
STATUTORY INSTRUMENTS

2018 No. 1337

**The Money Laundering and Terrorist Financing
(Miscellaneous Amendments) Regulations 2018**

PART 4

Solicitors (Scotland) Act 1980

Amendment of the Solicitors (Scotland) Act 1980

6.—(1) The Solicitors (Scotland) Act 1980(1) is amended as follows.

(2) In section 34 (rules as to professional practice, conduct and discipline) for subsection (1D) substitute—

“(1D) Rules made under this section may make provision as to—

- (a) the way in which solicitors and incorporated practices are to comply with the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017;
- (b) the action which the Council may take to enable them to ascertain whether or not such rules are being complied with; and
- (c) the recovery from solicitors of fees and other costs incurred by the Council in ascertaining whether or not a solicitor who has failed to comply with such rules has remedied that failure and is complying with the rules.”.

(3) In section 40(1) (powers where failure to comply with accounts rules etc.) before paragraph (a) insert—

“(za) rules made by virtue of section 34(1D),”;

(4) In section 40(4) after “the operation of” insert “section 34(4ZA),”.

(5) In the introductory wording to section 41 (appointment of judicial factor) after “conferred on them by” insert “rules made by virtue of section 34(1D) or”.

(1) 1980 c. 46. Section 40(1) was amended by the Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (c. 73), section 56, Schedule 1, paragraph 18(a) and by the Solicitors (Scotland) Act 1988 (c. 42), section 6, Schedule 1, paragraph 12. Section 34(4ZA) was inserted by the Legal Profession and Legal Aid (Scotland) Act 2007 (asp 5) Schedule 5, paragraph 1(6)(a). Section 41 was amended by the Law Reform (Miscellaneous Provisions) (Scotland) Act 1985, section 56, Schedule 1, paragraph 19, and by the Solicitors (Scotland) Act 1988, section 6, Schedule 1, paragraph 13 and Schedule 2.