

## **THE ASSOCIATION OF COMMERCIAL ATTORNEYS: GUIDANCE FOLLOWING THE COMING INTO FORCE OF REVISED SCHEME**

The Association of Commercial Attorneys scheme (set out in the Schedule to Act of Sederunt (Sections 25 to 29 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990) (Association of Commercial Attorneys) 2009) was approved in May 2009 and amended in 2013.

Members of the ACA must have a legal qualification (as a minimum, an accredited Bachelor of Laws) and a professional or construction qualification. In addition, members are required to have relevant construction and litigation experience as an Architect, Quantity Surveyor or Engineer. Members of the ACA are officers of the court and are subject to the regulatory oversight of the Scottish Legal Complaints Commission in the same way as are Solicitors, Advocates and Solicitor Advocates.

The ACA scheme has been revised and the new scheme came into force on 19 June 2019. The rights of Members of the ACA to conduct construction litigation in and rights of audience in the Scottish courts have been updated and revised. A copy of the revised scheme can be found [here](#).

Members of the ACA now have the following rights:

- a) The right to conduct construction litigation in the sheriff court (including ordinary actions, summary applications and Simple Procedure) together with the right to conduct an appeal in the Sheriff Appeal Court and the Court of Session in any case conducted by a Member in the Sheriff Court at first instance;
  
- b) A right of audience in respect of construction litigation in the sheriff court proceeding by way of Simple Procedure, including a right of audience in an appeal to the Sheriff Appeal Court in that case;
  
- c) A right of audience in respect of construction litigation in procedural hearings (including case management conferences however conducted) in ordinary actions in the sheriff court and in an appeal to the Sheriff Appeal Court in any case conducted by a Member at first instance;
  
- d) A right of audience in respect of construction litigation in the sheriff court which is proceeding by way of an undefended ordinary action, in relation to a motion for decree;

e) The right to conduct construction litigation in the Court of Session at first instance, including any appeal to the Inner House of the Court of Session that may arise thereafter, but no right of audience.

Details of authorised members of the ACA can be obtained by contacting the ACA at [info@commercialattorneys.org.uk](mailto:info@commercialattorneys.org.uk).