



# Legal Profession and Legal Aid (Scotland) Act 2007

2007 asp 5

## PART 3

### LEGAL PROFESSION: OTHER MATTERS

#### **58 Constitution of Scottish Solicitors' Discipline Tribunal**

- (1) Schedule 4 to the 1980 Act is amended as follows.
- (2) For paragraph 1 substitute—

“1 The Tribunal shall consist of not more than 28 members.”

“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.

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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**Changes to legislation:** *Legal Profession and Legal Aid (Scotland) Act 2007, Section 58 is up to date with all changes known to be in force on or before 25 January 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*

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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.

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

- (3) In paragraph 2(a), for “lay” substitute “ non-lawyer ”.
- (4) In paragraph 3, for “lay” substitute “ non-lawyer ”.
- (5) In paragraph 5—
  - (a) in sub-paragraph (b), for “1 lay member is” substitute “ 2 solicitor members are ”;
  - (b) for sub-paragraph (c) substitute—
    - “(c) at least 2 non-lawyer members are present.”;
  - (c) sub-paragraph (d) is repealed.
- (6) In paragraph 6, for “lay” substitute “ non-lawyer ”.

**Changes to legislation:**

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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):

- Sch. 1 para. 2(6)(ba) inserted by [2010 asp 16 s. 118\(4\)](#)