



**The Lord President's Private Office**  
Parliament House Edinburgh EH1 1RQ

6 October 2008

William Alexander Esq  
Chairman  
Association of Commercial Attorneys  
Huntershill Business Centre  
25 Auchinairn Road  
Glasgow G64 1RX

*Dear Mr Alexander*

**APPLICATION BY THE ASSOCIATION OF COMMERCIAL  
ATTORNEYS UNDER SECTION 25 OF THE LAW REFORM  
(MISCELLANEOUS PROVISIONS) (SCOTLAND) ACT 1990**

I refer to the application by the Association of Commercial Attorneys ("ACA") for certain rights to conduct litigation and certain rights of audience.

The Lord President and the Scottish Ministers have now considered the version of the draft scheme which accompanied your letter of 25 June. Both the Lord President and the Scottish Ministers consider that in general the draft scheme meets the criteria which they are respectively required to take into account and that it should be approved. This is subject to the resolution of the requirements which are summarised below:

- (a) The wording of the transitional arrangement in paragraph 8.1 of the draft scheme requires to be clarified so that it makes clear on which of the events mentioned the arrangement actually expires. It is thought that it should run for a minimum of 3 years and that it should

terminate at that point should the association have 50 or more members;

(b) The ACA accepts that, in the Act of Sederunt which would give effect to the scheme, provision should be made so that, except in relation to work for which sanction for the employment of counsel is granted, the overall amount of expenses which should be recoverable as judicial expenses by a party represented by a member of the Association of Commercial Attorneys should be no greater than that which might be recovered by a party represented by a solicitor – that is to say, that the amount of expenses which are recoverable should be measured as if the case had been conducted by a solicitor who both conducted the litigation and exercised rights of audience in it;

(c) The ACA accepts that the said Act of Sederunt will be made only after it has demonstrated that the office mentioned in the note headed “Description of Setting Up the Association of Commercial Attorneys”, and the committees mentioned there, are established, and that the other matters described there are in hand;

(d) The criterion which allows admission to membership of the ACA for those without a professional or construction qualification be removed from the draft scheme;

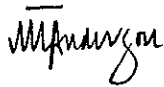
(e) The ACA provide details of the arrangements for handling complaints received by the Scottish Legal Complaints Commission and passed to the ACA about the exercise of the new rights by the ACA’s members;

(f) The names and qualifications of all members of the Admissions Board are submitted to the Lord President for approval;

(g) The scheme stipulates the hours of continuing professional development required by members of the ACA in each year;

(h) The granting of the application is reviewed again by the Lord President and the Scottish Ministers in the event that at the end of the period of three years the ACA has fewer than 50 members.

*Yours sincerely*

A handwritten signature in black ink, appearing to read 'M Anderson', written in a cursive style.

Michael Anderson  
**Legal Secretary to the Lord President**