

Changes to legislation: Solicitors (Scotland) Act 1980, Cross Heading: Decisions is up to date with all changes known to be in force on or before 12 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 II

PROCEDURE AND POWERS OF TRIBUNAL

Modifications etc. (not altering text)

- C1** Sch. 4 Pt. II (paras. 7–22) applied by Legal Aid (Scotland) Act 1986 (c. 47, SIF 77:2), ss. 31(10), 45, Sch. 4 para. 2

Decisions

- 13 The Tribunal shall set out in their decision—
- (a) in the case of a complaint, the facts proved, and
 - (b) in the case of a conviction, particulars of the conviction and sentence.
- and shall in the case of a complaint add to their decision a note stating the grounds on which the decision has been arrived at.

Modifications etc. (not altering text)

- C1** Sch. 4 paras. 7-9, 11, 13-15, 18A-22 applied (with modifications) (15.8.2003) by 1990 c. 49, s. 21B(1) (2) (as inserted by Public Appointments and Public Bodies etc. (Scotland) Act 2003 (asp 4), ss. 17, 21(2) (3), Sch. 4 para. 12(9); S.S.I. 2003/384, art. 2)

- 14 Every decision on the Tribunal shall be signed by the chairman or other person presiding and [^{F1}shall, subject to paragraph 14A, be published in full].

Textual Amendments

- F1** Words in Sch. 4 para. 14 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)(d); S.I. 1991/1252, art. 3, Sch.1

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Modifications etc. (not altering text)

- C2 Sch. 4 paras. 7-9, 11, 13-15, 18A-22 applied (with modifications) (15.8.2003) by 1990 c. 49, s. 21B(1) (2) (as inserted by Public Appointments and Public Bodies etc. (Scotland) Act 2003 (asp 4), ss. 17, 21(2) (3), Sch. 4 para. 12(9); S.S.I. 2003/384, art. 2)

[^{F2}14A In carrying out their duty under paragraph 14, the Tribunal may refrain from publishing any names, places or other facts the publication of which would, in their opinion, damage, or be likely to damage, the interests of persons other than—

- (a) the solicitor against whom the complaint was made; or
- (b) his partners; or
- (c) his or their families,

but where they so refrain they shall publish their reasons for so doing.]

Textual Amendments

- F2 Sch. 4 para. 14A 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)(e); S. I 1991/1252, art. 3, Sch.1

Modifications etc. (not altering text)

- C3 Sch. 4 paras. 7-9, 11, 13-15, 18A-22 applied (with modifications) (15.8.2003) by 1990 c. 49, s. 21B(1) (2) (as inserted by Public Appointments and Public Bodies etc. (Scotland) Act 2003 (asp 4), ss. 17, 21(2) (3), Sch. 4 para. 12(9); S.S.I. 2003/384, art. 2)

15 A copy of every decision by the Tribunal certified by the clerk shall be sent forthwith by the clerk to the respondent [^{F3}, the complainer and, as the case may be, the person who made the complaint as respects which the appeal was made to the Tribunal] intimating the right of appeal available from that decision under this Act.

Textual Amendments

- F3 Words in Sch. 4 para. 15 substituted (1.10.2008) by Legal Profession and Legal Aid (Scotland) Act 2007 (asp 5), ss. 81, 82, Sch. 5 para. 1(26)(b) (with s. 77); S.S.I. 2008/311, art. 2

Modifications etc. (not altering text)

- C4 Sch. 4 paras. 7-9, 11, 13-15, 18A-22 applied (with modifications) (15.8.2003) by 1990 c. 49, s. 21B(1) (2) (as inserted by Public Appointments and Public Bodies etc. (Scotland) Act 2003 (asp 4), ss. 17, 21(2) (3), Sch. 4 para. 12(9); S.S.I. 2003/384, art. 2)

16 In the case of a decision by the Tribunal—

- (a) ordering a solicitor to be struck off the roll; or
- (b) ordering a solicitor to be suspended from practice; or
- (c) censuring a solicitor [^{F4}or an incorporated practice]; or
- (d) fining a solicitor [^{F4}or an incorporated practice], [^{F5}or
- (e) order that the recognition under section 34(1A) of an incorporated practice be revoked][^{F6}; or
- (f) ^{F7}
- (g) ^{F7}

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- (h) ordering that an investment business certificate issued to a solicitor, a firm of solicitors or an incorporated practice be—
- (i) suspended; or
 - (ii) subject to such terms and conditions as they may direct; or
 - (iii) revoked,]

on the expiration of the days of appeal [^{F8}(if any)] without an appeal being lodged or, where an appeal has been lodged, if and as soon as the appeal is withdrawn or a decision by the Court is given in terms of subparagraphs (a) to [^{F9}(h)] or in the case of a decision of the Tribunal under section 53(6) [^{F10}or (6B)] which has not been varied or quashed by the Court [^{F4}or under section 53(6A) which has not been varied by the court], the clerk of the Tribunal shall immediately send to the Council a copy of the decision of the Tribunal certified by him and a copy of the decision by the Court in any appeal, and the Council shall forthwith give effect to any order as to striking the solicitor off the roll and to any terms and conditions directed by the Tribunal under section 53(5); and in any other case shall cause a note of the effect of the decision to be entered against the name of the solicitor in the roll [^{F11}or as revoking the recognition under section 34(1A) of an incorporated practice].

Textual Amendments

- F4** Words inserted by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1985 \(c. 73, SIF 76:2\)](#), s. 56, [Sch. 1 Pt. I para. 35\(c\)](#)
- F5** Word “or” and para. 16(1)(e) inserted by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1985 \(c. 73, SIF 76:2\)](#), s. 56, [Sch. 1 Pt. I para. 35\(c\)](#)
- F6** [Sch. 4 para. 16\(f\)–\(h\)](#) and word “; or” inserted by [Solicitors \(Scotland\) Act 1988 \(c. 42, SIF 76:2\)](#), s. 6(1), [Sch. 1 para. 23\(d\)](#)
- F7** [Sch. 4 para. 16\(f\)\(g\)](#) repealed (1.10.2008) by [Legal Services Act 2007 \(c. 29\)](#), ss. 195, 210, 211, [Sch. 20 para. 1\(19\)\(b\)](#), [Sch. 23](#) (with ss. 29, 192, 193); S.I. 2008/1436, [art. 3](#)
- F8** Words inserted by [Solicitors \(Scotland\) Act 1988 \(c. 42, SIF 76:2\)](#), s. 6(1), [Sch. 1 para. 23\(d\)\(ii\)](#)
- F9** “(h)” substituted by virtue of [Solicitors \(Scotland\) Act 1988 \(c. 42, SIF 76:2\)](#), s. 6(1), [Sch. 1 para. 23\(d\)\(iii\)](#)
- F10** Words inserted by [Solicitors \(Scotland\) Act 1988 \(c. 42, SIF 76:2\)](#), s. 6(1), [Sch. 1 para. 23\(d\)\(iv\)](#)
- F11** Words inserted by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1985 \(c. 73, SIF 76:2\)](#), s. 56, [Sch. 1 Pt. I para. 35\(c\)](#)

- 17 The Council shall forthwith intimate any order striking a solicitor off the roll or suspending a solicitor from practice to each sheriff clerk and ^{F12} . . . , to the Principal Clerk of Session, and shall [^{F13}, without prejudice to paragraph 14,] cause a notice of the operative part of the order to be published in the Edinburgh Gazette ^{F14}[. . .]

Textual Amendments

- F12** Words in [Sch. 4 para. 17](#) repealed (3.6.1991) by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1990 \(c. 40, SIF 76:2\)](#), s. 74, [Sch. 8 Pt. II para. 29\(17\)\(f\)\(i\)](#), [Sch. 9](#); S.I. 1991/1252, [art. 3](#), [Sch.1](#)
- F13** Words in [Sch. 4 para. 17](#) 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\(17\)\(f\)\(ii\)](#); S.I. 1991/1252, [art. 3](#), [Sch.1](#)
- F14** Words in [Sch. 4 para. 17](#) repealed (3.6.1991) by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1990 \(c. 40, SIF 76:2\)](#), s. 74, [Sch. 8 Pt. II para. 29\(17\)\(f\)\(iii\)](#), [Sch. 9](#); S.I. 1991/1252, [art. 3](#), [Sch.1](#)

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- 18 The file of orders under this Act striking solicitors off the roll, suspending solicitors from practice, or restoring persons to the roll shall be open for inspection at the office of the Society at any reasonable hour by any person without payment of any fee.
- [^{F15}18A Without prejudice to paragraph 18, the Council shall ensure that a copy of every decision published under paragraph 14 is open for inspection at the office of the Society during office hours by any person without payment of any fee.]

Textual Amendments

- F15** Sch. 4 para. 18A 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)(g)**; S.I. 1991/1252, art. 3, **Sch.1**

Modifications etc. (not altering text)

- C5** Sch. 4 paras. 7-9, 11, 13-15, 18A-22 applied (with modifications) (15.8.2003) by 1990 c. 49, s. 21B(1) (2) (as inserted by [Public Appointments and Public Bodies etc. \(Scotland\) Act 2003](#) (asp 4), ss. 17, 21(2) (3), **Sch. 4 para. 12(9)**); S.S.I. 2003/384, **art. 2**)

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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)(ia) inserted by [2010 asp 16 s. 118\(2\)\(b\)](#)