

*These notes relate to the Legal Profession and Legal Aid  
(Scotland) Act (asp 5) which received Royal Assent on 19 January  
2007 (asp 5) which received Royal Assent on 19 January 2007*

# **LEGAL PROFESSION AND LEGAL AID (SCOTLAND) ACT (ASP 5) WHICH RECEIVED ROYAL ASSENT ON 19 JANUARY 2007**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### **Part 2 – Conduct Complaints: Other Matters**

*Section 54: Unsatisfactory professional conduct: conveyancing or executry practitioners etc.*

#### **Section 20D of the 1990 Act**

140. Section 20D mirrors section 54A of the 1980 Act and provides a right of appeal to the Court of Session for a conveyancing or executry practitioner or complainer in respect of decisions made by the Tribunal in unsatisfactory professional conduct cases.
- A conveyancing or executry practitioner may appeal against decisions by the Tribunal under new section 20B(1), (2), (3) or (4) so for example the practitioner may appeal against a Tribunal decision confirming the Council's upholding of a complaint or the Tribunal's decision itself to uphold the complaint (where the Council did not uphold it); a Tribunal decision confirming or varying a Council direction, or itself imposing a direction, as to education or training, a fine or payment of compensation.
  - A complainer may appeal against the following decisions of the Tribunal – a decision quashing the Council's determination upholding the complaint or confirming the Council's decision not to uphold the complaint; quashing the Council's direction that the practitioner pay compensation or varying the amount the Council directed to be paid; confirming the Council's decision not to direct payment of compensation or itself directing or nor directing the practitioner to pay compensation (where the Council did not direct payment).
141. Having heard an appeal by the practitioner or complainer, new section 20D empowers the court to give such directions in the matter as it thinks fit, including directions as to the expenses of the court proceedings or any order by the Tribunal relating to expenses. The decision of the court is to be final.