

**COMMITTEE: Regulatory Committee Remit: September 2023**

<b>Convener:</b>	The Convener shall be a non-solicitor member of the Regulatory Committee per Section 3C(d) of the solicitors Scotland Act 1980
<b>Convener service requirement:</b>	None
<b>Convener term:</b>	Three years with the option for one re-appointment
<b>Maximum number of terms</b>	The Convener shall serve no more than two terms in that role.
<b>Convener selection method</b>	By the Regulatory Committee per Section 3C(d) of the Solicitors Scotland Act 1980
<b>Leave of Absence</b>	The Convener may request a leave of absence from more than three successive meetings of the committee subject to the approval of the President
<b>Number of members:</b>	Ten (including convener)
<b>Composition of members:</b>	Five solicitors and Five non-solicitors; no more than one solicitor member can be a serving member of the Council
<b>Term for members:</b>	Three years with the option for two re-appointments
<b>Maximum number of terms</b>	No member, including the Convener, shall serve more than three terms.
<b>Selection method for members:</b>	Nominations Committee
<b>Co-opting of members:</b>	The committee shall have the power to co-opt any person as a member for up to a period of one year, provided that the number of members does not exceed the maximum as set out within its remit.
<b>Appointment of co-opted members</b>	<p>Any person to be co-opted who is not a current member of a regulatory sub-committee shall be appointed by the Council on the recommendation of the Regulatory Committee convener.</p> <p>Any person to be co-opted who is a current member of a regulatory sub-committee shall be appointed by the committee or the Convener of the committee.</p>
<b>Leave of Absence (members)</b>	A member of the committee may request a leave of absence from more than three successive meetings of the committee subject to the approval of the Convener.
<b>Quorum:</b>	Five- two of whom must be solicitors and two of whom must be non-solicitors
<b>Frequency of meetings:</b>	The committee shall convene at such times as agreed by the committee and as necessary to fulfil its remit.
<b>Procedures (other than set out in the Standing Orders):</b>	None
<b>The committee reports to:</b>	The Council

<b>The committee has the following sub-committees/ panels/working parties:</b>	All regulatory sub-committees are subject to the committee's oversight	
<b>The aims and functions of the Committee are to:</b>		
See Appendix A		
<b>In order to fulfil this role it is necessary that the committee has the power to:</b>		
Deal with regulatory matters as required by the Solicitors (Scotland) Act 1980 and other relevant legislation		
<b>The committee has been formally delegated authority to deal with the following issues:</b>		
Act/Instrument	Section	Authority

## ROLES

<b>All Committee members should have</b>
<ul style="list-style-type: none"> <li>• An interest in and experience of implementation of regulation</li> <li>• Analytical, research and problem solving skills that can contribute positively to the regulatory work of the Society</li> <li>• An ability to concentrate and absorb sometimes complex argument, summarise complex issues and arrive at a balanced, reasoned decisions</li> <li>• Good communication skills</li> <li>• A knowledge and understanding of the 'Principles of Better Regulation'</li> </ul>
<b>Preference may be given in appointment to Committee members who:</b>
<ul style="list-style-type: none"> <li>• Have experience of sitting on other Regulatory Committees or panels with other regulators</li> </ul>
<b>In addition the Committee requires some members willing and able to:</b>
<ul style="list-style-type: none"> <li>• Skills in building relationships beyond the Society and a commitment to engaging positively and openly with relevant stakeholders and the public</li> </ul>
<b>The Convener of the Committee will need the above, as well as:</b>
<ul style="list-style-type: none"> <li>• To undertake effective public presentation / representational work on behalf of the Regulatory Committee</li> </ul>
<b>It is noted that:</b>
<ul style="list-style-type: none"> <li>• The Convener sits on the Society's Board, which meets monthly, as an observer</li> </ul>

## Appendix A

**REGULATORY COMMITTEE****Role, remit and duties of the Committee**

The core purpose of the Regulatory Committee is to ensure that the Society's regulatory functions are exercised independently of any other person or interest, and properly in other respects (in particular, with a view to achieving public confidence).

Its remit is:

1. To ensure that standards for the profession whether of conduct, service, qualification, education or training are set by making relevant and appropriate rules and guidance, to be applied in a uniform and consistent way and reviewed regularly.
2. To have responsibility for, and oversight over, the Society's regulatory functions (whether delegated to regulatory sub committees or not), including setting standards of qualification, education and training; admission to the profession; the issuing, suspension and removal of practising certificates; recognition of different forms of practice; processing applications for extended rights of audience; administering the Client Protection Fund; all regulatory functions in relation to the Master Policy; administering the anti-money laundering regime; all regulatory functions as an approved regulator; all compliance monitoring and enforcement work (such as financial compliance inspections), liaising with the SLCC over complaints in general, investigating and determining conduct complaints, monitoring the determination of conduct cases by the SSDT and Inner House, making recommendations to the Board as to the making or responding to appeals or Judicial Review proceedings relating to the determinations of the SSDT, and exercising intervention powers under statute.
3. Notwithstanding paragraph 2, budget decisions in relation to making or responding to appeals or Judicial Reviews relating to the determinations of the SSDT rest with the Board of the Society.
4. To ensure on an ongoing basis that the internal processes, policies and procedures adopted by the regulatory sub-committees are effective, appropriate and proportionate in order to ensure consistent regulatory decisions are made for the protection of the public and profession and to ensure that the sub-committees comply with sections 3B (2) (a) and (b) of the Solicitors (Scotland) Act 1980.
5. To act, so far as practicable, both proactively and reactively in a way which (a) supports the regulatory objectives contained in the 2010 Act ( s.1); and (b) is most appropriate with a view to meeting those objectives.
6. Where any rule, policy, process or procedural changes are not in the authority of the Regulatory Committee, to make recommendations for any changes to the appropriate governance group in the Society (eg the Council, Board, Finance Committee or Chief Executive or, in the case of rules, the Lord President after taking into account consideration of any resolution at a general meeting of members).
7. To determine and approve responses to consultations which relate solely to regulatory functions (for example, SLCC or SSDT Rules or AML compliance).

8. Following discussion between Council and the Regulatory Committee where each has equal representation and voting rights, to determine the Society's strategy on regulatory matters, including responses to consultations which cover a mix of both regulatory and non-regulatory matters. The relevant strategy or consultation response may set out differing strands in a single document reflecting the views of Council and the Regulatory Committee respectively.
9. To be represented in all planned discussions with external stakeholders about the strategy on regulatory matters where an office bearer of the Society is in attendance, and otherwise to have the Regulatory Committee's views represented in all material discussions with external stakeholders about the strategy on regulatory matters, including responses to consultations which cover a mix of both regulatory and non-regulatory matters.
10. To engage positively and openly with all relevant stakeholders and the public on regulatory matters, and to consult them concerning proposed reforms of the regulatory regime with the aim of ensuring confidence amongst relevant stakeholders and the public in the work of the profession and Society's regulatory regime. In relation to responses to consultations which cover regulatory and non-regulatory matters, to join with the Council in submitting a single response as set out in paragraph 8 above, and in any material discussions with external stakeholders about that response.
11. To contribute to the Society's overall strategy, annual plan and budget processes, including assisting the Chief Executive, Board and Council in making resourcing decisions, especially where they impact on regulatory matters.
12. To create a plan of work for the Regulatory Committee based on the Regulatory Committee's sub-strategy and to report progress on this to the Board.
13. To provide a written annual report at the Council and Board on the work of the committee and key regulatory issues.
14. To submit all minutes of its meetings to the Council on a timely basis and provide regular reports to the Board. For the avoidance of doubt and subject to Standing Order 16(4)(b), no minutes of the Regulatory Committee will be shared outside the Committee until they have been approved by the Regulatory Committee, unless the dissemination of extracts from the draft minutes is required to relevant members of staff and others affected on the grounds of urgency.
15. To delegate regulatory functions to relevant sub-committees and staff having created and sought approval for the scheme of delegation and the remits of those subcommittees from the Council (so far as required). Such delegations would remain subject to the oversight powers of the Committee as set out in paragraph 2 above.
16. To agree amendments to this remit jointly with Council

**Remit dated 1 September 2023**