

Scottish Law Agents Society

MEMORANDUM BOOK

2019/2020

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for issue to members.

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Editorial

Welcome to the paperless electronic only 2019-2020 Memorandum Book.

Last year I pointed to the turbulent times in which we live and noted that some of the information contained in the Memorandum Book could end up having a very short shelf-life as things developed with Brexit. In the end, most of the information remained relevant and current but, as the future remains equally uncertain, the same sentiments apply again to this year's book.

I have endeavoured to ensure that the information is correct at 31 May 2019 but where possible have also updated the text to take account of events occurring right up to publication.

I am very grateful to James Aitken and Keren Conway for the content and comment they have provided within their areas of expertise. Thank you also to those who have emailed me during the year with comments and corrections.

Feedback (be that positive or negative) from members is extremely useful for developing both content and format to ensure that the book remains relevant. Please do get in touch if you have any comments or wish to point out any errors.

Andy Duncan, Editor
(comments to: andywduncan@hotmail.com).

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 and the annual Memorandum Book, edited by Andy Duncan.

The Secretary is Michael Sheridan of 166 Buchanan Street, Glasgow G1 2LW, phone: 0141 332 3536.

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

email: secretary@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 members' 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 Government, 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. 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 advice 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.

In addition the website contains 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 SSBF was instituted by the Scottish Law Agents Society in around 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.

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.

A team from the Royal Faculty of Procurators at Glasgow (RFPG) 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 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; and
- on notice given, meet a technical legal issue in an interview context with expert guidance to hand with participation in approximately 12 scenarios.

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

- Professional Ethics and Standards;
- Professionalism;
- Professional communication;
- Business, Financial, Commercial and Practice Awareness; and
- 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.
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1927	{ WILLIAM THOMSON, Edinburgh.
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1999-00..... DEREK FLYN, Inverness.
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2009-10..... MICHAEL SCANLAN, Glasgow.
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2012-14..... IAN R McLEOD, Dyce.
2014-16..... MARY PIRIE, Glasgow.
2016-17..... CATRIONA WALKER, Aberdeen.
2017-19..... FIONA DALTON, Glasgow.

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.

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(Published Quarterly – March, June, September & December)

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Memorandum Book

(Published annually)

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www.ssdt.org.uk

LAWCARE

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www.lawcare.org.uk or at 0800 279 6888

LAW SOCIETY OF SCOTLAND COMMITTEES

The Law Society committees are separated into regulatory and non-regulatory committees.

Regulatory Committee and its Sub Committees of

Admissions Sub Committee
 Appeals and Reviews Sub-committee
 Civil Legal Aid Quality Assurance Sub Committee
 Client Protection Sub-Committee
 Client Relations Sub Committees
 Complaints Sub Committee
 Education & Training (Standard Setting) Sub Committee
 Finance Committee
 Guarantee Fund Sub Committee
 Practising Certificate Sub Committee
 Professional Conduct Sub Committee 1
 Professional Conduct Sub-Committee 2
 Rights of Audience Sub Committee
 Rules, Waivers and Guidance Sub-Committee

The Regulatory Committee and all of its Sub Committees have an equal number of solicitor and 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
 In-House Lawyers' Committee
 Insurance Committee
 Legal Aid Committee
 Nominations Committee
 Professional Practice Committee
 Property Law Committee
 Remuneration Committee
 Rights of Audience (Policy) Committee
 Technology Committee

Public Policy sub-committees

Administrative Justice
Banking, Company and Insolvency Law
Charity Law
Competition Law
Constitutional Law and Human Rights
Consumer Law
Employment Law
Energy Law
Environmental Law
Equalities Law
Family Law
Health and Medical Law
Immigration and Asylum
Intellectual Property
Licensing Law
Marine Law
Mental Health and Disability
Obligations
Pensions
Planning Law
Privacy
Property and Land Law
Rural Affairs
Tax Law
Trusts and Succession Law

3. The Faculty of Advocates

The Faculty of Advocates' Office-Bearers

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4. Civil procedure

Remember:

Child Welfare Hearing

K v K, [2018] SAC (Civ) 24, 5 September 2018 - Case from the Sheriff Appeal Court which found that, although a sheriff has the power to decide a case at a child welfare hearing as an alternative to fixing a proof, this does not mean that the sheriff can do so once the proof has commenced.

Professional Practice

Murray, Petr [2019] CSOH 21, 7 March 2019 - Outer House case in which a wife sought to interdict a firm of solicitors from acting for her husband in divorce proceedings as (1) a solicitor who had acted for her in the drafting of a pre-nuptial agreement had subsequently joined the firm acting for her husband and (2) she had also instructed the firm acting for her husband in relation to private client matters (files on which were retained by the solicitors). A sworn statement from the solicitor involved in the prenuptial agreement was satisfactory and sufficient to eliminate any risk of disclosure on his part. However, the firm failed to provide the assurances necessary to satisfy the court in relation to the information held on private client matters.

Vexatious litigants

Lord Advocate v Aslam, [2019] CSIH 17, 22 March 2019 - Outer House case in which the Lord Advocate was granted a vexatious litigant order. The court referred to the observations of Lord Bingham of Cornhill in *Attorney General v Barker* ([2001] 1 FLR 759): “The hallmark of a vexatious proceeding is in my judgment that it has little or no basis in law (or at least no discernible basis); that whatever the intention of the proceeding may be, its effect is to subject the defendant to inconvenience, harassment and expense out of all proportion to any gain likely to accrue to the claimant; and that it involves an abuse of the process of the court, meaning by that a use of the court process for a purpose or in a way which is significantly different from the ordinary and proper use of the court process.”

Delay

Mannas v Chief Constable of the Police Service of Scotland, [2018] CSOH 126, 28 December 2018 - Outer house case considering an action of damages in which the defender sought dismissal of the

action on the basis of the pursuer's inordinate and inexcusable delay. The motion refused as the circumstances of the case were not such as to give rise to a substantial risk that justice could not be done.

Appeal from Sheriff Appeal Court

Bridging Loans Ltd v Hutton, [2018] CSIH 63, 26 September 2018 - Inner House case dealing with an action for recovery of possession of security subjects in which the court expressed concern regarding the granting of permission to appeal to the Inner House. It was observed that permission should only be granted if there is an important point of principle or practice raised, or there is some other compelling reason for the court to hear the appeal.

Simple Procedure

Financial UK Ltd v McGregor, [2018] SAC (Civ) 12, 16 May 2018 - Case from the Sheriff Appeal Court providing guidance on the simple procedure rules.

Look out for:

Civil Litigation (Expenses and Group Proceedings) (Scotland) Act 2018

Act of the Scottish Parliament making provision about:

- success fee agreements;
- expenses in civil litigation;
- the offices of the auditor of the Court of Session, the auditor of the Sheriff Appeal Court and the auditor of the sheriff court; and
- the bringing of civil proceedings on behalf of a group of persons.

The Act received Royal Assent on 5th June 2018. Some provisions came into force on 30 January 2019 and others are yet to come into force.

Simple Procedure Rules consultation

The Scottish Civil Justice Council had a public consultation as part of its review into how well Simple Procedure Rules are working. The closing date for responses was 31 May 2018 and a summary of the responses was published on 6 November 2018.

Scottish Civil Justice Council consultation

The Scottish Civil Justice Council had a consultation on the case

management of family actions in the sheriff court. The closing date for responses was 22 August 2018. The responses were published on 13 September 2018 and a Consultation Report was published on 12 November 2018.

5. Company Law

Common Companies House forms and information

1. Accounts

Statutory accounts must include:

- a 'balance sheet', showing the value of everything the company owns, owes and is owed on the last day of the financial year (the balance sheet must have the name of a director printed on it and must be signed by a director);
- a 'profit and loss account', showing the company's sales; running costs and the profit or loss it has made over the financial year;
- notes about the accounts; and
- a director's report.

Depending on the size of the company an auditor's report may have to be included.

Statutory accounts must meet either:

- International Financial Reporting Standards; or
- UK Generally Accepted Accounting Practice.

2. Confirmation statement (CS01)

From 30 June 2016 the confirmation statement replaced the annual return. Every company must confirm the information held by Companies House about it is correct by delivering a confirmation statement. If the information is out of date the company must file the information needed to update its records before, or at the same time that it delivers the confirmation statement.

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

This is the form required to change an accounting reference date relating to either the current or immediately previous accounting period.

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

This is the form required to change a registered office address.

5. Change of Directors and Secretary

There are three types of form

- Form AP01 is used for the appointment of an individual (AP02 to appoint a corporate body or firm) as director and AP03 for

the appointment of individual (AP04 to appoint a corporate body or firm) as secretary (formerly all 288a);

- Form TM01 or TM02 (formerly 288b for both) is used for the termination of an appointment of a director or company secretary respectively; and
- Form CH01 or CH03 (formerly 288c) is used for a change in an individual director's or secretary's details respectively (where the director is a corporate entity, form CH02 should be used and, where the secretary is a corporate entity form, CH04 should be used).

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.

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.

9. Deadline for delivery of accounts to Companies House

Private companies have 9 months to submit their accounts to Companies House after the company's financial year end. (The first accounts must be filed 21 months after the date the company is registered with Companies House.)

Contact:

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

6. Criminal Law

Remember:

Procurator Fiscal, Aberdeen v Taylor [2019] HCJAC 2, 7 February 2019- High Court appeal finding that the Moorov doctrine can be applied in the case of a single complainer where evidence comes from another source which, taken together with the evidence of the complainer, can be used to corroborate all of the incidents.

Glass v Her Majesty's Advocate, [2018] HCJAC 70, 30 October 2018- High Court appeal in which a hearsay statement was allowed in the sheriff court in circumstances involving memory loss of the witness. However, an appeal was allowed as the witnesses situation did not meet the requirements for exceptions to the hearsay rule listed in s 259 of the Criminal Procedure (Scotland) Act 1995.

Farquhar v Her Majesty's Advocate, [2018] HCJAC 56, 24 July 2018 -High Court appeal against sentence in which a 70-year-old female first offender had been given a sentence of 18 months after embezzling over £72,000 over eight years while acting as church treasurer. The appeal was allowed and a fine of £15,000 substituted after the court's consideration of the whole circumstances of the appellant's case (including the information in the criminal justice report, her age, previous lengthy good character and physical condition).

Gibb and Laurie v Her Majesty's Advocate, [2017] HCJAC 75, 8 November 2017 - High Court appeal in which the appellants had murder convictions quashed after the court found that the Trial judge had removed the option of a culpable homicide verdict from the jury in error.

Legislation

Look out for:

The Abusive Behaviour and Sexual Harm (Scotland) Act 2016
Provisions of the The Abusive Behaviour and Sexual Harm (Scotland) Act 2016 reforming the system of civil orders to protect the public from people who pose a risk of sexual harm are not yet in force.

Historical Sexual Offences (Pardons and Disregards) (Scotland) Act 2018

Act of the Scottish Parliament to pardon persons convicted of certain historical sexual offences (including same-sex relationships) and to provide a process for convictions for those offences to be disregarded. The Act received Royal Assent on 11 July 2018 and will come into force on 15 October 2019.

Management of Offenders (Scotland) Bill

Bill for an Act of the Scottish Parliament to make provision for

- electronic monitoring of offenders and as to certain other restrictive measures imposable on offenders;
- periods and processes as regards disclosure of convictions by offenders; and
- the organisation and functions of the Parole Board for Scotland.

The Bill was introduced on 22 February 2018 and completed Stage 2 on 30 April 2019.

Age of Criminal Responsibility (Scotland) Act 2019

Act of the Scottish Parliament which makes provision for:

- raising the age of criminal responsibility to 12 years
- making consequential changes to the law on the disclosure of criminal records and on disclosure of information about individuals working or seeking to work with children or certain adults;
- the providing of information by the Principal Reporter to persons adversely affected by the behaviour of children;
- the taking of certain children to a place of safety by the police;
- the searching of certain children by the police;
- police interviews with certain children; and
- on the taking of forensic samples from certain children by the police.

The Act received Royal Assent on 11 June 2019 and will come into force on a date or dates still to be appointed.

Vulnerable Witnesses (Criminal Evidence) (Scotland) Act 2019

Act of the Scottish Parliament to make provision:

- about the use of special measures for the purpose of taking the evidence of child witnesses and other vulnerable witnesses in criminal proceedings;
- to make provision about the procedure relating to taking evidence by commissioner; and
- to make provision about the procedure for authorisation of standard special measures.

The Act received Royal Assent on 13 June 2019 and will come into force on a date or dates still to be appointed.

Offensive Weapons Act 2019

Act of the UK Parliament making provision in connection with offences relating to offensive weapons including:

the sale, delivery and possession of corrosive products;
the sale, delivery and possession of knives; and
the prohibition of certain firearms.

The Act received Royal Assent on 16 May 2019. Provisions on the prohibition of fire arms came into force on Royal Assent. However, the majority of the provisions will come into force on a date or dates still to be appointed.

7. Employment Law

National Minimum Wage (NMW)/National Living Wage

The National Living Wage was introduced on 1 April 2016. It applies to all working people aged 25 and over and is currently set at £8.21 per hour.

The NMW continues to apply for those under the age of 25. There are different levels of NMW, depending on age and whether the employee is an apprentice. The rates from April 2019 are

- £7.70 per hour - the main rate for employees aged 21 and over.
- £6.15 per hour - the 18-20 rate.
- £4.35 per hour - the 16-17 rate for employees above school leaving age but under 18.
- £3.90 per hour - the apprentice rate, for apprentices under 19 or 19 or over and in the first year of their apprenticeship.

The rates will change on 1 April 2020.

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.

Statutory Sick Pay (SSP)

On 6 April 2019 the (weekly) rate of SSP was increased from £92.05 to £94.25.

On 6 April 2014 the Percentage Threshold Scheme that allowed employers to reclaim Statutory Sick Pay (SSP) was abolished. Under the Percentage Threshold Scheme, employers could recover SSP costs in respect of their employees' statutory sick pay entitlement in the event that the total SSP paid was more than 13% of the Class 1 NIC due for the month in question. However, this was changed to encourage employers to actively manage sickness absence, in order to reduce the potential cost to their business. Employers had until the end of the 2015/16 year to recover SSP paid for sickness absences occurring before the end of 2013/14.

Unfair dismissal awards 2019-2020

Maximum basic award for unfair dismissal (30 weeks' pay, subject to the limit on a week's pay).	£15,750
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).	£13,650
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).	£27,300
Limit on a week's pay.	£525
Minimum basic award for dismissal on trade union, health and safety, occupational pension scheme trustee, employee representative and working time grounds only.	£6,408
Maximum compensatory award for unfair dismissal.	£86,444
Limit on guarantee pay (per day).	£29
Amount of award for unlawful inducement relating to trade union membership, activities or services, or for unlawful inducement relating to collective bargaining.	£4,193
Minimum amount of compensation where an individual is excluded or expelled from a union in contravention of section 174 of the <i>Trade Union and Labour Relations (Consolidation) Act 1992</i> and not admitted or readmitted by the date of the tribunal application.	£9,787

Statutory maternity, paternity and adoption pay

Type of payment or recovery	Figures to use for 2019-20
Statutory Maternity Pay (SMP) - weekly rate for first six weeks.	90% of the employee's normal weekly earnings.
SMP - weekly rate for remaining weeks.	The lower of £148.68 or 90% of the employee's normal weekly earnings.
Statutory Paternity Pay - weekly rate (SPP).	The lower of £148.68 or 90% of the employee's normal weekly earnings.
Statutory Adoption Pay (SAP) - weekly rate for first six weeks	90% of the employee's normal weekly earnings.
Statutory Adoption Pay (SAP) - weekly rate for remaining weeks.	The lower of £148.68 or 90% of the employee's normal weekly earnings.
SMP/SPP/SAP - proportion of payments that can be recovered from HM Revenue & Customs.	92% if your total class 1 NI (both employee and employer contributions) is above £45,000 for the previous tax year. 103% if your total class 1 NI for the previous tax year is £45,000 or lower.

Recent developments

Remember:

The Companies (Miscellaneous Reporting) Regulations 2018

The Regulations give effect to corporate governance reporting improvements including the mandatory reporting of the ratios between CEO and average staff pay for listed companies. The regulations came into force on 1 January 2019.

Look out for:

Parental Bereavement (Leave and Pay) Act 2018

The Parental Bereavement (Pay and Leave) Bill entitles parents who have lost a child under the age of 18 to have 2 weeks bereavement leave. The Act received Royal Assent on 13 September 2018 and is expected to come into force in April 2020.

Good work: the Taylor review of modern working practices

The Taylor review review was published on 11 July 2017.

The recommendations (of which there are many) included:

- the introduction of new legislation bringing clearer definitions of the tests for employment status (i.e whether a person is an employee, a worker or self-employed);
- with regard to tax (where people are classified as either employed or self-employed with no ‘worker’ category), people classified as workers for the purposes of employment should be classified as employees for tax purposes;
- that the Low Pay Commission should develop sectoral strategies to ensure that people employed in sectors characterised by low pay can progress beyond minimum wage level; and
- that those on zero hours contract in a post for 12 months should have the right to request a contract with a guaranteed number of hours and that agency workers should also have the right to request a direct contract of employment after 12 months with the same hirer.

The UK Government’s response to the Taylor review was published on 7 February 2018.

The UK Government has announced (amongst other things) that:

- it will examine how it can be made easier to establish when an individual is an employee, worker, or self-employed.
- it intends to introduce measures to help enforce vulnerable workers’ rights, such as holiday and sick pay;
- a new right to a payslip for all workers, including casual and

- zero-hour workers, is to be introduced.
- It has also launched consultations on, agency workers recommendations, employment status, enforcement of employment rights recommendations and measures to increase transparency in the UK labour market.

At the time of writing the Taylor Review has resulted in the following pieces of legislation:

- The Employment Rights (Employment Particulars and Paid Annual Leave)(Amendment) Regulations 2018;
- The Employment Rights (Miscellaneous Amendments) Regulations 2019 (Draft); and
- Agency Workers (Amendment) Regulations 2019 (Draft)

all of which are due to come into force in April 2020.

8. Environmental Law

Contaminated land

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

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).

Advice from the Property Law and Professional Practice Committees:

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

Commentary on two 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).

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.

9. Family Law

Remember:

Children

K v K, [2018] SAC (Civ) 24, 5 September 2018 - Case from the Sheriff Appeal Court which found that, although a sheriff has the power to decide a case at a child welfare hearing as an alternative to fixing a proof, this does not mean that the sheriff can do so once the proof has commenced.

TJ v SB, 30 May 2018, [2018] SAC (Civ) 15 - Case from the Sheriff Appeal Court considering whether a sheriff was entitled to make no order following a finding of civil contempt of court against a mother for failure to obtemper a contact order. The sheriff had concluded that in terms of a previous case (*SM v CM* [2017] CSIH 1) she was precluded her from imposing a custodial sentence. The Appeal court found that the sheriff had placed too much reliance on the previous case but that did not mean that the decision to make no order was been vitiated and it was for the court itself to determine whether to punish conduct which defied its orders or challenged the rule of law.

Husband and wife

TJ v SB, [2018] SAC (Civ) 15, 30 May 2018 - Sheriff Court case concerning an action for divorce in which the court made orders relating to the equal division of matrimonial property (including an investment portfolio, heritable property and pensions).

LV v IV, [2018] CSOH 80, 31 July 2018 - Outer House case considering financial provision on divorce where the husband was a Dutch national and the wife had suffered economic disadvantage as a result of the marriage.

Look out for:

Domestic Abuse (Scotland) Act 2018

Act of the Scottish Parliament which creates a specific offence of abusive behaviour in relation to a partner or ex-partner (and includes psychological abuse such as coercive and controlling behaviour in addition to violence). The Act received Royal Assent on 9 March 2018 Some provisions came into force on 1 April 2019

and the remaining provisions come into force on a date or dates to be appointed.

Children and Young People (Scotland) Act 2014

It had been intended that Part 4 (Provision of Named Persons) of the 2014 Act would come into force in August 2016. However, following *Christian Institute v Scottish Ministers* [2016] UKSC 51, which found that some of the information sharing provisions breached the European Convention on Human Rights, that timetable was delayed. The Children and Young People (Information Sharing) (Scotland) Bill was introduced to Parliament in June 2017. That Bill aims to ensure that the information sharing provisions of the 2014 Act are compatible with current law. It is currently at stage 1 in the Scottish Parliament. The Bill is to be followed by a consultation on revised statutory guidance and a code of practice about information sharing for the named person service and child's plan.

Review of the Children (Scotland) Act 1995

The Scottish Government launched a consultation seeking views on reforming Part 1 of the Children (Scotland) Act 1995. Part 1 of the 1995 Act covers parental responsibilities and rights. It also covers contact and residence cases relating to children when parents are no longer together. The Consultation ended on 28 September 2018. The Scottish Government is currently considering next steps.

Children (Equal Protection from Assault) (Scotland) Bill

A Bill for an Act of the Scottish Parliament to abolish the defence of reasonable chastisement. It was introduced on 6 September 2018 and completed Stage 2 on 20 June 2019.

Review of the Gender Recognition Act 2004

The Scottish Government carried out a consultation (between 9 November 2017 and 1 March 2018) on the Gender Recognition Act 2004 as part of plans to 'review and reform gender recognition law so that it is in line with international best practice for people who are transgender or intersex'. The Cabinet Secretary for Equalities, announced on 20 June 2019 that a Gender Recognition (Scotland) Bill will be published by the end of the year. An Equality Impact Assessment will be published alongside the Bill

Aspects of family law

The Scottish Law Commission is undertaking a review of particular aspects of family law. The SLC expects to publish a Discussion Paper on the first phase of the project (which involves a review of the law relating to cohabitants as set out in sections 25 - 28 of the Family Law (Scotland) Act 2006) at the beginning of 2020 and aims to issue a report on the law relating to cohabitants in early 2021.

10. Governments and legislatures

THE SCOTTISH GOVERNMENT

First Minister of Scotland

Nicola Sturgeon MSP

Deputy First Minister and Cabinet Secretary for Education and Skills

John Swinney MSP

Cabinet Secretary for Health and Sport

Jeane Freeman MSP

Cabinet Secretary for Environment, Climate Change and Land Reform

Rosenna Cunningham MSP

Cabinet Secretary for Culture, Tourism and External Affairs

Fiona Hyslop MSP

Cabinet Secretary for Social Security and Older People

Shirley-Anne Somerville MSP

Cabinet Secretary for Justice

Humza Yousaf MSP

Cabinet Secretary for Finance, Economy and Fair Work

Derek Mackay MSP

Cabinet Secretary for the Rural Economy

Fergus Ewing MSP

Cabinet Secretary for Government Business and Constitutional Relations

Michael Russell MSP

Cabinet Secretary for Transport, Infrastructure and Connectivity

Michael Matheson MSP

Cabinet Secretary for Communities and Local Government

Aileen Campbell MSP

Ministers

Minister for Parliamentary Business and Veterans
Graeme Dey MSP

Minister for Energy, Connectivity and the Islands
Paul Wheelhouse MSP

Minister for Community Safety
Ash Denham MSP

Minister for Children and Young People
Maree Todd MSP

Minister for Further Education, Higher Education and Science
Richard Lochhead MSP

Minister for Public Health, Sport and Wellbeing
Joe Fitzpatrick MSP

Minister for Mental Health
Clare Haughey MSP

Minister for Europe, Migration and International Development
Ben Macpherson MSP

Minister for Older People and Equalities
Christina McKelvie MSP

Minister for Trade, Investment and Innovation
Ivan McKee MSP

Minister for Public Finance and Digital Economy
Kate Forbes MSP

Minister for Rural Affairs and the Natural Environment
Mairi Gougeon MSP

The Law Officers

Lord Advocate
James Wolffe QC

Solicitor General
Alison Di Rollo

Members of the Scottish Parliament (present)

Scottish National Party	62
Scottish Conservative and Unionist Party	31
Scottish Labour Party	23
Scottish Green Party	6
Scottish Liberal Democrats	5
Independent	1
Presiding Officer	1
	129

Next election: May 2021

Scottish Government First Ministers

Nicola Sturgeon, Scottish National Party	Nov 2014 to date
Alex Salmond, Scottish National Party	May 2007 to Nov 2014
Jack McConnell, Scottish Labour Party	Nov 2001 to May 2007
Henry McLeish, Scottish Labour Party	Oct 2000 Nov 2001
Donald Dewar, Scottish Labour Party	May 1999 to Oct 2000

Presiding Officers of the Scottish Parliament

Ken Macintosh, West Scotland	May 2016 to date
Tricia Marwick, Mid Fife and Glenrothes	May 2011 to May 2016
Alex Ferguson, Galloway and Upper Nithsdale	May 2007 to May 2011
George Reid, Ochil,	May 2003 to May 2007
David Steel, Lothian	May 1999 to May 2003

Devolved matters include:

- agriculture, forestry, fisheries and food standards
- education and training
- environment and some associated energy matters
- health and social services
- housing
- law and order
- local government
- sport and the arts
- tourism and economic development
- most transport matters
- some taxation matters
- some welfare matters
- most election matters

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

The Rt Hon Theresa May MP (A new Prime Minister will be appointed at the end of July)

**Chancellor of the Duchy of Lancaster, Minister for the Cabinet
Office**

David Lidington CBE MP

Chancellor of the Exchequer

The Rt Hon Philip Hammond MP

Secretary of State for the Home Department

Sajid Javid MP

Secretary of State for Foreign and Commonwealth Affairs

The Rt Hon Jeremy Hunt MP

Secretary of State for Exiting the European Union

The Rt Hon Stephen Barclay MP

Secretary of State for Health and Social Care

The Rt Hon Matt Hancock MP

Lord Chancellor and Secretary of State for Justice

The Rt Hon David Gauke MP

**Secretary of State for Defence, Minister for Women and
Equalities**

The Rt Hon Penny Mordaunt MP

**Secretary of State for International Trade and President of the
Board of Trade**

The Rt Hon Liam Fox MP

Secretary of State for Business, Energy and Industrial Strategy

The Rt Hon Greg Clark MP

Secretary of State for Education

The Rt Hon Damian Hinds MP

Secretary of State for Environment, Food and Rural Affairs

The Rt Hon Michael Gove MP

Secretary of State for Transport

The Rt Hon Chris Grayling MP

Secretary of State for Housing, Communities and Local Government

The Rt Hon James Brokenshire MP

Secretary of State for Work and Pensions

The Rt Hon Amber Rudd MP

Leader of the House of Lords and Lord Privy Seal

The Rt Hon Baroness Evans of Bowes Park

Secretary of State for Scotland

The Rt Hon David Mundell MP

Secretary of State for Wales

The Rt Hon Alun Cairns MP

Secretary of State for Northern Ireland

The Rt Hon Karen Bradley MP

Secretary of State for Digital, Culture, Media and Sport

The Rt Hon Jeremy Wright MP

Minister without Portfolio

The Rt Hon Brandon Lewis MP

Secretary of State for International Development

The Rt Hon Rory Stewart OBE MP

Advocate General for Scotland

Lord Keen of Elie QC

Reserved matters include:

- most welfare matters;
- most taxation matters;
- some election matters;
- immigration;
- defence;
- foreign policy;
- most employment matters;
- broadcasting;
- trade and industry;
- nuclear energy, oil, coal, gas and electricity;
- some consumer law;
- data protection; and
- the constitution.

Scottish members of the UK Parliament

Scottish National Party	35
Scottish Conservative and Unionist Party	13
Scottish Labour Party	7
Scottish Liberal Democrats	4
	59

UK Members of Parliament

Conservative Party	313
Labour Party	246
Scottish National Party	35
Liberal Democrat	11
Change UK	11
Democratic Unionist Party	10
Sein Fein	7
Plaid Cymru	4
Green	1
Independent	10
Speaker	1
Vacant	1
	650

Next Election: June 2022

SCOTTISH LOCAL AUTHORITIES

Local government in Scotland comprises 32 unitary local authorities, responsible for the provision of a range of public services. Local Authority areas reflect the geographical diversity within Scotland with wide variations in size (from 26 square miles in Dundee to 12,437 square miles in the Highlands and population (from under 20,000 people in the Orkney Islands Council area to over 600,000 in the Glasgow City Council area).

Each local authority is governed by a council. The council is made up of councillors directly elected by the residents in the population of the area they represent (referred to as a council ward). Each ward will have three or four councillors. In total, there are 1,223 elected councillors who are normally elected every 4 years (Legislation in 2009 moved local government to two consecutive five-year terms to decouple local government elections from elections to the Scottish Parliament).

Councils in Scotland are autonomous bodies, independent of central government and are accountable to their electorates for the delivery of services.

Responsibilities include:

- education;
- social care;
- waste management;
- cultural services; and
- planning.

List of local authorities

- Aberdeen City Council
- Aberdeenshire Council
- Angus Council
- Argyll and Bute Council
- Clackmannanshire Council
- Dumfries and Galloway Council
- Dundee City Council
- East Ayrshire Council
- East Dunbartonshire Council
- East Lothian Council
- East Renfrewshire Council
- Edinburgh City Council
- Falkirk Council
- Fife Council
- Glasgow City Council
- Highland Council
- Inverclyde Council
- Midlothian Council
- Moray Council
- North Ayrshire Council
- North Lanarkshire Council
- Perth and Kinross Council
- Orkney Islands Council
- Renfrewshire Council
- Scottish Borders Council
- Shetland Islands Council
- South Ayrshire Council
- South Lanarkshire
- Stirling Council
- Western Isles (Comhairle nan Eilean Siar)
- West Dunbartonshire Council
- West Lothian Council

The Convention of Scottish Local Authorities (COSLA) was formed in 1975 to act as an interface between local authorities and central government. All of Scotland's 32 councils are members of COSLA.

Number of councillors (May 2019)

Scottish National Party	422
Scottish Conservative and Unionist Party	268
Scottish Labour Party	252
Scottish Liberal Democrats	65
Scottish Green Party	19
Independents	198
Vacant	4
Total	1,227

Next election: 4 May 2021

EUROPEAN PARLIAMENT

The European Parliament is the directly elected parliamentary institution of the European Union (EU). Together with the Council of the European Union (the Council) and the European Commission, it exercises the legislative function of the EU. The Parliament is composed of 751 members who represent the second largest democratic electorate in the world after the Parliament of India.

Elections to the European Parliament are held every five years. The European Parliament was directly elected for the first time in 1979. All MEPs in the European Parliament are elected under some form of proportional representation. Member states use different systems. The last election took place in May 2019.

Scotland constituency result June 2019

Scottish National Party	37.7%	3 MEPs
Brexit Party	14.8%	1 MEPs
Scottish Liberal Democrats	13.8%	1 MEP
Scottish Conservative and Unionist Party	11.6%	1 MEP
Scottish Labour Party	9.3%	
Scottish Green Party	8%	
Total		6 MEPs

(**Next election:** But for Brexit this would have been in 2024)

11. Intellectual property

Domain names

.uk names

From 10 June, 2014, Nominet made short domain names, such as slas.uk available. Existing UK domain names continue to function as normal, however, their owners have certain rights of first refusal over the new .uk domain names. These rights will come to an end at 07:59hrs on **10 June 2019**.

gTLDs

ICANN, the internet domain name regulator, will be delegating control for over 1,300 new suffixes or “strings” to be created over the next few years, in addition to the 22 generic Top Level Domains (gTLDs) like .net or .com and the 522 national suffixes such as .uk or .fr. Brand owners will be able to protect their brands on the internet (eg .google or .pepsi) and enterprising applicant will be able to control new generic gTLDs such as .camera or .pizza.

The .scot domain was officially launched on 15th July 2014.

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 compilers.

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.

12. Judges and Courts

The International Court of Justice

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.

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. For the first time in the Court's inception in 1946 there is no UK Judge in the Court after the UK candidate withdrew from the election in November 2017.

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. This includes members (currently there are 193 members) of the United Nations and states which become parties to the court's statute

under the Article 93(2) procedure.

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
3. 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;
4. 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 127 judgements 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.

The Court has given 27 Advisory Opinions since its foundation, 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 the applicability of the United Nations Headquarters Agreement.

International Criminal Court, The Hague

The International Criminal Court

The International Criminal Court sits in The Hague in the Netherlands. It has the jurisdiction to prosecute individuals for the international crimes of genocide, crimes against humanity, and war crimes. It is not a substitute for national courts and can only intervene where a State is unable or unwilling to carry out an investigation and prosecute the perpetrators.

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 a former 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*.

The European Court of Justice and the General Court

The Court of Justice of the European Communities (often referred to simply as “the European Court of Justice” or “ECJ”) 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 of Justice is composed of one judge per member state, so that all 28 of the EU’s national legal systems are represented. The court sits as a bench of 3, 5 or 15 judges (the whole Court),

depending on the importance and complexity of the case. Most cases are dealt with by 5 judges, and it is very rare for the whole Court to hear the case. The Court is assisted by eleven 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, now renamed the "General Court". 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. It is currently made up of 47 judges. In 2019 this will be increased to 56 (2 judges from each EU country).

Koen Lenaerts 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 EU law. The Court passes judgment, at the request of an EU 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 EU law.

The Court also passes judgment, at the request of a national court, on the interpretation or validity of points of EU 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 General 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.

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

The role of the Court of Justice after the UK leaves the EU is being negotiated.

The European Court of Human Rights

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.

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 forty-seven judges. (One from each of the 47 member states of the Council of Europe). 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

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

NB: Although leaving the EU does not in itself have implications for the UK's relationship with the European Court of Human Rights, the UK has indicated that it may also withdraw from ECHR.

UK Supreme Court

The Supreme Court replaced the House of Lords 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.

Supreme Court Justices

President of The Supreme Court,
The Rt Hon the Baroness Hale of Richmond, DBE
Deputy President of The Supreme Court,
The Right Hon Lord Reed
The Rt Hon the Lord Kerr of Tonaghmore
The Rt Hon the Lord Wilson of Culworth
The Rt Hon Lord Carnwath of Notting Hill, CVO
The Rt Hon Lord Hodge
The Right Hon Lady Black of Derwent DBE
The Right Hon Lord Lloyd-Jones
The Right Hon Lord Briggs of Westbourne
The Right Hon Lady Arden of Heswall DBE
The Right Hon Lord Kitchin
The Right Hon Lord Sales

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.uk

Term Dates:

2018/2019 legal year

Trinity: 4 June 2019 to 31 July 2019

2019/2020 legal year

Michaelmas: 1 October 2019 to 20 December 2019

Hilary: 13 January 2020 to 8 April 2020

Easter: 21 April 2020 to 22 May 2020*

Trinity: 2 June 2020 to 31 July 2020

*Courts not sitting on Monday 2 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 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.

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

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 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 can assist will appeals where the appellant believes they have been a victim of miscarriage of justice.

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

Inner House

First Division

The Rt Hon Lord Carloway, (2000, LJC 2012, LP 2016, Colin John MacLean Sutherland) the Lord President of the Court of Session and Lord Justice General

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)

The Hon Lord Glennie, (2005, Angus Glennie)

The Rt Hon Lady Clark of Calton, (2006, Lynda Clark)

Second Division

The Rt Hon Lady Dorrian, (2005, LJC 2016, Leona June Dorrian), Lord Justice Clerk,

The Rt Hon Lady Paton, (2000, Ann Paton)

The Rt Hon Lord Bracadale, (2003, Alistair Peter Campbell)

The Rt Hon Lord Drummond Young, (2001, James Edward Drummond Young)

The Hon Lord Turnbull, (2006, Alan Turnbull)

The Rt Hon Lord Malcolm, (2007, Colin Malcolm Campbell)

Outer House

The Hon Lord Kinclaven, (2005, Alexander (Sandy) Featherstonhaugh Wylie)

The Hon Lord Brailsford, (2006, Neil Brailsford)

The Hon Lord Uist, (2006, Roderick Francis Macdonald)

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 Rt Hon the Lord Boyd of Duncansby (2012, Colin Boyd)

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)

The Hon Lady Rae (2013, Rita Emilia Anna Rae)

The Hon Lady Wolffe (2013, Sarah Poyntell LaBudde Wolffe)

The Hon Lord Beckett (2016, John Beckett)

The Hon Lord Clark (2016, Alistair Clark)

The Hon Lord Ericht (2016, Andrew Stewart)

The Rt Hon Lord Mulholland (2016, Frank Mulholland)

The Hon Lady Carmichael (2016, Ailsa Carmichael)
The Hon Lord Summers (2017, Alan Summers)
The Hon Lord Arthurson (2017, Paul Arthurson QC)

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 (e.g. Lord Boyd) 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”.

Terms of Court:

The court is in session throughout the year with the exception of the following vacation periods:

Saturday 13th April 2019 to Friday 26th April 2019
Saturday 21st December 2019 to Friday 3rd January 2020
Saturday 4th April 2020 to Friday 17th April 2020
Saturday 19th December 2020 to Tuesday 5th January 2021

Scottish Sheriffdoms and Sheriff Court Districts

Sheriffdom of Glasgow and Strathkelvin (G & S)

District – Glasgow and Strathkelvin.

Sheriff Principal (Glasgow): Sheriff Principal Craig Turnbull

Sheriffdom of Grampian, Highlands and Islands (G)

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

Sheriff Principal (Inverness): Derek Colin Wilson Pyle.

Sheriffdom of Lothian and Borders (L)

Districts – Edinburgh, Jedburgh, Linlithgow, Selkirk.

Sheriff Principal (Edinburgh): Mhairi Margaret Stephen.

Sheriffdom of North Strathclyde (NS)

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

Sheriff Principal (Paisley): Duncan Law Murray.

Sheriffdom of South Strathclyde, Dumfries and Galloway (SS)

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

Sheriff Principal (Airdrie): Ian Ralph Abercrombie QC.

Sheriffdom of Tayside, Central and Fife (T)

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

Sheriff Principal (Perth): Marysia Lewis.

13. Law Reports: 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 (LandsTrib)	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] CSIH 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].

14. 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.

OSCR is the independent Regulator and registrar for Scotland's charities, including community groups, religious charities, schools, universities, grant-giving charities, and major care providers. The total number of registered charities is now 24,635. The OSCR website has a user friendly search engine for finding out more about Scottish charities.

The contact details for OSCR are: OSCR 2nd Floor Quadrant House 9 Riverside Drive Dundee DD1 4NY Telephone: 01382 220446. Website: www.oscr.org.uk

The 2005 Act states that OSCR's 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; and
- give information or advice, or to make proposals, to Scottish Ministers on matters relating to OSCR's functions.

The "charity test" is the legal set of requirements that an organisation must pass to become a charity and be entered in the Scottish Charity Register. The charity test is in two main parts:

1. an organisation has to show that it has only 'charitable purposes'; and
2. that it provides 'public benefit' in achieving those purposes.

The 16 charitable purposes recognised in section 7(2) of the 2005 Act are:

- a) the prevention or relief of poverty;
- b) the advancement of education;
- c) the advancement of religion;
- d) the advancement of health;
- e) the saving of lives;
- f) the advancement of citizenship or community development;
- g) the advancement of the arts, heritage, culture or science;
- h) the advancement of public participation in sport;
- i) the provision of recreational facilities, or the organisation of

recreational activities with the object of improving the conditions of life for the persons for whom the facilities or activities are primarily intended;

- j) the advancement of human rights, conflict resolution or reconciliation;
- k) the promotion of religious or racial harmony;
- l) the promotion of equality and diversity;
- m) the advancement of environmental protection or improvement;
- n) the relief of those in need by reason of age, ill-health, disability, financial hardship or other disadvantage;
- o) the advancement of animal welfare; and
- p) any other purpose that may reasonably be regarded as analogous to any of the preceding purposes.

As regards ‘public benefit, each organisation applying to become a registered charity must satisfy OSCR that it will make a positive difference for the public.

The charity test also states that an organisation cannot become a charity, or continue to be one, if:

- it is set up to be or advance a political party;
- its governing document allows it to use its assets (cash or property) for non-charitable purposes; and
- its governing document allows Scottish Ministers to direct or control its activities.

Tax

Charities are entitled to a number of tax benefits if they register and are approved by HM Revenue & Customs. This is in addition to the OSCR application process. HMRC apply the English and Welsh “charity test” which is slightly different to the Scottish “charity test” outlined above.

Charities do not pay tax on most types of income as long as they use the money for charitable purposes. A charity can also claim back tax that has been deducted, eg on bank interest and donations. This is known as Gift Aid. A charity needs to complete a tax return if it has tax to pay.

Scottish Charitable Incorporated Organisations

Scottish Charitable Incorporated Organisations or SCIOs is a relatively new legal form for charities. 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.

Community Amateur Sports Clubs

The Community Amateur Sports Club (CASC) Scheme was introduced in April 2002. It allows local amateur sports clubs to

register with HM Revenue & Customs and benefit from a range of tax reliefs including Gift Aid, where they meet a number of qualifying conditions.

Recent developments:

- OSCR published updated guidance on charity accounting April 2019
- OSCR launched a new on-line application process March 2019
- Scottish Government published Charity Law consultation January 2019
- OSCR published new guidance on making changes to a charity November 2018
- OSCR published a consultation on new guidance for charities with investments August 2018
- OSCR announces a 13% rise in Scottish charity registrations in 2017-18 July 2018
- OSCR published new fraud guidance June 2018

15. Planning

Appeals

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*.

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:

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

Look out for:

The Planning (Scotland) Bill

The Planning (Scotland) Bill was introduced to Parliament on 4 December 2017. The Bill contains measures intended to strengthen the planning system's contribution to inclusive growth and empowering communities. It sets out changes to the overall framework under which planning operates aimed at reshaping the system. The Bill passed Stage 3 on 20 June 2019.

16. Privacy and Freedom of Information

Information Commissioner's Office (ICO) - Scotland Office

The ICO's Scotland Office provides a local point of contact for members of the public and organisations based in Scotland. As well as operating an advice service to address general enquiries, it promotes good practice in data protection by raising awareness of organisational responsibilities across all sectors. It also influences policy in related areas by working closely with the departments of the Scottish government and the wider public sector.

The ICO is responsible for enforcing and protecting the *Data Protection Act 1998*, the *Privacy and Electronic Communications Regulations 2003*, the *Freedom of Information Act 2000*, the *Environmental Information Regulations 2004*, and the *INSPIRE Regulations 2009*.

The ICO has regulatory power under the *Freedom of Information Act* for UK public authorities based in Scotland, such as the Ministry of Defence and the BBC.

Contact:

Ken Macdonald, Assistant Commissioner for Scotland and Northern Ireland, The Information Commissioner's Office - Scotland, 45 Melville Street, Edinburgh, EH3 7HL
Telephone: 0131 244 9001 Email: Scotland@ico.org.uk

The Office of the Scottish Information Commissioner (OSIC)

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

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 the *Freedom of Information (Scotland) Act 2002*, the *Environmental Information (Scotland) Regulations 2004* and the *INSPIRE (Scotland) Regulations 2009*

Contact:

Daren Fitzhenry, Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife KY16 9DS
Telephone: 01334 464611
Email: enquiries@itspublicknowledge.info

General Data Protection Regulation (GDPR) (EU) 2016/679

GDPR came into force on 25th May 2018. It governs data protection and privacy for all individuals within the European Union and the European Economic Area EEA areas. Its main aim is to give individuals control over their personal data. GDPR provides new rights for people to access the information companies hold about them, includes obligations for improved datamanagement for businesses and introduces a new regime of fines.

The layout of GDPR is shown and some of the main articles are listed below.

CHAPTER I - General provisions

CHAPTER II - Principles

CHAPTER III - Rights of the data subject

Section 1 - Transparency and modalities

Article 12 - Transparent information, communication and modalities for the exercise of the rights of the data subject

Section 2 - Information and access to personal data

Article 13 - Information to be provided where personal data are collected from the data subject

Article 14 - Information to be provided where personal data have not been obtained from the data subject

Article 15 - Right of access by the data subject

Section 3 Rectification and erasure

Article 16 - Right to rectification

Article 17 - Right to erasure ('right to be forgotten')

Article 18 - Right to restriction of processing

Article 19 - Notification obligation regarding rectification or erasure of personal data or restriction of processing

Article 20 - Right to data portability

Section 4 - Right to object and automated individual decision-making

Article 21 - Right to object

Article 22 - Automated individual decision-making, including profiling

Section 5 - Restrictions

Article 23 - Restrictions

CHAPTER IV - Controller and processor**Section 1 - General obligations**

Article 24 - Responsibility of the controller

Article 25 - Data protection by design and by default

Article 26 - Joint controllers

Article 27 - Representatives of controllers or processors not established in the Union

Article 28 - Processor

Article 29 - Processing under the authority of the controller or processor

Article 30 - Records of processing activities

Article 31 - Cooperation with the supervisory authority

Section 2 - Security of personal data

Article 32 - Security of processing

Article 33 - Notification of a personal data breach to the supervisory

Section 3 - Data protection impact assessment and prior consultation

Article 35 - Data protection impact assessment

Article 36 - Prior consultation

Section 4 - Data protection officer

Article 37 - Designation of the data protection officer

Article 38 - Position of the data protection officer

Article 39 - Tasks of the data protection officer

Section 5 - Codes of conduct and certification

Article 40 - Codes of conduct

Article 41 - Monitoring of approved codes of conduct

Article 42 - Certification

Article 43 - Certification bodies

CHAPTER V - Transfers of personal data to third countries or international organisations**CHAPTER VI - Independent supervisory authorities****CHAPTER VII - Cooperation and consistency****CHAPTER VIII - Remedies, liability and penalties**

Article 77 - Right to lodge a complaint with a supervisory authority

Article 78 - Right to an effective judicial remedy against a supervisory authority

Article 79 - Right to an effective judicial remedy against a controller or processor

Article 80 - Representation of data subjects

Article 81 - Suspension of proceedings

Article 82 - Right to compensation and liability

Article 83 - General conditions for imposing administrative fines

Article 84 - Penalties

CHAPTER IX - Provisions relating to specific processing situations

CHAPTER X - Delegated acts and implementing acts

CHAPTER XI - Final provisions

17. Private Client

Sheriff Courts carrying out commissary business

Grampian, Highlands and Islands:

Aberdeen, Banff, Elgin, Wick, Inverness, Peterhead, Kirkwall and Lerwick.

Tayside, Central and Fife:

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

Lothian and Borders:

Edinburgh, Livingston, Selkirk and Jedburgh.

Glasgow and Strathkelvin:

Glasgow.

North Strathclyde:

Dumbarton, Greenock, Kilmarnock and Paisley.

South Strathclyde, Dumfries and Galloway:

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

Succession to the estate of a deceased person in Scotland is regulated by a combination of common law rules, statutory provisions and any valid Will.

The common law gives the surviving spouse or civil partner and children of the deceased rights against the estate regardless of whether or not a valid Will has been made. These rights are known as “legal rights”. These rights can only be claimed from moveable property in the estate although the Scottish Government is consulting as to whether to change this. This is part of an on-going review of our law of succession. The Succession (Scotland) Act 2016 has already made a number of changes to this area of law.

A cohabitant of the deceased may also make a claim against the deceased’s estate on intestacy, after prior rights and legal rights have been met.

The question of domicile of the testator has wide and important implications. This includes the form in which the Will requires to be made, the formalities of execution of the Will, how the estate will be administered and of course taxation.

Testate succession in Scotland

Apart from the fact that a Will needs to be in writing and signed, under the Requirements of Writing (Scotland) Act 1995 no particular form need be observed. All that is required is the written intention of the testator to bequeath assets. A Will is valid if it satisfies these requirements and the testator has the necessary legal capacity to dispose of his or her estate. Under Scots law any person over the age of 12 can make a Will.

Where a Will has been made the estate is normally divided between what is left specifically by way of legacy and the remainder, the residue of the estate.

The executor is the person with authority to gather in all assets of the deceased's estate and to distribute them in accordance with the terms of the Will or the rules on intestacy.

An executor nominated by the Will is known as the "executor nominate", or on intestacy, application must be made to the court to be appointed. Such an executor is known as an "executor dative". To have authority to administer the estate an executor must obtain a court order known as "confirmation", which gives the legal right to deal with the estate.

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/civil partner.
- (ii) Legal rights of the spouse/civil partner (*jus relictii*, *jus relictiae*) and issue (*legitum*), and
- (iii) Rights of statutory successors to the "free estate".

The Civil Partnership Act 2004 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.

Legal rights arise regardless of the terms of a person's will. Although, any person who has rights under a will as well as legal rights has to choose between them; he or she cannot have both. Further information on legal rights can be found below.

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.

Dwellinghouse and furniture

On intestacy, the surviving spouse is entitled, subject to any burdens affecting it, to the ownership or tenancy of any one house owned or tenanted by the deceased spouse, plus its furniture and plenishings. This applies to any house in which surviving spouse was ordinarily resident at the date of death.

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.

There are two special cases:

(a) If the value of the relevant interest exceeds £473,000 the surviving spouse is entitled to £473,000 in lieu of the relevant interest.

(b) If the dwellinghouse forms part of the subjects contained on one tenancy, or forms the whole or part of business premises of the deceased spouse, 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 cannot claim the relevant interest but is entitled instead to the value of the interest.

The surviving spouse is also entitled to the furniture and plenishings of the house he or she was ordinarily resident at the date of death. If the value of the furniture and plenishings exceeds £29,000 the surviving spouse is entitled to such part thereof up to that value as he or she may select. Again if there is more than one house the surviving spouse has six months to choose which house to take the contents from.

Financial right

In addition to the rights to the relevant interest in a house and to furniture and plenishings the surviving spouse is entitled to a sum of money. The amount depends on whether or not the deceased was survived only by a spouse or by a spouse and issue (children or remoter descendants). If the deceased was survived by any issue the surviving spouse is entitled to the sum of £50,000 and if the deceased was not survived by any issue the sum of £89,000.

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 the surviving spouse takes the whole estate.

II. LEGAL RIGHTS

Legal rights entitle the surviving spouse to one third of the net moveable estate where there is surviving issue and one half if not. For issue it is one third of the net moveable estate if there is a surviving spouse and one half if not. Legal rights can be discharged and if not claimed prescribe after 20 years.

III. 'FREE ESTATE'

This is the part of the estate, both heritable and moveable, not disposed of by any testamentary disposition, and remaining after satisfaction of taxes, debts and prior and legal rights.

The order of succession is as follows:

- children;
- parents and brothers or sisters (if someone survives from both classes each class takes half);
- brothers or sisters (if no parents survive);
- parents (if no brothers and sisters survive);
- surviving spouse or civil partner;
- uncles or aunts (on either parent's side);
- grandparents (on either parent's side);
- brothers and sisters of grandparents and so on;
- the Crown.

Two general principles:

- adopted children are treated as lawful children; and
- illegitimate children have the same rights as legitimate children.

Partial intestacy

Partial intestacy arises where despite a testator having executed a valid testamentary disposition, parts of its provisions are ineffective. It also may arise where the deceased may not have disposed of all of his or her property by testamentary disposition and has omitted to include a residuary legatee who will take any part of the estate not bequeathed specifically to any beneficiary.

Artificial intestacy

Artificial intestacy may arise when a surviving spouse renounces his or her legacy with the effect that the estate falls into intestacy

and becomes available for prior and legal rights. Partial artificial intestacy may also arise where a beneficiary renounces a legacy in order to claim legal rights.

Small and large estates

A 'small estate' is an estate where the total value of the deceased's money and property is £36,000 or less. A 'large estate' is an estate where the total value is above this. In calculating the total value, you should not deduct any debts, such as funeral expenses, gas or electricity bills or any mortgage owed by the deceased.

Recent developments:

The Private Client Scotland Forum was launched in September 2017: www.privateclientscotland.scot

From 1 April 2019 the main commissary fees are:

- petition for appointment of executor remains at £19
- where the value of the estate does not exceed £50,000, there is no fee;
- where the value of the estate is over £50,000 but does not exceed £250,000, the fee will increase from £256 to £261;
- where the value of the estate exceeds £250,000, the fee will increase from £512 to £522;
- each certificate of confirmation ordered when lodging the inventory remains at £8.

The Scottish Government published another consultation on the law of succession.

This is from the consultation: “[The Scottish Government] consulted in 2015 on recommendations made by the Scottish Law Commission in their Report on Succession published in 2009. It was clear from the responses that there was insufficient consensus on a significant number of the recommendations to progress them further.”

“This paper focuses on intestacy. The key area which remained unresolved in the 2015 consultation was how an estate should be split where there are both a surviving spouse/civil partner and children. This paper therefore seeks views on a fresh approach to reform of the law of intestacy with reference to regimes which operate elsewhere.”

The consultation ran from 17 February to 10 May 2019.

Forbes v McLean [2018] CSOH 88 - Family members of a man who died of an asbestos-related disease have been allowed to proceed with an action against the executor of his former employer, despite the defender's claim that his liability had come to an end following his discharge as executor. The case was brought against Enos McLean as executor of his late father, a partner in a now dissolved firm of painters and decorators for whom Mr Forbes was said to have worked between 1957 and 1964, in the course of which he was exposed to asbestos.

Trusts

Trusts have been recognised in Scots law for centuries and are still widely used today. For example, disabled persons trusts and personal injury trusts are the normal ways of providing for disabled people or to protect compensation received after an accident. Many charities are also constituted as trusts. There is though no doubt that the underlying legislation, for example the Trusts (Scotland) Act 1921, is badly out of date and in need of reform as is evidenced by the work of the Scottish Law Commission.

There are different types of trust suitable for different situations, including:

- Family Trusts (Discretionary and Liferent)
- Charitable Trusts
- Disabled Beneficiaries Trusts
- Personal Injury Trusts

The taxation of trusts is still primarily the responsibility of the UK Parliament

Recent developments:

The Scottish Law Commission published a revised version of the Trusts (Scotland) Bill. This complements and develops law reform recommendations it made in its 2014 Report on Trust Law (SLC No 239; 2014).

The Trusts Registration Service (TRS) continues to cause problems for practitioners. The main issue is still the lack of detailed guidance. This is still a relatively new service and is meant to provide a single online route for trusts and complex estates to comply with their registration obligations and to obtain their Self-Assessment Unique Taxpayer Reference. It replaces the paper 41G (Trust) form and the ad hoc process for trustees to notify HMRC of changes in their circumstances. Trusts that are required to register with

HMRC are now required to do so through the TRS.

Notarial Execution

Subscription on behalf of blind granter or granter unable to write
The procedure laid down by section 9 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.....

(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 provisions 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”.

For further guidance go to the Law Society of Scotland website.

Adults with incapacity

The Adults with Incapacity (Scotland) Act 2000 was one of the earliest pieces of legislation to be passed by the reconvened Scottish Parliament.

The 2000 Act provides a framework for safeguarding the welfare and managing the finances of adults, age 16 and over, who lack capacity due to mental disorder or inability to communicate.

It is important to remember that having a diagnosis of, for example, dementia, does not mean, of itself, that a person is unable to make decisions. It is also important to remember that just because someone acts unwisely - whether or not mental disorder is present - does not mean that capacity is lacking. A person's capacity could be impaired gradually or suddenly as a result of an accident or illness.

The Office of the Public Guardian (Scotland), which is part of the Scottish Courts and Tribunal Service, was established in April 2001 following the passing of the 2000 Act.

The OPG is responsible for supervising the actions of those appointed in terms of the 2000 Act to manage the property and financial affairs of adults who lack the capacity to carry out these functions for themselves. It also provides a wide range of advice and guidance.

Contact details:

Office of the Public Guardian (Scotland)
Hadrian House
Callendar Business Park
Callendar Road
Falkirk FK1 1XR

Telephone: 01324 678300
Email: opg@scotcourts.gov.uk
www.publicguardian-scotland.gov.uk

Powers of Attorney

This is a means by which individuals, whilst they have capacity, can grant someone they trust powers to act as their continuing (financial) and/or welfare attorney. One or more persons can be appointed. A continuing (financial) power of attorney continues or commences (where specified) on the granter's loss of capacity. A welfare power of attorney only comes into effect in the event of the granter's loss of capacity. All powers of attorney under the 2000

Act must be registered with the OPG.

It should also be borne in mind that there are still a number of pre-2000 Act powers of attorney still in use.

The Scottish Government has also produced an extremely useful “Code of Practice for Continuing and Welfare Attorneys” first published in 2001. This was revised in 2008 to take into account of the provisions of the Adult Support and Protection (Scotland) Act 2007, with further minor amendments in 2011.

Guardianship

Guardianship can cover property and financial matters or personal welfare, including health, or a combination of these. It is likely to be suitable where the person has long-term needs in relation to these matters, and has lost, or has never had, capacity to take decisions or action on these matters. An application may be made to the sheriff court by individuals, or by the local authority where no one else is applying and the adult has been assessed as needing a guardian. Before granting a guardianship order, the sheriff would have to be satisfied that the adult is incapable with regard to the matters in question, and that there is no other suitable means of safeguarding or promoting the adult’s interests in the relevant matters.

Access to funds

This is a procedure which allows an individual, a local authority or another organisation to apply for authority to access and manage the funds belonging to an incapable adult. The scheme would be suitable when the adult’s financial affairs are simple, e.g. paying for the adult’s day to day expenses such as gas, electricity, clothes, toiletries, food etc. It can also be used to request a lump sum to pay off any existing debts or to purchase specific items required by the adult.

Intervention Orders

This is a court appointment which authorises a person to act and take a one-off action or make decisions on behalf of an adult with incapacity. Anyone with an interest can make an application for an intervention order.

Recent developments:

Carrie Diggins appointed as Deputy Public Guardian May 2019.

The consultation on proposals for reform to the Adults with Incapacity (Scotland) Act 2000 (AWI) closed on 30 April 2018. A summary and analysis of responses to the consultation was published on 16 August 2018.

The proposals relate to the following:

- Graded Guardianships
- Change of forum for Adults with Incapacity (AWI) cases
- Creation of supported decision maker role and a supported decision making scheme
- Clarification of use of powers of attorney in deprivation of liberty cases
- Creation of short term 'placement order'
- Clarification of the interaction between aspects of the AWI legislation; and
Adult Support and Protection legislation.

The fee for submitting a power of attorney document or a deed of amendment increased to £79 on 1 April 2019.

18. Property and conveyancing

Remember:

Anwar v Britton, 2018 SAC (Civ) 27, 8 October 2018

Case from the Sheriff Appeal Court considering an alleged misrepresentation made by the sellers of property regarding flooding of the property, warranties given in the missives (which incorporated the Scottish Standard Clauses) and the entire agreement clause. The case resulted in changes being made to the Scottish Standard Clauses which are noted in the guidance notes.

McAdam's Executor v The Keeper of Registers of Scotland, LTS/LR/2017/18, 16 May 2018

Lands tribunal case considering the problem of overlapping titles in the Land Register. It was decided that prescription running on a Sasine title (after an extension had been built on the disputed property) was sufficient to amount to a manifest inaccuracy in a neighbouring title held on a 2012 Act title in the Land Register.

Grampian MacLennan's Distribution Services Ltd v Carnbroe Estates Ltd, [2018] CSIH 7, 23 January 2018

Inner House case considering the meaning of "adequate consideration" in the context of a gratuitous alienation claim. The UK Supreme Court heard the appeal on 2 May 2019 and a judgement is expected later in the year.

Legislation

Land and Buildings Transaction Tax (First-Time Buyer Relief) (Scotland) Order 2018

This order provides relief for first-time buyers of a dwelling in Scotland. It effectively raises the zero tax threshold for first-time buyers from £145,000 to £175,000. It applies to transactions where the contract is entered into on or after 9 February 2018 and where the effective date of the transaction is on or after 30 June 2018.

Community Empowerment (Scotland) Act 2015

This Act inserts ss 97A to 97Z into the Land Reform (Scotland) Act 2003. These provisions introduce a new community right to buy abandoned or neglected land and came into force on 27 June 2018.

Scottish Crown Estate Act 2019

An Act of the Scottish Parliament to make provision about the management of the Scottish Crown Estate. The Act also provides powers for the transfer of assets and revenues to a local level.

The Act received Royal Assent on 15 January 2019. Delegated

legislation transferring powers to a local level is expected in 2019 and 2020.

Look out for:

Discussion Paper on Heritable Securities: Pre-default

This discussion paper makes proposals for the reform of securities granted over land and buildings. These include that:

- The law on security over land is consolidated,
- The compulsory forms of document are abolished,
- The “standard conditions”, which govern every standard security, in their current form are abolished,
- People who lease mortgaged properties should be clear about their rights and responsibilities; and
- A sunset rule under which very old securities are automatically extinguished after a certain period of time should be considered.

The consultation will close on **30 September 2019**.

Aspects of Leases: Termination

Discussion Paper relating to the regulation of commercial leases which aims to highlight some of the current problems and ask how the law could be improved in order to make the practice of terminating commercial leases clearer. The consultation closed on 14 September 2018 and the Scottish Law Commission is now analysing the responses.

The Freedom of Information (Scotland) Act 2002 (Designation of Persons as Scottish Public Authorities) Order 2019

Extends the effect of the Freedom of Information (Scotland) Act 2002 to Registered Social Landlords. RSLs will be required to comply with freedom of information legislation and respond to freedom of information requests made by the public, with effect from **11th November 2019**.

19. Taxation

LBTT

The Land and Business Transaction Tax replaced UK Stamp Duty Land Tax on 1 April 2015

LBTT rates and bands

Purchase of residential properties

Purchase price	LBTT rate
Up to £145,000	0%
Above £145,000 to £250,000	2%
Above £250,000 to £325,000	5%
Above £325,000 to £750,000	10%
Over £750,000	12%

An Additional Dwelling Supplement (ADS) of LBTT is applied on purchases of additional residential properties in Scotland (such as buy-to-let properties and second homes) of £40,000 or more. For transactions on or after 25 January 2019 the rate of ADS is 4% of the 'relevant consideration' (usually the purchase price). For transactions prior to 25 January 2019 the rate of ADS is 3% of the 'relevant consideration'

Purchase of non-residential properties (commercial property) on or after 25 January 2019:

Purchase price	LBTT rate
Up to £150,000	0%
Above £150,000 to £350,000	1%
Above £350,000	5%

Purchase of non-residential properties (commercial property) before 25 January 2019

Purchase price	LBTT rate
Up to £150,000	0%
Above £150,000 to £350,000	3%
Above £350,000	4.5%

Non-residential leases

NPV of rent payable	LBTT rate
Up to £150,000	0%
Over £150,000	1%

Non-residential leases on or after 25 January 2019.

Premium	LBTT rate
Up to £150,000	0%
Above £150,000 to £350,000	1%
Above £350,000	5%

Non-residential leases before 25 January 2019.

Premium	LBTT rate
Up to £150,000	0%
Above £150,000 to £350,000	3%
Above £350,000	4.5%

The first three-year review of tax chargeable on leases for LBTT began on 1 April 2018. The review, which will apply to the majority of LBTT leases, is a legal requirement set out in the LBTT (Scotland) Act 2013. Under the Act, tenants are required to submit a further return to Revenue Scotland every three years to review the lease and assess whether the correct amount of tax has been paid.

Annual charge on "enveloped dwellings" 2019/20

UK ATED continues to apply to property in Scotland.

Property value	Charge
More than £500,000 but not more than £1m	£3,650
More than £1m but not more than £2m	£7,400
More than £2m up to £5m	£24,800
More than £5m but not more than £10m	£57,900
More than £10m but not more than £20m	£116,100
More than £20m	£232,350

UK Stamp Duty (including SDRT)

0.5% (rounded up or down to the nearest penny) based on what is paid for the shares, not what the shares are worth.

Income tax -Scottish rates and bands for 2019/20

On the 20 February 2018 the Scottish Parliament set the following income tax rates and bands for 2018/19.

Personal Allowance	Up to £12,500	0%
Starter rate	£12,500 to £14,549	19%
Basic rate	£14,549 to £24,944	20%
Intermediate rate	£24,944 to £43,430	21%
Higher rate	£43,430 to £150,000	41%
Top rate	over £150,000	46%

Personal Allowance is reduced by £1 for every £2 earned over £100,000.

Scottish income tax is only payable by Scottish taxpayers. HMRC will determine whether or not you are a Scottish taxpayer based on where your main place of residence is.

UK Income tax and National Insurance Contributions

For a complete overview of the applicable rates bands applying to Income tax and National Insurance Contributions for 2019-20 go to <https://www.gov.uk/>

UK 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%

An additional threshold/residence nil rate band was introduced on 6 April 2018.

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.

This allowance is being phased in: £100,000 2017-18, £125,000 2018-19, £150,000 2019-20 and £175,000 2020-21.

UK Capital gains tax

Individuals

Up to basic rate limit 10% (Second homes 18%)
Above basic rate limit 20% (Second homes 28%)

Trusts and estates 28% on residential property
20% on other chargeable assets

Annual exemptions

Individuals and estates £12,000
Trusts £6,000

Value Added Tax

Standard rate most goods and services 20%
Reduced rate example domestic fuel 5%
Zero rate most food and children's clothes 0%
Registration level from 1 April 2019 £85,000
Flat rate scheme turnover limit £150,000
Cash and annual accounting schemes turnover limit £1,350,000

The receipts raised in Scotland from the first 10 percentage points of the standard rate of VAT were to be assigned to the Scottish Government's budget in 2019/20. However this has been delayed due to the failure of the UK Government to develop an accurate methodology to properly account for Scottish VAT receipts. A further complication has arisen due to Brexit and the UK's imminent departure from the European Union.

Landfill tax

From 1 April 2019 Scottish Landfill tax was:

Lower rated waste £2.90 per tonne
Standard rated waste £91.35 per tonne

Aggregates levy

Rate remains at £2 per tonne from 1 April 2019. (Control to be devolved to Scottish Parliament when the long running EU state aid dispute is resolved)

Air Departure Tax

As part of the UK Annual Budget on 22 November 2017, UK and Scottish Government Ministers agreed to delay the introduction of Air Departure Tax in Scotland until issues have been resolved regarding the tax exemption for flights departing Highlands and Islands airports. Air Passenger Duty (APD) will continue to apply to flights departing Scottish airports, and HMRC will continue to have responsibility for administering APD in relation to Scottish flights. The Scottish Government has also announced that reducing ADT is no longer compatible with Scotland's new emissions reduction targets.

For further information on Scottish taxes see www.revenue.scot and for UK taxes see www.gov.uk.

Local government finance

For a detailed guide on how council tax and non-domestic (business) rates are collected and administered go to the Scottish Government website.

Plastic bag charge

Shops in Scotland began charging 5p for single-use plastic carrier bags on 20 October 2014. The rate is likely to be increased to 10p sometime in 2019.

Minimum unit pricing (MUP)

Following a 5 year legal case, on 15 November 2017, the UK Supreme Court confirmed that the legislation which allows minimum unit pricing (MUP) to be introduced is lawful. The rate has been set at 50 pence per unit of alcohol and applies from 1 May 2018.

Edinburgh tourist tax (aka transient visitor levy)

The City of Edinburgh Council is likely to be the first council in Scotland to introduce a "transient visitor levy" or tourist tax once the Scottish Parliament has introduced enabling legislation. The levy is likely to be introduced sometime in 2020.

20. Select directory

ACCOUNTANT OF COURT'S OFFICE

Hadrian House, Callander Business Park, Callander Road, Falkirk
FK1 1XR. DX: 550361, Falkirk 3. Legal Post: LP 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: 0131 625 1500
www.accounts-commission.gov.uk

ADVISORY CONCILIATION AND ARBITRATION SERVICE

Helpline: 0300 123 1100

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: 0131 625 1500.
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 4444
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: 03700 100 222.
www.bbc.co.uk/scotland

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

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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

6 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: 0345 762 6848

Mining Reports: 0345 762 6848

Subsidence: 01623 637 119

Mining Records: 0345 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.

Tel: 0131 275 7800. www.clo.scot.nhs.uk

COMPANIES HOUSE

4th Floor, Edinburgh Quay 2, 139 Fountainbridge,
Edinburgh EH3 9FF. LP-4 Edinburgh 2.
DX: ED 235 Edinburgh 1 www.companieshouse.gov.uk

COMPETITION AND MARKETS AUTHORITY

Victoria House, Southampton Row, London WC1B 4AD. Tel: 020
3738 6000. e-mail: general.enquiries@cma.gsi.gov.uk
www.gov.uk/government/organisations/competition-and-markets-authority

CONVENTION OF SCOTTISH LOCAL AUTHORITIES

Verity House, 19 Haymarket Yards, Edinburgh EH12 5BH.
Tel: 0131 474 9200 Fax: 0131 474 9292.
www.cosla.gov.uk

COUNCIL OF MORTGAGE LENDERS

Bush House, North West Wing, Aldwych. London WC2B 4PJ.
Tel: 0845 373 6771. www.cml.org.uk

COURT OF APPEAL IN CRIMINAL CASES

High Court of Justiciary, Parliament House, 2 Parliament Square,
Edinburgh EH1 1RQ. DX: 549306, Edinburgh 36. Tel: 0131 225
2595.

COURT OF SESSION

Parliament House, Edinburgh EH1 1RQ. Tel: 0131 225 2595
DX: 549306, Edinburgh 36.

COURT OF SESSION RULES COUNCIL

Lord President's Private Office, Court of Session, Parliament
Square, Edinburgh EH1 1RQ. Tel: 0131 225 2595 ext 324.

CREATIVE SCOTLAND

Waverley Gate, 2-4 Waterloo Place, Edinburgh EH1 3EG249
West George Street, Glasgow G2 4QE. Tel: 0330 333 2000

CRIMINAL INJURIES COMPENSATION AUTHORITY

Alexander Bain House, Atlantic Quay, 15 York Street, Glasgow,
G2 8JQ. Tel: 0300 003 3601
www.gov.uk/government/organisations/criminal-injuries-compensation-authority

CROFTING COMMISSION

Great Glen House, Leachkin Road, Inverness IV3 8NW.
Tel: 01463 663439 Fax: 01463 725067.
<http://www.crofting.scotland.gov.uk>

CROWN ESTATE COMMISSIONERS

6 Bell's Brae, Edinburgh EH4 3BJ. Tel: 0131 620 6070

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: 549306,

Edinburgh 36. Tel: 0131 225 2595

EMPLOYMENT TRIBUNALS (SCOTLAND)

Employment Tribunals public enquiry line on 0141 354 8574.

<https://www.gov.uk/employment-tribunals>

THE EXTRACTOR OF THE COURT OF SESSION

2 Parliament Square, Edinburgh EH1 1RQ. DX: 549306.

Tel: 0131 225 2595.

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 CONDUCT AUTHORITY

1st floor, Quayside House, 127 Fountainbridge Edinburgh EH3 9QG.

Tel: 0300 500 0597. www.fca.org.uk

FINANCIAL OMBUDSMAN SERVICE

Exchange Tower, London E14 9SR. Tel: 020 7964 1000.

www.financial-ombudsman.org.uk

FORESTRY COMMISSION SCOTLAND

Silvian House, 231 Costorphine Road, Edinburgh EH12 7AT.

Tel: 0300 067 6156 e-mail: fcscotland@forestry.gsi.gov.uk

www.forestry.gov.uk

FORTH PORTS plc

Imperial House, Albert Dock, Leith EH6 7DN. Tel: 0131 555 8700

www.forthports.co.uk

HM REVENUE & CUSTOMS

See: www.gov.uk/government/organisations/hm-revenue-customs

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: 0300 003 1747.

HIGH COURT OF JUSTICIARY

Parliament House, Edinburgh EH1 1RQ. DX: 549306, Edinburgh 36. Tel: 0131 225 2595.

HISTORIC ENVIRONMENT 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

THE LORD PRESIDENT'S PRIVATE OFFICE

Parliament House, Edinburgh EH1 1RQ.
Tel: 0131 225 2595 ext 366.

THE LYON OFFICE

The Lord Lyon King of Arms, HM New Register House, Edinburgh EH1 3YT. Tel: 0131 556 7255 Fax: 0131 557 2148.
email: lyonoffice@scotland.gsi.gov.uk www.lyon-court.com

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

102 Petty France, London SW1H 9AJ. DX: 152380 Westminster 8.
Tel: 020 3334 3555 e-mail: general.enquiries@justice.gsi.gov.uk
www.justice.gov.uk

MOTOR INSURERS' BUREAU

6-12 Capital Drive, Linford Wood, Milton Keynes MK14 Ext. DX
142620 Milton Keynes 10. Tel: 01908 830001. www.mib.org.uk

NATIONAL RECORDS OF SCOTLAND

H.M. General Register Office, 2 Princes Street, Edinburgh EH1
3YY. Tel: 0131 535 1314 <http://www.nrscotland.gov.uk>

NATIONAL SAVINGS AND INVESTMENT

NS&I, Glasgow, G58 1SB, Tel: 0500 007 007
<http://www.nsandi.com/>

NATIONAL TRUST FOR SCOTLAND

Hermiston Quay, 5 Cutlins Road, Edinburgh, Scotland, United
Kingdom EH11 4DF. Tel: 0131 458 0200 Fax: 0844 493 2102
www.nts.org.uk

NHS (see also Common Services Agency, above)

Canaan Lane, Edinburgh EH10 4SG.

NOTARIES PUBLIC

The Law Society of Scotland, 26 Drumsheugh Gardens, Edinburgh
EH3 7YR. DX: ED 1. Tel: 0131 226 7411

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: 0345 015 4033
<http://www.ombudsman.org.uk>

PAROLE BOARD

Saughton House, Broomhouse Drive, Edinburgh EH11 3XD.
Tel: 0131 244 8373 Fax: 0131 244 6974 www.scottishparoleboard.gov.uk

INTELLECTUAL PROPERTY OFFICE (IPO)

Concept House, Cardiff Road, Newport, Gwent NP9 1RH.
Tel: 0300 300 2000 Fax: 01633 817777 www.ipo.gov.uk

PUBLIC GUARDIAN

Hadrian House, Callendar Road, Falkirk FK1 1XR. Tel: 01324
678300 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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 Tel: 0844 5613805 or 0844 561 4468 (Bona Vacantia including
 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:
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www.qltr.gov.uk

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REGISTERS OF SCOTLAND EXECUTIVE AGENCY
 Meadowbank House, 153 London Road, Edinburgh EH8 7AU
 LP 50 Edinburgh 5, DX 550906 Edinburgh 9
 Tel. 0800 169 9391 Fax. 0131 200 3932
 e-mail. customer.services@ros.gov.uk

Hanover House, 24 Douglas Street, Glasgow G2 7NQ
 LP 12 Glasgow 9, DX 501752 Glasgow 9
 Tel. 0800 169 9391 Fax. 0141 306 1721
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Atria One, 144 Morrison Street Edinburgh EH3 8EX
 LP: 1 Edinburgh 1. Tel: 0131-226 7411

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 Tel: 03000 200 310.
 Email: info@revenue.scot.

ROYAL COMMISSION ON THE ANCIENT AND HISTORICAL MONUMENTS OF SCOTLAND

John Sinclair House, 16 Bernard Terrace, Edinburgh EH8 9NX.
 Tel: 0131 662 1456 Fax: 0131 662 1477 e-mail:info@rcahms.gov.uk

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www.royalmail.com/personal/receiving-mail/redirection.

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S.S.C. LIBRARY

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Tel: 0131 225 6268 Fax: 0131 225 2270

e-mail: enquiries@ssclibrary.co.uk

SCOTTISH AIRPORTS

Glasgow Airport, Paisley PA3 2SW. Tel: 0844 481 5555

www.glasgowairport.com

Edinburgh Airport, Edinburgh EH12 9DN Tel: 0844 448 8833

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

3rd Floor, 125 Princes Street, Edinburgh EH2 4AD.

Tel: 0131 226 4686. www.scottisharbitrationcentre.org

SCOTTISH CANALS

Caledonian Canal Office: Seaport Marina, Muirtown Wharf,

Inverness IV3 5LE. Tel: 01463 725500.

Crinan Canal Office: Pier Square, Ardrishaig, Lochgilphead, Argyll

PA30 8DZ. Tel: 01546 603210

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

Tobacco Merchants House, 42 Miller Street, Glasgow G1 1DT.

Tel: 0141-221 1466 Fax: 0141-248 6952 e-mail: sct@

scottishcivictrust.org.uk

SCOTTISH COUNCIL OF LAW REPORTING

The Secretary, Darkfaulds Cottage, Balrigowrie, Perthshire PH10 6PY.

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)

See: <http://www.sepa.org.uk/contact/office-locations/> General for individual offices. General Enquiries: 0300 099 6699

SCOTTISH HUMAN RIGHTS COMMISSION

4 Melville Street, Edinburgh EH3 7NS. Tel: 0131 240 2989.
e-mail: hello@scottishhumanrights.com

SCOTTISH INFORMATION COMMISSIONER

Kinburn Castle, Doubledykes Road, St Andrews KY16.
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.

SCOTTISH LEGAL AID BOARD

Thistle House, 91 Haymarket Terrace, Edinburgh, EH12 5HE,
DX: ED 555250 Edinburgh 30. Tel: 0131 226 7061 Fax: 0131 220
4878 e-mail: general@slab.org.uk

SCOTTISH LEGAL COMPLAINTS COMMISSION

The Stamp Office, 10-14 Waterloo Place, Edinburgh EH1 3EG.
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/>

SCOTTISH PRISON SERVICE

5 Redheughs Rigg, Edinburgh EH12 9HW. Tel: 0131 244 8745
e-mail: gaolinfo@sps.pnn.gov.uk

SCOTTISH WATER

6 Castle Drive, Dunfermline KY11 8GG. Tel: 0800 0778 778
www.scottishwater.co.uk

SCOTTISH & SOUTHERN ENERGY plc

200 Dunkeld Road, Perth PH1 3AQ. Tel: 01738 456000
Fax: 01738 456520.

SEA FISH INDUSTRY AUTHORITY

18 Logie Mill, Logie Green Road, Edinburgh EH7 4HG. Tel: 0131-
558 3331 Fax: 0131-558 1442. seafish@seafish.co.uk

SHERIFF COURT OF CHANCERY OFFICE

27 Chambers Street, Edinburgh EH1 1LB. DX: ED 550313. Tel:
0131 225 2525 Fax: 0131-225 4605.

SIGNET LIBRARY

Parliament Square, Edinburgh EH1 1RF. Tel: 0131 220 3249.

SOCIAL SECURITY SCOTLAND

Resourcing Department, F Spur, Saughton House, Edinburgh
Tel: 0800 029 4974
Email: SSAIResourceMailbox@gov.scot

EH11 3XD

STAMP OFFICE (SCOTLAND)

Edinburgh Stamp Office, Elgin House, 20 Haymarket Yards,
Edinburgh EH12 5WN. Tel: 0131 346 5421 Fax: 0131 346 5616.
DX ED 543303 Edinburgh 33

STV

Pacific Quay, Glasgow G51 1PQ. Tel: 0141 300 3000.
www.stv.tv

TRANSPORT SCOTLAND

Buchanan House, 58 Port Dundas Road, Glasgow G4 0HF
Tel: 01412727100 <http://www.transportscotland.gov.uk>

VISIT SCOTLAND

Level 3, Ocean Point One, 94 Ocean Drive, Edinburgh EH6 6JH.
Tel: 0845 859 1006 www.visitscotland.com

21. 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). *Ratray 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 granter is still alive.

Inter alia – Among other things.

Inter alios – Among other people.

Ipo jure – As a consequence of the law itself.

Ipo 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.*

Vidilicet – 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**, Sheridans.

22. Weights and Measures

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	9oz = 255g
	5 oz = 140g	10oz = 285g

The Units of Measurements Regulations 2009

The United Kingdom's derogation for certain weights and measures is made permanent by the *Directive 2009/3/EC*, transposed into UK law by *the Units of Measurements Regulations* (SI 2009/3046). Some imperial units remain available as the primary system of measurement for certain specific uses as follows:

- pint for sales of draught beer or cider and for milk sold in returnable containers;
- mile, yard, foot and inch for road traffic signs and for related distance and speed measurements;
- foot in aircraft heights and other units used in the field of air and sea transport and rail traffic, which have been laid down in international conventions;
- nautical mile and knot for sea and air traffic; and
- troy ounce for transactions in precious metals.

The derogation in relation to the acre for land registration has been dropped.

(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 = 1 (statute) mile = 1.6093 kilometres
 yards or 5280 feet

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
 160 sq. rods or = 1 acre = 0.4047 hectare
 4840 sq. yards or
 43 560 sq. feet
 640 acres = 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

$C = (F - 32) \times 5 \text{ divided by } 9$ $F = (9 \times C) \text{ divided by } 5 + 32$

Thus $21^{\circ}\text{C} = 70^{\circ}\text{F}$

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 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
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.

SCOTS LINEAL MEASURE

8.88 Scots inches	=	1 Scots link
1.35 links	=	1 foot
3 ¹ / ₂ 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.

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 - (3 1/2" x 5 1/2")
A6 - (105mm x 148mm)	
20 quire =	24 sheets = 1 quire 1 ream

METRIC

1 litre	= 1 cubic dcm. (1000 cc or 1/1000 cubic metre)
A5 - (148mm x 210mm)	Postcard = (3 1/2" x 5 1/2")
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 naptha.

AREAS AND DIMENSIONS

SQUARE – To find side of a square of equal area to a circle, multiply diameter of circle by 0.8862.

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
Femtosecond	–	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
1,000 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 26²/₃ 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.

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