

THE LAW SOCIETY OF SCOTLAND NON-PEAT 1 EXAM SYLLABUS, ASSESSMENTS AND READING LIST

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Reading lists

The following text is taken from paragraph 1.3 of the pre-PEAT and non-PEAT 1 exam guidance.

- The texts listed in the syllabus form the basis of the study materials for each subject.
- Candidates should note that, while the textbooks cited in a syllabus are the latest editions, there are often case or statutory developments subsequent to the publication of a text. Candidates will be expected to be aware of any such developments and should make use of case and legislation citators to update textbook reading.
- For general reading, pre-PEAT candidates may find it useful to have to hand a copy of “Learning the Law” by Glanville Williams (17th edn - Sweet and Maxwell) and “Studying Scots Law” by Hector MacQueen (6th edn - Bloomsbury). These editions were correct at the time of writing but candidates should ensure they have the most up to date versions, if using these texts.

ACCOUNTING

One examination paper of 3 hours duration.
The examination paper consists of 3 questions.
The questions do not carry equal marks.
Candidates are required to answer all 3 questions.

SYLLABUS

1. Preparation of profit and loss accounts and balance sheets (a general understanding only).
2. Format and content of limited company accounts.
3. Analysis and interpretation of limited company accounts, including accounting principles and ratios.
4. Solicitors' Accounts Rules.

READING LIST

Essential Reading

- J R Dyson & E Franklin, Accounting for Non-Accounting Students (10th Edition) (Pearson Publishing)
- A Rice, Accounts Demystified (7th edition) (Pearson Publishing)
- Rule B6 (Accounts, Accounts Certificates, Professional Practice & Guarantee Fund) of the Law Society of Scotland Practice Rules 2011 (as amended)
- Rule B9 (Money Laundering & Terrorist Financing) of the Law Society of Scotland Practice Rules 2011
- Guidance related to Rule B6 (Accounts, Accounts Certificates, Professional Practice & Guarantee Fund) of the Law Society of Scotland Practice Rules (as amended) (Law Society of Scotland)
- Guidance related to Rule B9 (Money Laundering & Terrorist Financing) (AML Resources) of the Law Society of Scotland Practice Rules (Law Society of Scotland)

Recommended Reading

- G Holmes, A Sugden & P Gee, Interpreting Company Accounts and Reports (10th edition) (Pearson Publishing)
- J Kempton & L King, Accounts for Solicitors 2020/21 (CLP) **but ignore references to the Law Society of England & Wales version of Solicitors Accounts Rules**
- L Watson & R Watson, Business Accounting for Scottish Solicitors (Totell / Law Society of Scotland) **(out-of-print – references to Law Society of Scotland Solicitors Accounts Rules are very outdated)**

Access to

- Financial Reporting Standards (Institute of Chartered Accountants of Scotland)

PROCEDURE

One exam paper of 2 hours duration.

Each candidate will be required to answer 5 out of 6 questions.

SYLLABUS

Candidates should be able to demonstrate knowledge and understanding of:-

A. Civil Procedure

1. The courts in which proceedings are brought and the procedural rules which apply to them, including jurisdiction
2. The remedies and orders which may be sought
3. The steps which must be taken in the conduct of common types of action including relevant time-limits
4. The major court related documents including initial writs, summonses, petitions, defences, answers, motions, minutes and interlocutors
5. Common ancillary procedures such as amendment, default, summary decree, tenders and extra-judicial settlement
6. The award of expenses and their taxation
7. Rights of appeal and the need for leave to appeal
8. Enforcement of court orders
9. Legal aid and other methods of funding litigation

B. Criminal Procedure

1. The courts in which proceedings are brought
2. The legislation and procedural rules covering basic sequence of events in criminal cases, both summary and on indictment, from the accused's arrest/arrival at the police station to conviction and sentence, including all relevant time limits
3. Bail
4. Rights of appeal and appeal procedure
5. Legal aid

READING LIST

Essential Reading

- I D Macphail, Sheriff Court Practice, (3rd ed, 2006) (W Green)*
- Greens Annotated Rules of the Court of Session (Reprinted from The Parliament House Book) (latest edition) (W Green)
- Greens Sheriff Court Rules (Reprinted from The Parliament House Book) (latest edition) (W Green)
- Criminal Procedure (Scotland) Act 1995 (latest edition) (W Green) with annotations
- Renton & Brown, Criminal Procedure (6th ed)* and updates

* These volumes are also available via Westlaw

Recommended Reading

- G Maher and B J Rodger, Civil Jurisdiction in the Scottish Courts (2010)
- Hennessy, Civil Procedure and Practice, (3rd ed, 2010) (W Green)
- Brown, Criminal Evidence and Procedure, (3rd ed, 2010) (Avizandum)
- Anton and Beaumont, Civil Jurisdiction in Scotland (2nd ed, 1995) (W Green) **Out of print** (but may be available in libraries)
- G Maher and D J Cusine, The Law and Practice of Diligence (1990) (Butterworths/LSS)
- I H B Carmichael, Sudden Deaths and Fatal Accident Inquiries (3rd ed, 2005)(W Green)
- R Black, An Introduction to Written Pleading (Law Society of Scotland) **Out of print** (but may be available in libraries)
- Stair Memorial Encyclopaedia – Vol 17 – Procedure-pp.145-636 (Butterworths/Law Society of Scotland)

PROFESSIONAL RESPONSIBILITY

One exam paper of 3 hours plus an additional 15 minutes for reading time

Each candidate will be required to answer 4 out of 6 questions – where one question is in several parts, candidates must answer all parts.

SYLLABUS

1. **Professionalism**, the Law Society and forms of practice.
2. **Standards, Complaints, Discipline and the Scottish Legal Services Ombudsman.** Professional entry requirements; requirements for practice; competence; professional negligence and professional misconduct; inadequate professional services; complaints and disciplinary procedures. Indemnity insurance and the Guarantee Fund.
3. **The Client/Lawyer Relationship** - Ethical Aspects. Initial overtures (directories, advertising and marketing); establishing the relationship (retainers); the extent of a lawyer's authority; confidentiality/professional privilege; conflicts of interest; client property; fees, charging and taxation; termination of the relationship.
4. **Obligations to others** - Duties to the Court; duties to witnesses; duties to professional colleagues (including the obligation to pay counsel's fees); duties to staff; duties to third parties in general.

READING LIST

- Paterson & Ritchie, Law Practice & Conduct for Solicitors (2014) (2nd edn) (W. Green)
- J H Webster, Professional Ethics & Practice for Scottish solicitors (4th ed, 2004) (Avizandum Press)
- Solicitors' Professional Handbook (W Green) (latest edition) and especially the Law Society of Scotland Practice Rules 2011 and their associated Guidance. (in the Handbook).
- J Ryder, Professional Conduct for Scottish Solicitors (1995) (Tottel)