
Changes to legislation: There are currently no known outstanding effects for the Solicitors (Scotland) Act 1988, Paragraph 16. (See end of Document for details)

SCHEDULES

SCHEDULE 1

AMENDMENTS TO SOLICITORS (SCOTLAND) ACT 1980

- 16 In section 53 (powers of Tribunal in relation to complaints)—
- (a) after paragraph (f) of subsection (2) there shall be added the following—
- “; or
- (g) order that an investment business certificate issued to a solicitor, a firm of solicitors or an incorporated practice be—
- (i) suspended for such time as they may determine; or
- (ii) subject to such terms and conditions as it may direct; or
- (iii) revoked.”;
- (b) after subsection (3) there shall be inserted the following subsection—
- “(3A) The powers conferred by subsection (2)(c), (d) and (e) may be exercised by the Tribunal—
- (a) in relation to a former solicitor, notwithstanding that his name has been struck off the roll or that he has, since the date of the misconduct, conviction or sentence referred to in subsection (1)(a) or (b), ceased to practise as a solicitor or been suspended from practice;
- (b) in relation to a body corporate which was formerly an incorporated practice, notwithstanding that the body has, since the date of the conviction or failure referred to in subsection (1)(c) or (d), ceased to be recognised as an incorporated practice by virtue of section 34(1A).”;
- (c) after subsection (6A) there shall be inserted the following subsections—
- “(6B) Where the Tribunal make an order under subsection (2)(g), they may direct that the order shall take effect on the date on which it is intimated to the solicitor, firm or incorporated practice; and if any such direction is given the order shall take effect accordingly.
- (6C) The Council shall give effect to any order of the Tribunal under subsection (2)(g).”;
- (d) in subsection (7)—
- (i) for the words “or (6A)” there shall be substituted the words “, (6A) or (6B)”; and
- (ii) after the words “(6A)” in the second place where they occur there shall be inserted the words “ or (6B) ”;
- (e) after subsection (7) there shall be inserted the following subsection—

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- “(7A) In subsection (2)(g), section 53D(1) and paragraph 16(h) of Schedule 4, “investment business certificate” means a certificate issued by the Council under Rule 2.2 of the Solicitors (Scotland) (Conduct of Investment Business) Practice Rules 1988.”; and
- (f) in subsection (8)—
- (i) after the word “amend” there shall be inserted “ —(a) ”; and
 - (ii) at the end there shall be added the following paragraph—
 - “(b) the definition of “investment business certificate” in subsection (7A) by substituting for the reference to Rule 2.2 of the Solicitors (Scotland) (Conduct of Investment Business) Practice Rules 1988, or such reference replacing that reference as may for the time being be specified in that subsection, a reference to such Practice Rule as may from time to time replace Rule 2.2.”

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