
Changes to legislation: There are currently no known outstanding effects for the Solicitors (Scotland) Act 1988, Paragraph 23. (See end of Document for details)

SCHEDULES

SCHEDULE 1

AMENDMENTS TO SOLICITORS (SCOTLAND) ACT 1980

- 23 In Schedule 4 (constitution, procedure and powers of Tribunal)—
- (a) after paragraph 5(c) there shall be added the following—
 - “and
 - (d) there are present not more than 3 solicitor members for every lay member.”;
 - (b) after paragraph 8 there shall be inserted the following paragraph—

“8A Where a complaint is made to the Tribunal by a person other than—

 - (a) the Council; or
 - (b) a person mentioned in section 51(3),

the Tribunal may remit the complaint to the Council.”;
 - (c) in paragraph 9, in each of sub-paragraphs (a)(i) and (b), after the word “Act” in the second place where it occurs there shall be inserted the words “ or, as the case may be, of provision of inadequate professional services ”;
 - (d) in paragraph 16—
 - (i) after sub-paragraph (e) there shall be inserted the following—
 - “; or
 - (f) containing a direction under section 53A or an order under section 53C(2); or
 - (g) confirming or varying a determination or direction of the Council on an appeal under section 42A(7); or
 - (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.”;
 - (ii) after the word “appeal” in the first place where it occurs there shall be inserted the words “ (if any) ”;
 - (iii) for “(e)” in the second place where it occurs there shall be substituted “ (h) ”; and
 - (iv) after the words “53(6)” there shall be inserted the words “ or (6B) ”; and
 - (e) after paragraph 22 there shall be added the following—

Changes to legislation: There are currently no known outstanding effects for the Solicitors (Scotland) Act 1988, Paragraph 23. (See end of Document for details)

“ Appeals

- 23 The foregoing provisions of Part II of this Schedule shall apply in relation to an appeal to the Tribunal under section 42A(7) or section 53D(1) as they apply in relation to a complaint, but with the following modifications—
- (a) for references to a complaint there shall be substituted references to an appeal;
 - (b) for references to the respondent there shall be substituted references to the appellant;
 - (c) paragraphs 8A, 9 and 10 shall not apply; and
 - (d) in paragraph 19 the words “against a solicitor” shall be omitted.
- 24 Subject to Part IV, the Tribunal may dismiss an appeal without holding an inquiry if—
- (a) they are of the opinion that the appeal is manifestly ill-founded; or
 - (b) the appellant fails to comply with any rule made under section 52.
- 25 The Tribunal shall give notice of the appeal to the person by whom the original complaint was made (referred to in this Schedule as “the complainer”) and to the Council and shall enquire into the matter, giving the appellant and the complainer reasonable opportunity to make representations to the Tribunal.”

Changes to legislation:

There are currently no known outstanding effects for the Solicitors (Scotland) Act 1988, Paragraph 23.