

**Changes to legislation:** Solicitors (Scotland) Act 1980, Part I is up to date with all changes known to be in force on or before 15 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

## SCHEDULES

### SCHEDULE 4

#### CONSTITUTION, PROCEDURE AND POWERS OF TRIBUNAL

##### Modifications etc. (not altering text)

- C1** Sch. 4 applied (with modifications) (1.10.2004) by The Solicitors (Scotland) Act 1980 (Foreign Lawyers and Multi-national Practices) Regulations (S.S.I. 2004/383), {reg. 13}

### PART I

#### Constitution

[<sup>F1</sup>1 The Tribunal shall consist of not more than 28 members.]

##### Textual Amendments

- F1** Sch. 4 paras. 1-1D substituted (23.11.2007) for Sch. 4 para. 1 by Legal Profession and Legal Aid (Scotland) Act 2007 (asp 5), ss. 58(2), 82 (with s. 77); S.S.I. 2007/497, art. 2

[<sup>F2</sup>1A The Tribunal shall consist of equal numbers of—

- (a) members (in this Part referred to as “solicitor members”) appointed by the Lord President, who are solicitors recommended by the Council as representatives of the solicitors' profession throughout Scotland; and
- (b) members (in this Part referred to as “non-lawyer members”) appointed by the Lord President after consultation with the Scottish Ministers, who are not—
  - (i) solicitors;
  - (ii) advocates;
  - (iii) conveyancing practitioners or executry practitioners, within the meaning of section 23 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (c. 40) (“the 1990 Act”);
  - (iv) persons exercising a right to conduct litigation or a right of audience acquired by virtue of section 27 of the 1990 Act.

##### Textual Amendments

- F2** Sch. 4 paras. 1-1D substituted (23.11.2007) for Sch. 4 para. 1 by Legal Profession and Legal Aid (Scotland) Act 2007 (asp 5), ss. 58(2), 82 (with s. 77); S.S.I. 2007/497, art. 2

1B The validity of any proceedings of the Tribunal is not affected by a vacancy in membership of the Tribunal nor by any defect in the appointment of a member.

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#### Textual Amendments

**F2** Sch. 4 paras. 1-1D substituted (23.11.2007) for Sch. 4 para. 1 by [Legal Profession and Legal Aid \(Scotland\) Act 2007 \(asp 5\)](#), **ss. 58(2)**, 82 (with s. 77); S.S.I. 2007/497, **art. 2**

1C The Scottish Ministers may by order made by statutory instrument amend paragraph 1 so as to vary the maximum number of members of the Tribunal.

#### Textual Amendments

**F2** Sch. 4 paras. 1-1D substituted (23.11.2007) for Sch. 4 para. 1 by [Legal Profession and Legal Aid \(Scotland\) Act 2007 \(asp 5\)](#), **ss. 58(2)**, 82 (with s. 77); S.S.I. 2007/497, **art. 2**

1D A statutory instrument containing an order made under paragraph 1C is subject to annulment in pursuance of a resolution of the Scottish Parliament.]

#### Textual Amendments

**F2** Sch. 4 paras. 1-1D substituted (23.11.2007) for Sch. 4 para. 1 by [Legal Profession and Legal Aid \(Scotland\) Act 2007 \(asp 5\)](#), **ss. 58(2)**, 82 (with s. 77); S.S.I. 2007/497, **art. 2**

2 Each member of the Tribunal shall retire from office on the expiry of 5 years from the date of his appointment, but [<sup>F3</sup>in the case—  
(a) of a [<sup>F4</sup>non-lawyer] member, may be re-appointed by the Lord President [<sup>F5</sup>after consultation with the Secretary of State]; and  
(b) of a solicitor member, may be [<sup>F6</sup>re-appointed by the Lord President] on the recommendation of the Council.]

#### Textual Amendments

**F3** Words substituted by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1980 \(c. 55, SIF 36:3\)](#), **s. 24(b)(ii)**

**F4** Word in Sch. 4 para. 2(a) substituted (23.11.2007) by [Legal Profession and Legal Aid \(Scotland\) Act 2007 \(asp 5\)](#), **ss. 58(3)**, 82 (with s. 77); S.S.I. 2007/497, **art. 2**

**F5** Words in Sch. 4 para. 2(a) inserted (3.6.1991) by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1990 \(c. 40, SIF 76:2\)](#), s. 74, **Sch. 8 Pt. II para. 29(17)(b)(i)**; S.I. 1991/1252, art. 3, **Sch.1**

**F6** Words in Sch. 4 para. 2(b) substituted (3.6.1991) by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1990 \(c. 40, SIF 76:2\)](#), s. 74, **Sch. 8 Pt. II para. 29(17)(b)(ii)**; S.I. 1991/1252, art. 3, **Sch.1**

3 The Lord President may from time to time terminate the appointment of any member of the Tribunal, and may fill any vacancy therein by the appointment of a solicitor recommended by the Council or, as the case may be, [<sup>F7</sup>after consultation with the Secretary of State,] by the appointment of a [<sup>F8</sup>non-lawyer] member.

#### Textual Amendments

**F7** Words in Sch. 4 para. 3 inserted (3.6.1991) by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1990 \(c. 40, SIF 76:2\)](#), s. 74, **Sch. 8 Pt. II para. 29(17)(c)**; S.I. 1991/1252, art. 3, **Sch.1**

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**F8** Word in Sch. 4 para. 3 substituted (23.11.2007) by Legal Profession and Legal Aid (Scotland) Act 2007 (asp 5), ss. 58(4), 82 (with s. 77); S.S.I. 2007/497, art. 2

4 The Tribunal may appoint one of their number to be chairman, and may also appoint a clerk, who shall not be a member of the Tribunal, and, subject to the provisions of this Act, may regulate their procedure in such way as they may think fit.

5 The Tribunal shall be deemed to be properly constituted if—

- (a) at least 4 members are present, and
- (b) at least [<sup>F9</sup>2 solicitor members are] present, and
- [<sup>F10</sup>(c) at least 2 non-lawyer members are present.]
- (d) <sup>F11</sup> . . . . .

**Textual Amendments**

**F9** Words in Sch. 4 para. 5(b) substituted (23.11.2007) by Legal Profession and Legal Aid (Scotland) Act 2007 (asp 5), ss. 58(5)(a), 82 (with s. 77); S.S.I. 2007/497, art. 2

**F10** Sch. 4 para. 5(c) substituted (23.11.2007) by Legal Profession and Legal Aid (Scotland) Act 2007 (asp 5), ss. 58(5)(b), 82 (with s. 77); S.S.I. 2007/497, art. 2

**F11** Sch. 4 para. 5(d) repealed (23.11.2007) by Legal Profession and Legal Aid (Scotland) Act 2007 (asp 5), ss. 58(5)(c), 82 (with s. 77); S.S.I. 2007/497, art. 2

6 There shall be paid to the [<sup>F12</sup>non-lawyer] members of the Tribunal out of money provided by Parliament such fees and allowances as the Secretary of State may <sup>F13</sup> . . . determine.

**Textual Amendments**

**F12** Word in Sch. 4 para. 6 substituted (23.11.2007) by Legal Profession and Legal Aid (Scotland) Act 2007 (asp 5), ss. 58(6), 82 (with s. 77); S.S.I. 2007/497, art. 2

**F13** Words in Sch. 4 para. 6 repealed (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, Sch. 2 Pt. I para. 65, Pt.IV

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 12A(2)(ba) inserted by [2010 asp 16 s. 118\(3\)](#)
- s. 32(1)(d) and word inserted by [2010 asp 16 s. 118\(2\)\(a\)\(i\)](#)
- s. 32(2D) inserted by [2010 asp 16 s. 118\(2\)\(a\)\(iv\)](#)
- Sch. 4 para. 1A(b)(iia) inserted by [2010 asp 16 s. 118\(2\)\(b\)](#)