Otvoreni postupci u području građanskog pravosuđa koji su započeti prije isteka prijelaznog razdoblja nastavit će se na temelju prava EU-a. Na temelju uzajamnog sporazuma s Ujedinjenom Kraljevinom na portalu e-pravosuđe do kraja 2024. ostat će dostupne informacije povezane s Ujedinjenom Kraljevinom.

Types of legal professions

Škotska

This page provides you with an overview of the main legal professions in the Scotland jurisdiction of the UK. It includes information on judges, prosecutors and lawyers.

Judges

In Scotland, there is no separate profession of judges as such. Only **experienced solicitors, solicitor-advocates** and **advocates** can become judges. Judicial posts in the Scotland jurisdiction include:

The Lord President of the Court of Session

The Lord Justice Clerk

Sheriffs Principal who preside over one of Scotland's six sheriffdoms

When sitting in the Court of Session, judges are known as Lords of Council and Session

When sitting in the High Court of Justiciary, judges are known as Lords Commissioners of Justiciary

Sheriffs & Summary Sheriffs

Part-time sheriffs are commonly used to provide cover for permanent sheriffs

Justices of the Peace are lay persons who sit alone or in threes, with a legally qualified clerk or legal assessor in the JP courts.

Other judicial office holders include the chairman of the Scottish Land Court, which deals with cases relating to property held under crofting law or agricultural tenancies, and those presiding in Scotland's many administrative tribunals.

Further information on Scotland's Judiciary can be found on the Judiciary of Scotland website.

Prosecutors

Organisation

In Scotland, the Crown Office and Procurator Fiscal Service is responsible for all prosecutions. The head of the service is the **Lord Advocate**, who is also a Minister of the Scottish Government, and his or her deputy, the Solicitor General.

The Crown Office and Procurator Fiscal Service (COPFS) is solely responsible for the **prosecution** of crime, the **investigation** of sudden or suspicious deaths and **complaints** against the police.

The Scotland Act 1998 (section 48) provides that any decision of the Lord Advocate (in his or her capacity as head of the Systems of Criminal Prosecution and Investigation of Deaths in Scotland) will be taken by him or her, independently of any other person.

Only qualified solicitors or advocates can become prosecutors.

Role and duties

The police (or other specialist reporting agencies, such as HM Revenue and Customs) carry out an initial investigation into a crime and submit a report to the local Procurator Fiscal. The Procurator Fiscal considers this report and decides whether to take action in the public interest. In taking a decision, the Procurator Fiscal will consider whether there is sufficient evidence and, if so, what action is appropriate: that is, to prosecute, to use a direct measure (such as a fiscal fine) or to take no action. In cases to be considered by a jury, the Procurator Fiscal will interview witnesses and gather and review the forensic and other evidence before reporting to senior lawyers known as Crown Counsel, who will decide whether to prosecute.

Organisation of the legal profession: Lawyers

Advocates

Advocates are members of the **Scottish Bar**. They have the right to appear in all Scottish courts, although most of their work involves appearing in the higher courts (the Court of Session and High Court of Justiciary) and giving specialist opinions on legal matters. Senior advocates are known as Queen's Counsel. All advocates are members of the Faculty of Advocates.

Solicitors (Legal Advisers)

Solicitors are the most numerous of the legal professionals. They can give advice on all legal matters and represent clients in court. Solicitors are all members of the Law Society of Scotland, which promotes the interests of the solicitors' profession and of the public in relation to the profession.

There are also solicitor-advocates, who are also members of the **Law Society of Scotland**. Like advocates (see above) they can appear in the Court of Session and High Court of Justiciary.

Notaries

Notaries Public are solicitors who record certain transactions and sign specific legal documents. They are not a separate legal profession in their own right.

Patent and Trade Mark Attorneys

Patent and trade mark attorneys are specialist advisers in the field of intellectual property. They provide legal advice to clients in this field, particularly in relation to the registration and prosecution of patents, trade marks and designs and also on other aspects of IP including copyright protection.

Other legal professions

Sheriff Officers and **Messengers-at-arms** are officers of the court, responsible for serving documents and enforcing court orders in Scotland. Both messengers-at-arms and sheriff officers are employed by private businesses and charge fees that are set out in secondary legislation.

The clerks and other **court staff** in Scotland are not required to be legally trained. They are civil servants who deal with administrative matters and assist judges. They may not provide legal advice. Court staff are employed by the Scottish Courts and Tribunals Service. More information on court staff categories can be found here PDF (4293 Kb) en but please note the change in name from Scottish Court Service to Scottish Courts and Tribunals Service.

Related Links

Crown Office and Procurator Fiscal ServiceFaculty of AdvocatesLaw Society of ScotlandScottish Association of Law Centres

Chartered Institute of Patent AttorneysInstitute of Trade Mark Attorneys

Intellectual Property Regulation Board

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