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17 July 2023

ASSOCIATION OF COMMERCIAL ATTORNEYS: REVISED SCHEME

Dear Convener

The Association of Commercial Attorneys (“ACA”) have written to the Scottish Government to seek a revision to their regulatory scheme, in order to change their name to the Association of Construction Attorneys.

I write to you as the Regulation of Legal Services (Scotland) Bill (“the Bill”) was introduced to the Scottish Parliament on 20 April 2023. The Bill makes reference to the ACA and so this application will have implications in respect of the Bill. The Scottish Government anticipate that the Bill will require to be amended to reflect the change of the name of the ACA.

A body may apply to acquire and exercise rights to conduct litigation on behalf of the public and rights of audience through the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990¹ (“the 1990 Act”). The ACA are, to date, the only body to have done so. Any application for such rights must be made to the Scottish Ministers and the Lord President.

The ACA is comprised of, and responsible for the regulation of, commercial attorneys. Members of the ACA must have a legal qualification and a professional or construction qualification. Members are required to have relevant construction and litigation experience as an architect, quantity surveyor or engineer. Members are officers of the court and can appear in the Sheriff Court in matters relating to construction and building law.

¹ See sections 25 to 27 [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1990 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/1990/10)

Tha Ministearan na h-Alba, an luchd-comhairleachaidh sònraichte agus an Rùnaire Maireannach fo chumhachan Achd Coiteachaidh (Alba) 2016. Faicibh www.lobbying.scot

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot



They are subject to the regulatory oversight of the Scottish Legal Complaints Commission in the same way as other legal professionals in respect of complaints. The ACA's regulatory scheme was approved in 2009² and revised in 2019³.

The ACA's request has been considered under s42 of the 1990 Act. I have been advised by the Lord President that he is content to approve these revisions. I am in agreement with this position and can confirm that the revised ACA Scheme has been approved.

I have directed the ACA to bring the revised Scheme into effect. It is our intention to publish the revised Scheme on the Scottish Government website.

SIOBHIAN BROWN

² [Act of Sederunt \(Sections 25 to 29 of the Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1990\) \(Association of Commercial Attorneys\) 2009](#)

³ (www.gov.scot Association of Commercial Attorneys: revised scheme - gov.scot (www.gov.scot))

Tha Ministearan na h-Alba, an luchd-comhairleachaidh sònraichte agus an Rùnaire Maireannach fo chumhachan Achd Coiteachaidh (Alba) 2016. Faicibh www.lobbying.scot

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