

## NATIONAL SPECIALISATION REGIMES IN THE CCBE MEMBER COUNTRIES

### National Rules: United Kingdom (Law Society of Scotland)

Law Society of Scotland – see [here](#)

What is a Specialist?

The Council of the Law Society of Scotland's system of accreditation of specialists by a suitably qualified Accreditation Panel confers specialist status on solicitors who can demonstrate expertise gained from practising in the specialism and can show significant experience in that specialism. The Panel is made up of solicitor members experienced in this area of the law who are drawn from a range of government, public sector, private practice and other relevant organisations.

Competence and Relevant Experience

An applicant should have held an unrestricted Practising Certificate for seven years.

Applicants should be able to demonstrate significant experience in the specialism during each of the five years preceding the application.

'Significant experience' is assessed by the Panel taking into consideration activity over the last 5 years in, among other factors, the following areas in assessing applicant's fitness to be Accredited:

- (a) Proportion of time/chargeable hours spent in work in area of Specialism.
- (b) Complexity of cases. (Ideally submit 15 using the schedule style running to no more than 5 pages.
- (c) Role in those cases (lead solicitor, instructing Counsel, part of team etc).
- (d) Attendance at suitable training course (including in-house courses where appropriate). (Ideally details over the last 5 years concentrating on last 2 years)
- (e) Participation in teaching at training courses (including in-house courses where appropriate). (Ideally details over the last 5 years concentrating on last 2 years)
- (f) Authorship of books, articles, website and in-house materials.
- (g) Discipline, complaints and claims record.
- (h) References.
- (i) Other relevant matters.

Applying for more than one Specialism

Please ensure to submit applications specifically relating to each specialism avoiding overlap in cases/matters.

Submissions

Material should be submitted using the style schedules and restricted to approximately 10 to 15 cases matters. There is no need to submit copy course papers, file papers or documents although the Panel reserve the right to request these.

Information Submitted

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All submitted information will be treated in the strictest of confidence by the Accreditation Panel.

### References

Applicants should give particulars of two referees with appropriate knowledge and standing in the area of specialism.

Applicants should submit the 2 Reference forms direct to their chosen referees inviting them to complete the forms and return them direct to the Society marked for the attention of Sharon Nicol, Registrar's Department. Referees should note that they may be called upon to give further information. The independence and professional standing of the referees will be taken into account. References from clients or colleagues in your organisation will accordingly not carry the same weight as a wholly independent reference.

Panel members are not permitted to give references.

### Period of Accreditation

If the application is successful, the applicant will be accredited as a specialist in the chosen specialism for a period of five years, and will be entitled to apply for renewal of the accreditation at the end of that period. The onus is on the applicant to apply for re-accreditation, no less than two months in advance of expiry. Re-accreditation will run from the expiry date notwithstanding the date of a Panel's meeting or consideration of an application.

### Fees

The fee for initial application is £200. The fee for each renewal application is £150. The fee is non-returnable.

### Fitness

Applicants should advise the Panel of the details of any complaint or claims intimated to them which has been made against them or their firm as a result of their actings in the course of the last five years. The Law Society of Scotland may delay making a decision on the application until any such complaint or claim has been decided or resolved.

### Waiver to Guidelines/Regulations

Any guideline or regulation may be relaxed or waived in exceptional circumstances on application by the Accreditation Panel to the Professional Practice Committee whose decision shall be final.

### Interview

Accreditation is by means of a process of assessment and adjudication by the Panel. The Panel reserves the right to request that an applicant attend an interview.

### Suspension of Accreditation

Applicants should be aware that the Council of the Law Society of Scotland may suspend the Accreditation before the expiry of the five year period. This may take place if circumstances come to the attention of the Council which would make this

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course of action appropriate. Accreditation shall cease without notice if, at any time, the applicant does not hold an unrestricted practising certificate.

### Appeals

In the event of the Panel refusing an Application, the applicant may ask the Panel to reconsider their decision within 28 days of intimation of that refusal and may submit additional material in support of their request. In the event their review results in a further refusal, they can appeal that decision in writing to the Appeal Panel within 28 days of intimation of that further refusal and the Panel of first instance will make all information relating to the decision available to the Appeal Panel for that purpose.

Appeals regarding Arbitration specialisation and Approved Solicitor Arbitrators may be appealed separately. However, due to their interdependency, if Arbitration specialisation is revoked/not renewed, Approved Solicitor Arbitrator status (and any right of appeal in respect to Approved Solicitor Arbitrator status) is lost.

### Future Renewal

The Society recommends that you create a file and put notes of interesting cases/authorship/presentations over the next 5 years into it to assist with your application for renewal of your accreditation.

The Society recommends that you put a reminder in your diary a minimum of 3 months before expiry of your accreditation to remind you to re-apply in good time.

### Equality & Diversity

The Society has an Equality and Diversity Strategy that covers all elements of its work, including the requirements around Specialisation. If you need any adjustments made to the standard procedure then please contact Sharon Nicol to discuss options.

### Approved Solicitor Arbitrators

Approved Solicitor Arbitrators are authorised under statute (2010 Act) and require additional steps in the accreditation:

Applicants must hold a current specialist accreditation in arbitration law.

They must demonstrate very specific experience in relation to arbitration awards by providing:

- Details of two anonymised Arbitration Awards you have delivered in the five years preceding the date of this application. AND/OR
- Evidence of relevant decision making in Judicial or quasi-judicial roles, eg Temp Sheriff or Tribunal Chair. AND/OR
- Provide evidence of formal training such as Fellowship of the Chartered Institute of Arbitrators or membership of the panel of arbitrators of the Family Law Arbitration Group or equivalent.

Full list of specialisations (28 specialisms, and two qualifications in mediation)

## NATIONAL SPECIALISATION REGIMES IN THE CCBE MEMBER COUNTRIES

- agricultural law
- arbitration
- charity law
- child law
- commercial leasing
- construction law
- crofting law
- debt & asset recovery
- discrimination law
- employment law
- environmental law
- family law
- freedom of information and data protection
- immigration
- insolvency law
- incapacity & mental disability law
- intellectual property law
- liquor licensing law
- medical negligence law
- medical negligence (defender only)
- mental health law
- pensions law
- personal injury law
- planning law
- private client tax
- professional negligence law
- public procurement law
- trusts law
- family law mediation
- commercial law mediation