3937
Feet to metres	0.3048
Metres to feet	3.281
Yds to metres	0.9144
Metres to yds	1.094
Miles to km	0.6214
Sq inches to sq cm	6.452
Sq cm to sq inches	0.155
Sq metres to sq feet	10.76
Sq feet to sq metres	0.0929
Sq yds to sq metres	0.8361
Sq metres to sq yds	1.196
Sq Miles to sq km	2.59
Sq km to sq miles	0.3861
Acres to hectares	2.471
Cu inches to cu cm	16.39
Cu cm to cu inches	0.061
Cu feet to cu metres	0.0283
Cu metres to cu feet	35.31
Cu yds to cu metres	0.7646
Cu metres to cu yds	1.308
Litres to cu inches	61.03
Gallons to litres	4.546
Litres to gallons	0.22
Grains to grams	0.0648
Grams to grains	15.43
Ounces to grams	28.35
Grams to ounces	0.0352
Pounds to grams	453.6
Grams to pounds	0.0022
Pounds to kg	0.4536
Kg to pounds	2.205
Tons to kg	1016
Kg to tons	0.0009

METRICATION**Approximate Conversions**

one-quarter lb = 115 grams	1 oz = 30g	6 oz = 170g
half lb = 230 grams	2 oz = 60g	7 oz = 200g
three-quarter lb = 340 grams	3 oz = 85g	8 oz = 230g
one lb = 455 grams	4 oz = 115g	9 oz = 255g
	5 oz = 140g	10 oz = 285g

Measurements not authorised for use after 1 October 1995
 except as supplementary indications

Quantities, names of units, symbols, abbreviations and approximate values:

- (1) Length
- | | | |
|------|--------|------------|
| inch | 1 in | = 0.0254 m |
| foot | 1 ft | = 0.3048 m |
| yard | 1 yd | = 0.9144 m |
| mile | 1 mile | = 1609 m |
- (2) Area
- | | | |
|-------------|---------|---|
| square foot | 1 sq ft | = 0.929 x 10 ⁻¹ m ² |
| square yard | 1 sq yd | = 0.8361 m ² |
| acre | 1 ac | = 4047 m ² |

- (3) Volume
- | | | | |
|-------------|---------|---|-------------------------------------|
| fluid ounce | 1 fl oz | = | $28.41 \times 10^{-6} \text{ m}^3$ |
| gill | 1 gill | = | $0.1421 \times 10^{-3} \text{ m}^3$ |
| pint | 1 pt | = | $0.5683 \times 10^{-3} \text{ m}^3$ |
| quart | 1 qt | = | $1.137 \times 10^{-3} \text{ m}^3$ |
| gallon | 1 gal | = | $4.546 \times 10^{-3} \text{ m}^3$ |
- (4) Mass
- | | | | |
|---------------------|---------|---|-----------------------------------|
| ounce (avoirdupois) | 1 oz | = | $28.35 \times 10^{-3} \text{ kg}$ |
| troy ounce | 1 oz tr | = | $31.10 \times 10^{-3} \text{ kg}$ |
| pound | 1 lb | = | 0.4536 kg |
- (5) Energy
- | | | | |
|-------|---------|---|---------------------------------|
| therm | 1 therm | = | $105.506 \times 10^6 \text{ J}$ |
|-------|---------|---|---------------------------------|
- (6) After Schedule 3 there shall be added the following:

SCHEDULE 3A (Regulation 13)

Units of Measurement Authorised for Use in Specialised Fields on or after 1 October 1995

<i>Unit</i>	<i>Field of application</i>
fathom	Marine navigation
fluid ounce	Beer, cider, water, lemonade and fruit juice in returnable containers
pint	
ounce (avoirdupois)	Goods for sale loose from bulk
pound	
therm	Gas supply

SCHEDULE 3B (Regulation 14)

Units of Measurement Authorised for Use in Specialised Fields on or after 1 October 1995

<i>Unit</i>	<i>Field of application</i>
inch	Road traffic signs, distance and speed measurement
foot	
yard	
mile	
pint	Dispense of draught beer or cider
	Milk in returnable containers
acre	Land registration may be used in perpetuity
	The Registers of Scotland are statutorily obliged to convert property exceeding 4.942 acres (2 Ha) into the metric equivalent
troy ounce	Transactions in precious metals

(A) THE METRIC SYSTEM

The Metre was calculated in 1740 as one ten-millionth of the distance from the North Pole to the Equator, measured through Paris.

Now it is calculated as the length of the path travelled by light in free space during a time interval of $1/299,792,458$ of a second.

LINEAR MEASURE

	1 millimetre	=	0.03937 inch
10 millimetres	= 1 centimetre	=	0.3937 inch
10 decimetres	= 1 metre	=	39.37 inches or 3.2808 feet
	1 kilometre	=	0.621 mile or 3280.8 feet

SQUARE MEASURE

	1 sq. millimetre	=	0.001 55 sq. inch
100 sq. millimetres	= 1 sq. centimetre	=	0.154 99 sq. inch
100 sq. decimetres	= 1 sq. metre	=	1549.9 sq. inches or 1.196 sq. yards
100 sq. hectometres	= 1 sq. kilometre	=	0.386 sq. mile or 247.1 acres

LAND MEASURE

100 centiares	= 1 are	=	119.6 sq. yards
100 ares	= 1 hectare	=	2.471 acres
100 hectares	= 1 sq. kilometre	=	0.386 sq. mile or 247.1 acres

VOLUME MEASURE

1000 cu. millimetres	= 1 cu. centimetre	=	0.061 02 cu. inch
1000 cu. centimetres	= 1 cu. decimetre	=	61.023 cu. inches or (1 litre) 0.0353 cu. foot
1000 cu. decimetres	= 1 cu. metre	=	35.314 cu. feet or 1.308 cu. yds.

WEIGHTS

10 decigrammes	= 1 gram	=	15.432 grains or 0.035 274 ounce (avdp.)
10 hectogrammes	= 1 kilogram	=	2.2046 pounds
10 quintals	= 1 metric ton	=	2204.6 pounds

(B) THE IMPERIAL SYSTEM**LINEAR MEASURE**

1 mil	= 0.001 inch	=	0.0254 millimetres
1 inch	= 1000 mils	=	2.54 centimetres
12 inches	= 1 foot	=	0.3048 metre
3 feet	= 1 yard	=	0.9144 metre
5.5 yards or 16.5 feet	= 1 rod (or pole or perch)	=	5.029 metres
40 rods	= 1 furlong	=	201.168 metres
8 furlongs or 1760 yards or 5280 feet	= 1 (statute) mile	=	1.6093 kilometres

SQUARE MEASURE

	1 sq. inch	=	6.452 sq. centimetres
144 sq. inches	= 1 sq. foot	=	929.03 sq. centimetres
9 sq. feet	= 1 sq. yard	=	0.8361 sq. metre
30.25 sq. yards	= 1 sq. rod (or square pole or square perch)	=	25.292 sq. metres
	= 1 acre	=	0.4047 hectare
160 sq. rods or 4840 sq. yards or 43 560 sq. feet	= 1 sq. mile	=	259.00 hectares or 2.590 sq. kilometres

CUBIC MEASURE

	1 cu. inch	=	16.387 cu. centimetres
1728 cu. inches	= 1 cu. foot	=	0.0283 cu. metre
27 cu. feet	= 1 cu. yard	=	0.7646 cu. metre

NAUTICAL MEASURE

6 feet	= 1 fathom	=	1.829 metres
100 fathoms	= 1 cable's length		
(In the Royal Navy	608 feet or 185.319 metres	=	1 cable's length)
10 cables' length	= 1 international nautical mile	=	1.852 kilometres (exactly)

1 international nautical mile	=	1.150 779 statute miles
		(the length of a minute of longitude at the equator)
60 nautical miles	=	1 degree of a great circle of the earth = 69.047 statute miles

LIQUID AND DRY MEASURE

1 gill	=	5 fluid oz.	=	9.0235 cu. inches	=	0.1480 litre
4 gills	=	1 pint	=	34.68 cu. inches	=	0.568 litre
2 pints	=	1 quart	=	69.36 cu. inches	=	1.136 litres
4 quarts	=	1 gallon	=	277.4 cu. inches	=	4.546 litres
2 gallons	=	1 peck	=	554.8 cu. inches	=	9.092 litres
4 pecks	=	1 bushel	=	2219.2 cu. inches	=	36.37 litres

USA DRY MEASURE EQUIVALENTS

1 pint	=	0.9689 UK pint	=	0.5506 litre
1 bushel	=	0.9689 UK bushel	=	35.238 litres

USA LIQUID MEASURES EQUIVALENTS

1 US pint (16 fl oz)	=	0.8327 UK pint	=	0.4732 litres
1 US gallon	=	0.8327 UK gallon	=	3.7853 litres

TEMPERATURE CONVERSION

$$C = (F - 32) \times 5 \text{ divided by } 9 \quad F = (9 \times C) \text{ divided by } 5 + 32$$

Thus 21°C = 70°F

FAHRENHEIT TEMPERATURES

For a rough conversion to centigrade, subtract 30, and divide the product by 2. Conversely a rough equivalent of centigrade to fahrenheit can be obtained by multiplying the centigrade figure by 2 and adding 30.

AVOIRDUPOIS WEIGHT

1 dram or 2734 grains	=	1.772 grams
16 drams or 437.5 grains	=	1 ounce = 28.3495 grams
16 ounces of 7000 grains	=	1 pound = 453.59 grams
14 pounds	=	1 stone = 6.35 kilograms
112 pounds	=	1 cwt = 50.80 kilograms
2240 pounds	=	1 (long) ton = 1016.05 kilograms
2200 pounds	=	1 (short) ton = 907.18 kilograms

(C) SCOTS LINEAL MEASURE

8.88 Scots inches	=	1 Scots link
1.35 links	=	1 foot
3 ¹ / ₁₂ feet	=	1 ell
6 ells	=	1 fall
4 falls	=	1 chain
10 chains	=	1 furlong
8 furlongs	=	1 mile
The Scots inch	=	1.001616 Imperial inches
The Scots ell	=	37.0598 Imperial inches
The Scots mile	=	1976.522 Imperial yards

The Scots mile is the computed Scots mile; but by Statute, 1685, the Scots mile, like the English, was ordained to contain 1,760 yards of 36 inches each.

To convert Scots ells into Imperial yards, multiply by 1.0294389.

To convert Imperial yards into Scots ells, multiply by 0.971403.

SCOTS SUPERFICIAL or SQUARE MEASURES

78.854 square Scots inches	=	1 square Scots link
17.361 square links	=	1 square ell
33 square ells	=	1 square fall
16 square falls	=	1 square chain
2.5 square chains	=	1 square rood

- 4 square roods..... = 1 square acre
 To convert Scots acres into Imperial acres, multiply by 1.26118345.
 To convert Imperial acres into Scots acres, multiply by 0.79290606.

DUODECIMAL CURRENCY (Abolished 1971)

Two farthings	=	One halfpenny
Two halfpennies	=	One penny
6 pennies	=	Sixpence
12 pennies	=	One shilling (5p)
2 shillings	=	One florin (10p)
2 shillings and sixpence	=	Half a crown
10 shillings or 4 half crowns	=	Ten shillings
2 ten shillings	=	One pound (£1)
21 shillings	=	One Guinea (£1.05)

The conversion factor from duodecimal currency to decimal currency is
 240 old pennies = 100 new pennies.

PAPER SIZES

A2 – (420mm x 594mm)	Quarto – (10" x 8")
A3 – (297mm x 420mm)	Octavo – (8" x 5")
A4 – (210mm x 297mm)	Foolscap – (13" x 8")
A5 – (148mm x 210mm)	Postcard – (3½" x 5½")
A6 – (105mm x 148mm)	24 sheets = 1 quire
	20 quire = 1 ream

METRIC

1 litre..... = 1 cubic dcm. (1000 cc or
 1/1000 cubic metre)

TIMBER

The St Petersburg or Petrograd "Standard" used in the purchase of soft wood (Pine, Spruce, etc) is 165 cubic feet.

Hard wood is purchased by the cubic foot. In former times, it was sometimes purchased by the "Load" which was 50 cubic feet.

Where standing timber is being offered for sale, it is often advertised as so many cubic feet Hoppus Measurement. The Hoppus Measurer is a series of tables for the Timber and Allied Trades published by Frederick Warne & Co, London.

OIL

Barrel = 35 Imperial gallons = 159 litres. Shell estimate that a barrel converts to 10 Imperial gallons of high quality petrol, and the rest is turned into LPG, kerosene, diesel and heating oil, lubricating oils, bitumen and naphtha.

AREAS AND DIMENSIONS

SQUARE – To find side of a square of equal area to a circle, multiply diameter of circle by 8862.

CIRCLE – To find the circumference, multiply the diameter by 22 and divide by 7; or, more exactly, multiply the diameter by 3.1416.

To find diameter of a circle, multiply circumference by 0.31831.

To find diameter of a circle of equal area to a square, multiply side of square by 1.1284.

To find the area, multiply the square of the radius by 3.1416.

CYLINDER – To find the cubic capacity, multiply the area of the base by the length of the side.

SPHERE – To find the cubic capacity, multiply the cube of the diameter by 0.5236.

TIME MEASUREMENT

A nanosecond is one-billionth (a thousand-millionth) of a second. Light travels about one foot in a Nanosecond. However, there are even smaller fractions of a second used as units of measurement:

Millisecond	–	one-thousandth of a second
Microsecond	–	one-millionth of a second
Nanosecond	–	one billionth of a second
Picosecond	–	one trillionth of a second
Fantosecond	–	one million-billionth of a second

BOTTLES

Magnum	–	two bottles
Jeroboam	–	four bottles
Rehoboam	–	six bottles
Methuselah	–	eight bottles
Salmanazar (Shalmaneser)	–	twelve bottles
Balthazar (Belshazzar)	–	sixteen bottles
Nebuchadnezzar	–	twenty bottles

BILLIONS AND TRILLIONS

A billion was originally one million million, but on 1974 it was announced by the Prime Minister, Harold Wilson, that government statistics would henceforth use the American version of a billion – a thousand million. A trillion is taken nowadays as a thousand billion and not a million billion. Zimbabwe in January 2009 issued a Ten Trillion dollar note, which could be used for the purchase of a loaf of bread.

CALORIES AND kCals

A calorie is a unit of energy, the amount required to raise the temperature of one gram (or 1cc) of water by one degree Celsius. As it is a very small unit, reference is usually made to kilocalories (kCal), one thousand calories. An adult male, in a sedentary occupation, requires about 2,000 kCals a day. A heavy manual labourer expends up to 3,500 kCals per day. As a rule of thumb, fat contains 9 kCals per gram, carbohydrate and protein 4 kCals, and alcohol 4 kCals.

The kCal is gradually being replaced by the kilojoule (kJ), one calorie being equivalent to 4.2 joules.

COMPUTER MEASUREMENTS

1,000 Megabytes	=	1 Gigabyte
1,000 Gigabytes	=	1 Terabyte = 1 million Gigabytes
1,000 Terabytes	=	1 Petabyte
1 million Petabytes	=	1 Brontobyte

Moore's law: Intel co-founder Gordon Moore boldly predicted in a paper in 1965 that the number of transistors on a chip will double approximately every two years "...for at least ten years". An astonishingly accurate prediction that has in fact continued for more than half a century. Growth is expected to slow at the end of 2013, after which time transistor counts are to double only every three years.

Spirit Bottle sizes: The old proof system and the standard bottle sizes of $26\frac{2}{3}$ fluid ounces was changed to 75cl. to end the chaos of the multiple bottle sizes then in use. This was again changed in 1993 to the current 70cl. size. The US still use its own proof system and 75cl. bottles. Wine bottles have not been standardised are generally 75cl. capacity.

In 1948 the General Council for Weights and Measures changed the centigrade definition of the metric temperature scale from the freezing and boiling points of water to use absolute zero and the triple point of water, as a more accurate measure. At the same time they decided to honour the developer of the centigrade scale, Anders Celsius by renaming degrees centigrade as degrees Celsius.

A new prime number was identified by computer in Los Angeles. The number, which is indivisible by any other number, has 12,978,189 digits and would take the best part of two and a half months to write out by hand.

BANK BASE RATES

2000	13 January	5.75%
	10 February	6.00%
2001	8 February	5.75%
	5 April	5.5%
	10 May	5.25%
	3 August	5.00%
	19 September	4.75%
2003	5 October	4.1%
	9 November	4.00%
	7 February	3.75%
2004	11 July	3.50%
	7 November	3.75%
	6 February	4.00%
2005	6 May	4.25%
	11 June	4.50%
	6 August	4.75%
	4 August	4.5%
2006	3 August	4.75%
	9 November	5.00%
2007	11 January	5.25%
	10 May	5.50%
	5 July	5.75%
	6 December	5.5%
2008	7 January	5.25%
	10 April	5.00%
	8 October	4.5%
	6 November	3.00%
2009	4 December	2.00%
	8 January	1.5%
	5 February	1.00%
	5 March	0.5%

The highest rate on record was in November 1979 when the rate rose by 3% to 17%. The lowest rate was in March 2009 when it was cut to 0.5%, where it has remained ever since.

The Consumer prices Index (CPI) measures the changes from month to month in a range of consumer goods and services. It forms the basis for the government's inflation target that the Bank of England's Monetary Policy Committee (MPC) is required to achieve and was adopted by the Chancellor of the Exchequer in December 2002.

The Retail Prices Index (RPI) is the most familiar measure of inflation in the UK and has been running since 1974. Unlike CPI it includes housing costs such as mortgage payments, and is used by government departments for the uprating of pensions and benefits, and is widely used in wage bargaining.

The Halifax calculates that someone with a £100,000 mortgage has to pay around £16 for each quarter of a percentage point increase.

The Officer for National Statistics (ONS) unveiled in January 2007 an online inflation calculator which allows consumers to compare their own situation with the national average. It can be found at www.statistics.gov.uk/pic/

The MPC is charged with keeping the CPI within a range of 1% - 3% and if that upper limit is breached the Governor of the bank must write an open letter to the Chancellor explaining what has gone wrong, and what the Bank intends to do about it. The letters are published at <http://bit.ly/Kb344j>

LEGAL MONEY TENDER

- (1) Bank of England notes of £5 and over are legal tender in England and Wales only.
- (2) Scottish bank notes are legal currency but are not legal tender.
- (3) Gold coins are legal tender for payment of any amount but only at face value.
- (4) £1 coins are legal tender for payment of any amount.
- (5) Coins of cupro-nickel or silver of denominations more than 10p (*ie* 20p, 25p and 50p) are legal tender for payment of any amount not exceeding £10.
- (6) Coins of cupro-nickel or silver of denominations not more than 10p (*ie* 10p and 5p) are legal tender for payment of any amount not exceeding £5.
- (7) Coins of bronze and copper plated steel are legal tender for payment of any amount not exceeding 20p.
- (8) £2 coins of silver and nickel-brass are legal tender for any amount.
- (9) £5 coins of silver or cupro-nickel are legal tender for any amount.
- (10) The Royal mint estimates that there are 10.1 billion 1p coins and 66.2 2p coins in circulation, a large proportion of which are collected in glass jars, or simply thrown away. There is an argument for withdrawing the coins from circulation, as they are no longer of economic value, but the number of items priced in supermarkets at 99p perhaps argues the case for the retention of the 1p as change.
- (11) Debts must be settled in ‘legal tender’. If coins are used, the Coinage Act 1971 imposes conditions. For example, coins of cupro-nickel or silver exceeding ten pence are acceptable to pay amounts up to ten pounds, coins from those metals worth less than ten pence for a debt up to five pounds, and bronze coins for debts up to 20 pence.
- (12) The Bank of Scotland, the Royal Bank of Scotland, the Clydesdale Bank, Bank of Ireland, First Trust Bank, National Bank, Northern Bank, and Ulster Bank may all issue their own notes, but only on deposit of a “seignorage” of Bank of England notes to the same value as those issued.
- (13) The UK’s Payment Council, citing a dramatic drop in usage, has announced that cheques will stop circulating in 2018, but that this decision would be reviewed in 2016.
- (14) One in every fifty £1 coins in Britain is a fake, the Royal Mint revealed in September 2008. Coins should be checked; the edge may have flawed ribbing or lettering and counterfeit coins will not be accepted by vending machines. It is illegal to use counterfeit money, however good the fake is.
- (15) A new £50 note was issued into circulation on 2 November 2011. The £50 note showing Boulton and Watt and their steam engine was the first time two portraits will appear together on the reverse side of a note. The old-style £50 note, featuring Sir John Houblon, can be continued in use until withdrawn. Genuine Bank of England banknotes that have been withdrawn from circulation retain their face value for all time and can be exchanged with the Bank of England.
- (16) Sir Winston Churchill will appear on the Bank of England £5 note to be issued in 2016.

THE EURO

“E-Day” was 1 January 2002

The first wave of Economic and Monetary Union, as provided for in the Maastricht Treaty, began in January 1999.

17 Member States of the European Union use the euro as their currency

- Belgium
- Germany
- Estonia
- Ireland
- Greece
- Spain
- France
- Italy
- Cyprus
- Luxembourg
- Malta
- The Netherlands
- Austria
- Portugal
- Slovenia
- Slovakia
- Finland

Non-participants

Bulgaria, Czech Republic, Denmark, Latvia, Lithuania, Hungary, Poland, Romania, Sweden and the United Kingdom are EU Member States but do not currently use the single European currency. Latvia has applied to adopt the euro from 1st January 2014.

Also included in the Eurozone are the following territories – Monaco, Kosovo, Montenegro, San Marino, The Vatican, Andorra, the Canary Islands, the Azores, Madeira, French Guiana, Saint Pierre-et-Miquelon, Saint Martin (former French half) Mayotte, La Réunion, Guadeloupe and Martinique. Dutch overseas territories will retain the Antillean guilder.

Euro Note Denominations

<i>Euros</i>	<i>Colour</i>	<i>Architecture</i>	<i>Size (millimetres)</i>
5	Grey	Classical	120 x 62
10	Red	Romanesque	127 x 67
20	Blue	Gothic	133 x 72
50	Orange	Renaissance	140 x 77
100	Green	Rococo & Baroque	147 x 82
200	Brown	Iron & Glass	153 x 82
500	Purple	Modern	160 x 82

Some difficulty is being experienced in that some retailers will not accept the 500, 200 and 100 Euro note, because of the danger of forgery. The genuine note has raised print on the front, a watermark, a security thread, a hologram, and an iridescent stripe which shines on the back. For further information see www.euro.ecb.int

LETTER SERVICES
Postal Information from 2 April 2013

Sending items within the UK

First and Second Class Mail

The aim is to deliver all First Class mail by the next working day, and all Second Class mail within three working days.

<i>Weight up to</i>	<i>First Class</i>	<i>Second Class</i>
Letter – Max. 240mm (L) x 165mm (W) x 5mm (D)		
100g	£0.60	£0.50

Large Letter – Max. 353mm (L) x 250mm (W) x 25mm (D)

100g	£0.90	£0.69
250g	£1.20	£1.10
500g	£1.60	£1.40
750g	£2.30	£1.90

Small Parcel – Max 450mm (L) x 350mm (W) x 80mm (D)

0-1kg	£3.00	£2.60
1-2kg	£6.85	£5.60

Medium Parcel – Max 610mm (L) x 350mm (W) x 460mm (D)

1kg	£5.65	£5.20
1-2kg	£8.90	£8.00
2-5kg	£15.10	£19.65
10-20kg	£32.40	£27.70

SCOTLAND'S MAIN LANDOWNERS

1. Forestry Commission Scotland – 1,640,000 acres throughout Scotland
2. Buccleuch Group – 270,000 acres in Borders and the Lothians
3. National Trust for Scotland – 192,000 throughout Scotland
4. Scottish Government – 174,000 acres throughout Scotland
5. Blair Castle Charitable Trust – 140,000 acres in Perthshire
6. Alcan – 135,000- acres in Lochaber
7. Captain Alwyn Farquharson – 125,000 acres in Deeside
8. RSPB – 124,172 acres throughout Scotland
9. Duke of Westminster – 120,000 acres
10. Crown Estate Commission – 106,000 acres throughout Scotland
11. Storas Uibhist – 93,000 acres in Benbecula, Eriskay and South Uist (community ownership)
- 12= Donald Cameron of Lochiel – 90,000 acres in Lochaber
- 12= Countess of Sutherland – 90,000 acres in Sutherland
14. Family of the late Paul van Vlissingen – 87,000 acres in Letterewe
15. Earl of Seafield – 84,500 acres in Cullen and Strathspey
16. Scottish Natural Heritage – 84,000 acres throughout Scotland
17. Fleming Family – 80,000 acres in Argyll and Bute
18. Charles Pearson – 77,000 acres in Aberdeenshire and Kincardineshire
19. Lord Margadale – 73,000 acres in Islay
20. Andras Conglomerate, Malaysia – 71,000 acres in Moray

To put these figures into some perspective, the land area of Edinburgh is 64,500 acres. Scotland is made up of 19,068,631 acres, 3 per cent of which is urban and 15% is covered in forest. Scotland has more than 790 offshore islands.

(figures by courtesy of *The Scotsman*)

10 MOST EXPENSIVE STREETS IN SCOTLAND

<i>Street Name</i>	<i>Area</i>	<i>Average price (2007/2012)</i>
Dick Place	Edinburgh	£1,686,000
Rubislaw Den South	Aberdeen	£1,455,000
Ann Street	Edinburgh	£1,208,000
Hillpark Grove	Edinburgh	£967,000
Earlspark Avenue	Aberdeen	£944,000
Barnton Avenue West	Edinburgh	£937,000
Redhall House Avenue	Edinburgh	£934,000
Mar Hall Avenue	Bishopton	£929,000
Park Drive	Thorntonhall (Glasgow)	£923,000
Grange Loan	Edinburgh	£915,000

20 RICHEST PEOPLE IN SCOTLAND 2012

1. Mahdi al-Tajir, Oil / Metals / Water – £1,600m
2. The Grant and Gordon family, Spirits – £1,400m
3. Alastair Salvesen and family, Transport / Plant hire – £1,300m
4. Sir Ian Wood and family, Oil services / Fishing – £1,187m
5. Jim McColl, Engineering – £1,000m
6. Lord Laidlaw, Conferences – £745m
7. The Thomson family, Media – £700m
8. Sir Brian Souter and Ann Gloag, Transport – £665m
9. Joanne Rowling, Novels, Films – £560m
10. The Duke of Sutherland, Land / Art – £525m
11. Sir Arnold Clark and family, Car sales – £467m
12. Ian Suttie, Oil – £450m
13. Philip Day, Fashion – £300m
14. Roger Jenkins, Finance – £272m
15. Brian Kennedy, Kitchens, Windows – £250m
16. Bill Paterson, Engineering services – £235m
- 17=Harry Dobson, Mining / Oil – £200m
- 17=James and Fitriani Hay, Oil / Horseracing – £200m
- 19=The Duke of Buccleuch and family, Land, Art – £180m
- 19=Graham Wylie, Software – £180m

Source: *The Sunday Times 2012 UK Rich List*

TENNIS

24 June - 7 July 2013 – The Championships, Wimbledon

FOOTBALL**SCOTLAND'S FIXTURES****ENGLAND**

Wembley Stadium, London
International Challenge Match
 14 Aug 2013

BELGIUM

Hampden Park, Glasgow
F.I.F.A. World Cup Qualifier
 6 Sep 2013

MACEDONIA

F.I.F.A. World Cup Qualifier
 10 Sep 2013

CROATIA

Hampden Park, Glasgow
F.I.F.A. World Cup Qualifier
 15 Oct 2013

RACING

The main meetings held are:

MARCH

Cheltenham - **The Cheltenham Festival**
 Lingfield Park - **Bet Direct Winter Derby**

APRIL

Aintree - **Aintree Grand National Meeting**
 Ayr - **Scottish Grand National**
 Newmarket - **Craven Meeting**
 Sandown Park - **Bet365 Gold Cup Celebration**

MAY

Newmarket - **Guineas Meeting**
 Chester - **May Meeting**
 York - **Dante Meeting**

JUNE

Epsom Downs - **Epsom Derby Meeting**
 Ascot - **Royal Ascot**
 Newcastle - **John Smith's Northumberland Plate**

JULY

Sandown Park - **Coral-Eclipse Meeting**
 Newmarket - **July Meeting**
 Ascot - **King George Day**
 Goodwood - **Glorious Goodwood**

AUGUSTYork - **Ebor Festival****SEPTEMBER**Haydock Park - **William Hill Sprint Cup**Doncaster - **St. Leger Meeting**Ayr - **Western Meeting**Ascot - **Ascot Festival****OCTOBER**Newmarket - **Totesport Cambridgeshire Meeting**Newmarket - **October Meeting**Doncaster - **Racing Post Trophy****NOVEMBER**Cheltenham - **The Paddy Power Open**Haydock & Aintree - **North West Masters**Newbury - **Hennessy Meeting****DECEMBER**Sandown Park - **Tingle Creek Meeting**Kempton Park - **Stan James Christmas Festival**Chepstow - **Coral Welsh National**

CRICKETTuesday 25th June 2013 – *England v New Zealand*

The Oval – 18:30

Thursday 27th June 2013 – *England v New Zealand*

The Oval – 18:30

Sunday 30th June 2013 – *Essex v England*

Chelmsford – 11:00

Wednesday 10th July 2013 – *England v Australia*

Trent Bridge – 11:00

Thursday 18th July 2013 – *England v Australia*

Lord's – 11:00

Thursday 1st August 2013 – *England v Australia*

Old Trafford – 11:00

Friday 9th August 2013 – *England v Australia*

Durham – 11:00

Wednesday 21st August 2013 – *England v Australia*

The Oval – 11:00

Thursday 29th August 2013 – *England v Australia*

Southampton – 18:30

Saturday 31st August 2013 – *England v Australia*

Durham – 14:30

Tuesday 3rd September 2013 – *Ireland v England*

Dublin – 10:15

Friday 6th September 2013 – *England v Australia*

Headingley – 10:15

Sunday 8th September 2013 – *England v Australia*

Old Trafford – 10:15

- Wednesday 11th September 2013 – *England v Australia*
Edgbaston – 14:00
- Saturday 14th September 2013 – *England v Australia*
Cardiff – 10:15
- Monday 16th September 2013 – *England v Australia*
Southampton – 14:00
- Thursday 21st November 2013 – *Australia v England*
Brisbane – 00:00
- Thursday 5th December 2013 – *Australia v England*
Adelaide – 00:00
- Friday 13th December 2013 – *Australia v England*
Perth – 02:30
- Wednesday 25th December 2013 – *Australia v England*
Melbourne – 23:30
- Thursday 2nd January 2014 – *Australia v England*
Sydney – 23:30
- Sunday 12th January 2014 – *Australia v England*
Melbourne (MCG) – 03:20
- Friday 17th January 2014 – *Australia v England*
Brisbane – 03:20
- Sunday 19th January 2014 – *Australia v England*
Sydney – 03:20
- Friday 24th January 2014 – *Australia v England*
Perth – 03:20
- Sunday 26th January 2014 – *Australia v England*
Adelaide – 03:20
- Wednesday 29th January 2014 – *Australia v England*
Hobart – 08:35
- Friday 31st January 2014 – *Australia v England*
Melbourne (MCG) – 08:35
- Sunday 2nd February 2014 – *Australia v England*
Sydney – 08:35
- Friday 28th February 2014 – *West Indies v England*
Antigua – 13:30
- Sunday 2nd March 2014 – *West Indies v England*
Antigua – 13:30
- Wednesday 5th March 2014 – *West Indies v England*
Antigua – 13:30
- Sunday 9th March 2014 – *West Indies v England*
Bridgetown – 18:00
- Tuesday 11th March 2014 – *West Indies v England*
Bridgetown – 18:00
- Thursday 13th March 2014 – *West Indies v England*
Bridgetown – 18:00

GOLF**The US Open 2013**

13-16 June 2013 at the Merion Golf Club, Ardmore, Pennsylvania
United States

The Open Championship 2013

18-21 July 2013 at Muirfield, East Lothian, Scotland

PGA Championship 2013

8-11 August 2013 at Oak Hill Country Club, Rochester, New York
United States

OPEN VENUES

2014 Hoylake
2015 St. Andrews

ROYAL HIGHLAND SHOW

20-23 June, Ingliston 2013

THE BRAEMAR GATHERING

Always the first Saturday in September

RUGBY*Scotland's Autumn Tests*

Saturday, 9 November 2013 – 14:30

Scotland v Japan

Sunday, 17 November 2013 – 15:00

Scotland v South Africa

Saturday, 23 November 2013 – 18:00

Scotland v Australia

6 Nations Fixtures in 2014

Saturday 1st February 2014 – Wales v Italy – 14:30

France v England – 17:00

Sunday 2nd February 2014 – Ireland v Scotland – 15:00

Saturday 8th February 2014 – Ireland v Wales – 14:30

Scotland v England – 17:00

Sunday 9th February 2014 – France v Italy – 15:00

Friday 21st February 2014 – Wales v France – 20:00

Saturday 22nd February 2014 – Italy v Scotland – 13:30

England v Ireland – 16:00

Saturday 8th March 2014 – Ireland v Italy – 14:30

Scotland v France – 17:00

Sunday 9th March 2014 – England v Wales – 15:00

Saturday 15th March 2014 – Italy v England – 12:30

Wales v Scotland – 14:45

France v Ireland – 17:00

CURLING

<http://www.royalcaledoniancurlingclub.org/competitions/events.cfm>

LEGAL MAXIMS AND PHRASES

The following are some of the maxims and phrases that are found in law reports and legal journals *etc* and a knowledge of which may assist in the understanding of these materials but this list is far from complete and readers are invited to submit entries, with citations or other source references, to fill in the gaps or, where felt appropriate, to suggest deletions.

A caelo usque ad centrum – From the sky to the centre of the earth (extent of land ownership).

Glasgow City Council and District Railway Co v Macbrayne (1883) 10 R 894.

A contrario – On the contrary.

Ad Vitam Aut Culpam – For life or until fault occurs (usually, duration of appointment).

Stair Memorial Encyclopedia re-issue, Employment (2000) paragraph 125 quoted in Morrish v NTL Group Ltd [2007 CSIH56 XA143.06].

Alibi – Elsewhere (special defence to criminal charge).

McCann v HMA 1960 SLT (Notes) 46.

Aquaeductus – An artificial water course (a right to conduct water through a piece of land).

Donaldson v Earl of Strathmore (1877) 14 SLR 587.

Bona fide (possessor) – Good faith (possession without notice of any contrary rights).

Blair v Bruce-Stewart (1783) Mor 1775.

Cavaet emptor – Let the buyer beware, so that there is no implied requirement at common law that goods purchased be of any particular quality or fitness.

Civiliter – Peacefully (the manner in which one is obliged to exercise one's rights).

Rattray v Tayport Patent Slip Co (1868) 5 SLR 219.

Contemporanea expositio est optima et fortissimo in lege – The contemporary meaning is the best and strongest in law. 2 *Inst.11.*

Contra proferentem – Against the person who proffers, so that an ambiguous contractual provision shall be read against the person founding upon it.

De minimis non curat lex – The law does not deal with trifling issues.

Viva Gas Appliances v C&E Comrs [1983] STC 819.

De plano – Immediately, without any qualifications as where an offer may be accepted without qualification.

Ellon Castle Estates Co Ltd v Macdonald 1975 SLT (Notes) 66.

Dominium directum – The former right over heritable property of the feudal superior.

Stair, Institutions II, 3, 7.

Dominium utile – The former right over heritable property of the vassal or immediate owner, subject to the dominium directum.

Stair, II, 3, 7.

Et separatim – Separately (whether consistent or inconsistent with what has gone before).

Ex Adverso – Opposite to, over against, immediately next to.

Ex facie – Apparently, on the face of it, usually a document which has no visible defects.

Ex lege – According to law, legally *ie* due to some legal provision.

Ex turpi causa non oritur actio – From an immoral situation no right of action can arise *eg* a contract for immoral reasons cannot be enforced. *Erskine III, 1, 10. See Gray v Thames Trains Ltd and another. AC Times LR July 2008.*

Expresso unius est exclusion alterius – To mention one of a type is to exclude those that have not been mentioned.

Ex propria motu – Of his own accord *ie* where the judge makes a ruling without a motion by either party.

Forum non conveniens – Not the appropriate court *ie* an action may be barred because there is a more suitable jurisdiction elsewhere. *Banks v CGU Insurance 2004 GWD 36-729.*

Ignorantia juris neminem excusat – Ignorance of the law is no excuse. *McLaren v Smith 1923 JC 91.*

In aemulationem vicini – To spite the neighbours *ie* otherwise legal use of heritable property which is carried out solely to spite the neighbours may be actionable. *Ross v Baird (1829) 7 S 361.*

In re communi melior est conditio prohibentis – In common matters the person prohibiting is stronger *ie* a part owner of heritable property can prevent changes from taking place. *Bell ss 1072, 1075.*

In flagrante delicto – Conduct perpetrated in open breach of duty.

In hoc statu – In the present state of affairs *ie* a ruling might be changed if further developments take place.

Inaedificatum solo, solo cedit – What is built on the land becomes part of the land. *Beattie v Lord Napier (1831) 9 S 639.*

Inter vivos – Among the living *ie* a legal deed taking effect while the grantor is still alive.

Inter alia – Among other things.

Inter alios – Among other people.

Ipsa jure – As a consequence of the law itself.

Ipsa facto – As a consequence of the facts themselves.

Ius in personam – A personal right *ie* a right to sue a person on grounds of contract or delict.

Ius in re – A real right *eg* ownership of property.

Jura in re propria – A right in one's own property *eg* ownership.

Jura in re aliena – A right in someone else's property *eg* a tenant's rights.

Lex non cogit ad impossibilia – The law does not compel an impossibility. *Melville Dundas Ltd and Others v George Wimpey UK Ltd and Others [2007] UHKL 16, the Times 8 May 2007.*

Lis alibi pendens – An action being dealt with elsewhere between the same parties regarding the same subject and therefore a bar to the present action.

Mala fide (possessor) – Possession in the knowledge that someone else has a better right.

Mortis causa – To take effect on death *eg* a Will.

Mutatis Mutandis – With those things having been changed which need to be changed.

Nobile officium – By nobility of office *ie* the discretionary power of the Court of Session.

Novodamus – We give over again *ie* a deed which repeats, but corrects an error in, a previous deed.

Per Capita – By the heads *eg* where the estate in succession is shared equally amongst the claimants.

Per Stirpes – By stocks or by branches *eg* where estate in succession is divided among branches of the family rather than among individuals. *Haldane's Trustees v Murphy (1881) 9 R 269.*

Possession is nine tenths of the law – A person who has possession of corporeal moveable property is the owner unless there is evidence to the contrary effect.

Scott v Elliot (1672) Mor. 12727, Gloag and Henderson The Law of Scotland 11th Edition 37.02.

Prima facie – On the face of it *ie* subject to the possibility of change when further information comes to light.

Pro indiviso – In an undivided manner *ie* rights to property which can not be separated *eg* of spouses.

Quantum – Quantification, usually as to the amount of a claim.

Quoad ultra – As regards the rest, everything not otherwise mentioned, as in quoad ultra denied.

Solum – Land or ground *ie* the area not the soil on which a building has been erected.

Status Quo – The current position: The law usually maintains the status quo unless there is a reason to make a change.

Sub Judice – Subject to judicial proceedings, with a general implication that details may not be discussed or divulged in public other than as disclosed in court or otherwise authorised *eg* the *Scotland Act 1998, schedule 3, paragraph 1(1)(b) and landing Order 7.5.*

Traditionibus, non nudis pactis, dominia rerum transferuntur – Delivery, not merely agreement, transfers the real right of ownership. *Stair Institutions III, 2, 5.*

Videlicet – That is to say.

Volenti non fit injuria – A person who takes a risk may not suffer a legal wrong.

McTear v Scottish Legal Aid Board 1995 SCLR 611.

Compiled by Michael Sheridan

22. LEGAL PRACTICE

Social Media for Law Agents: Top 10 Do's and Don'ts

More Law Agents than ever before are using social media for their practices. Yet there are many in Scotland who have yet to fully embrace social networking platforms such as LinkedIn, Twitter or Google+ and even more who have still to use them effectively.

Social media expert Gavin Ward of Moore Legal Technology outlines his top 10 do's and don'ts for Law Agents looking to use social media channels effectively to enhance their own personal brand and that of their firms:

Top 10 Do's

- Have a plan – while you don't need a 2000 word social media strategy, it's best to have at least some goals in mind, whether it's to stay updated with developments in your area of practice, to build up your professional network or to increase the number of word of mouth referrals you generate, for example.
- Join LinkedIn, Twitter and Google+ as an individual, not just as a firm;
- Complete your profile, particularly on LinkedIn, draft your profile for potential clients and referrers of business, not like a CV, and use relevant keywords for your specialisms;
- Download the official apps for your mobile device (iPhone, BlackBerry, Android, iPad etc);
- Connect with others – on LinkedIn, see who you already know using the Outlook tool, connect with relevant contacts and join relevant groups; on Twitter, follow relevant contacts and people who you could do business with or who are influencers in your area, particularly those who could refer business to you;
- Post updates on the go, perhaps of a recent case success, completed deal or interesting news story, while respecting confidentiality obligations;
- Engage with your connections – like, share or comment on their updates;
- Use a social media dashboard, such as Hootsuite or Tweetdeck to manage your accounts more efficiently;
- Set up saved searches within Twitter or your Hootsuite dashboard for relevant keywords such as #familylaw or 'recommend solicitor'; and
- Keep it going. All too often lawyers join social networks with lots of activity in the first few weeks or months, then leave their profiles sitting without any updates, connections or any signs of life. Those who manage to build social media into their daily or weekly routines are those who will get the most out of it.

Top 10 Don'ts

- Don't join social networks and immediately start posting a barrage of updates. It's best to take time to listen and get a feel for best practices and for the types of conversations and interactions that are already taking place in your network;
- Avoid bombarding your contacts with updates all at once. If you do that, it would be like attending a conference and shouting across the room; indeed, it's best not to over-market at all. Remember that the word social in social media is there for a reason;
- Don't think that you have to manually share all of your blog posts to your networks; there are ways to automate certain functions, such as automated sharing of your blog to LinkedIn, Twitter and Google+;
- Having said that, don't think that you can do everything on auto-pilot; You can't and, indeed, shouldn't automate everything;
- Don't ignore your connections. Engaging with relevant contacts and holding real conversations on social media channels will produce the best results for you;
- Don't just share and like the updates of your firm or your colleagues at your firm. While 'tweeting in convoy' (a term coined by Jon Bloor

and Brian Inkster) can be a very effective technique, you should seek to branch out and widen your network;

- Don't ignore negative feedback. For large retail companies negative comments on social media channels are much more prevalent than with solicitors on social networks, but if you ever do get negative comments, the best thing to do is to acknowledge them at least once, then try to take it offline;
- Don't be overly negative or critical. It can be tempting to use the power of social networks to be critical of things you don't like or disagree with, particularly when it comes to complaining about delayed public transport! There's nothing necessarily wrong with expressing negative criticism in a professional, insightful and well-reasoned manner on social media networks. But it's important to remember that social networks are generally used by other professionals in a positive way, with people seeking to help, support and collaborate with each other and that most of the time negativity is shunned.
- Don't spam. There are many laws that exist to prevent spam emails, but this is not so with social media accounts. That said, you have to play by the rules of the networks and if they catch you sending out mass-marketing direct messages you may end up banned from the networks;
- Don't spend too much time on social networks, particularly if you have client deadlines and your clients may potentially see your social media activity. Take breaks or you could end up with 'social media fatigue' relatively quickly. There are, however, some optimum times to use social networks to get in touch with your connections – it can take some time to work out the best times for you and there is a lot of research on this area available online.

Special to SLAS Memorandum Book 2013. All Trademarks are acknowledged. Gavin Ward is an SEO & Social Media Marketing Director at Moore Legal Technology Ltd and Director at YouBlawg Ltd. Visit www.moorelegaltechnology.co.uk to find out more.

TYPOGRAPHY FOR LAWYERS

Basic rules:

- In a printed document, don't underline.
- Novelty fonts, script fonts, handwriting fonts, circus fonts have no place in any document created by a lawyer. Save it for your next career as a designer of breakfast-cereal boxes.
- Compared to proportional fonts, monospaced fonts are harder to read. And because they take up more horizontal space, you'll always get fewer words per page with a monospaced font. There are no good reasons to use monospaced fonts. So don't. Use proportional fonts.
- System fonts such as Arial are not very good. Many system fonts have been optimized for screen legibility, not print. All system fonts are over exposed.
- Bold or italic — always think of them as mutually exclusive. Use bold and italic as little as possible. They are tools for emphasis. But if every thing is emphasized, then nothing is emphasized. With a serif font, use italic for gentle emphasis, or bold for heavier emphasis. If you're using a sans serif font, skip italic and use bold for emphasis. It's usually not worth italicizing sans serif fonts, as they don't stand out on the page.
- All-caps text — meaning text with all the letters capitalized — is best used judiciously. Caps are suitable for headings shorter than one line (e.g., "Table of Authorities"), headers, footers, captions, or other labels. Always add letterspacing to caps to make them easier to read, and make sure kerning is turned on.
- The point size of your text can be smaller than you think. The optimal point size for body text in printed documents is between 10 and 12 point. Try sizes down to 10 point, including intermediate sizes like 10.5 and 11.5 point — half-point differences are meaningful at these sizes.

Extracted from www.typographyforlawyers.com

**SMALL FIRM SUCCESSION PLAN:
EXPECTING THE UNEXPECTED**

Checklist to advise practitioners to consider in case the unexpected happens:

- Maintain office procedure manual outlining key practice aspects and a list of key contacts. Some lawyers prepare a letter for their staff or spouse directing how matters should be dealt with in their absence.
- Maintain up-to-date diary systems to accurately reflect all deadlines and reminders so that next steps on files can be easily reviewed.
- Ensure client files contain sufficient detail that another lawyer taking over the file knows where the matter stands.
- Keep time and billing entries current.
- Obtain life insurance with a disability policy to cover personal requirements in the event of loss of earning power, and also cover the costs associated with hiring another lawyer to administer the practice and cover the cash flow requirements as the practice is closed or sold.
- Make arrangements with a colleague or another lawyer for them to step in should you be unable to practice for any reason. Consider a formal agreement.
- Consider including provisions in retainer agreements as to the provisions in place in the event of your death, incapacity or impairment.
- Ensure you have a valid will, including any terms required to deal with practice-related issues.
- Make sure staff, partners, associates and family are aware of the arrangements that you have made.

Based on guidance by the Law Society of Alberta.

ROMAN NUMERALS

		Ordinal
1	I	primus
2	II	secundus
3	III	tertius
4	IV	quartus
5	V	quintus
6	VI	sextus
7	VII	septimus
8	VIII	octavus
9	IX	nonus
10	X	decimus
11	XI	undecimus
12	XII	duodecimus
13	XIII	tertius decimus
14	XIV	quartus decimus
15	XV	quintus decimus
16	XVI	sextus decimus
17	XVII	septimus decimus
18	XVIII	duodevicesimus
19	XIX	undevicesimus
20	XX	vicesimus
21	XXI	vicesimus primus
28	XXVIII	duodetricesimus
29	XXIX	undetricesimus
30	XXX	tricesimus
40	XL	quadragesimus
50	L	quingagesimus
60	LX	sexagesimus
70	LXX	septuagesimus
80	LXXX	octogesimus
90	XC	nonagesimus
100	C	centesimus