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Changes to legislation: Solicitors (Scotland) Act 1980, SCHEDULE 4 is up to date with all changes known to be in force on or before 05 July 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)

SCHEDULES

SCHEDULE 4

Sections 50, 52.

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 I

Constitution

- 1 The Tribunal shall consist of—
- (a) not less than ^{F1}10] and not more than ^{F1}14] members (in this Part referred to as “solicitor members”) who are solicitors recommended by the Council as representatives of the solicitors’ profession throughout Scotland, and ^{F2}appointed by the Lord President;]
 - (b) ^{F3}8] members (in this Part referred to as “lay members”) who are neither solicitors nor advocates, ^{F4}appointed by the Lord President after consultation with the Secretary of State.]

^{F5} . . .

Textual Amendments

- F1** Words substituted by Law Reform (Miscellaneous Provisions) (Scotland) Act 1980 (c. 55, SIF 36:3), s. 24(b)(i)
- F2** Words in Sch. 4 para. 1(a) 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)(a)(i); S.I. 1991/1252, art. 3, Sch. 1
- F3** Figure in Sch. 4 para. 1(b) substituted (3.6.1991) by virtue of Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (c. 40, SIF 76:2), s. 74, Sch. 8 Pt. II para. 29(17)(a)(ii); S.I. 1991/1252, art. 3, Sch. 1
- F4** Words in Sch. 4 para. 1(b) 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)(a)(iii); S.I. 1991/1252, art. 3, Sch. 1.
- F5** Words following Sch. 4 para. 1(b) repealed (3.6.1991.)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)(a)(iv), Sch. 9; S.I. 1991/1252, art. 3, Sch. 1

VALID FROM 23/11/2007

^{F6}1A The Tribunal shall consist of equal numbers of—

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- (a) members (in this Part referred to as “solicitor members”) appointed by the Lord President, who are solicitors recommended by the Council as representatives of the solicitors' profession throughout Scotland; and
- (b) members (in this Part referred to as “non-lawyer members”) appointed by the Lord President after consultation with the Scottish Ministers, who are not—
 - (i) solicitors;
 - (ii) advocates;
 - (iii) conveyancing practitioners or executry practitioners, within the meaning of section 23 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (c. 40) (“the 1990 Act”);
 - (iv) persons exercising a right to conduct litigation or a right of audience acquired by virtue of section 27 of the 1990 Act.

Textual Amendments

F6 Sch. 4 paras. 1-1D substituted (23.11.2007) for Sch. 4 para. 1 by [Legal Profession and Legal Aid \(Scotland\) Act 2007 \(asp 5\)](#), **ss. 58(2)**, 82 (with s. 77); S.S.I. 2007/497, **art. 2**

VALID FROM 23/11/2007

1B The validity of any proceedings of the Tribunal is not affected by a vacancy in membership of the Tribunal nor by any defect in the appointment of a member.

Textual Amendments

F6 Sch. 4 paras. 1-1D substituted (23.11.2007) for Sch. 4 para. 1 by [Legal Profession and Legal Aid \(Scotland\) Act 2007 \(asp 5\)](#), **ss. 58(2)**, 82 (with s. 77); S.S.I. 2007/497, **art. 2**

VALID FROM 23/11/2007

1C The Scottish Ministers may by order made by statutory instrument amend paragraph 1 so as to vary the maximum number of members of the Tribunal.

Textual Amendments

F6 Sch. 4 paras. 1-1D substituted (23.11.2007) for Sch. 4 para. 1 by [Legal Profession and Legal Aid \(Scotland\) Act 2007 \(asp 5\)](#), **ss. 58(2)**, 82 (with s. 77); S.S.I. 2007/497, **art. 2**

VALID FROM 23/11/2007

1D A statutory instrument containing an order made under paragraph 1C is subject to annulment in pursuance of a resolution of the Scottish Parliament.]

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Textual Amendments

- F6** Sch. 4 paras. 1-1D substituted (23.11.2007) for Sch. 4 para. 1 by [Legal Profession and Legal Aid \(Scotland\) Act 2007 \(asp 5\)](#), ss. **58(2)**, 82 (with s. 77); S.S.I. 2007/497, **art. 2**

- 2 Each member of the Tribunal shall retire from office on the expiry of 5 years from the date of his appointment, but [^{F7}in the case—
- (a) of a lay member, may be re-appointed by the Lord President [^{F8}after consultation with the Secretary of State]; and
 - (b) of a solicitor member, may be [^{F9}re-appointed by the Lord President] on the recommendation of the Council.]

Textual Amendments

- F7** Words substituted by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1980 \(c. 55, SIF 36:3\)](#), s. **24(b)(ii)**
- F8** Words in Sch. 4 para. 2(a) 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)(b)(i)**; S.I. 1991/1252, art. 3, **Sch.1**
- F9** Words in Sch. 4 para. 2(b) 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)(b)(ii)**; S.I. 1991/1252, art. 3, **Sch.1**

- 3 The Lord President may from time to time terminate the appointment of any member of the Tribunal, and may fill any vacancy therein by the appointment of a solicitor recommended by the Council or, as the case may be, [^{F10}after consultation with the Secretary of State,] by the appointment of a lay member.

Textual Amendments

- F10** Words in Sch. 4 para. 3 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)(c)**; S.I. 1991/1252, art. 3, **Sch.1**

- 4 The Tribunal may appoint one of their number to be chairman, and may also appoint a clerk, who shall not be a member of the Tribunal, and, subject to the provisions of this Act, may regulate their procedure in such way as they may think fit.

- 5 The Tribunal shall be deemed to be properly constituted if—
- (a) at least 4 members are present, and
 - (b) at least 1 lay member is present, and
 - (c) the number of solicitor members present exceeds the number of lay members present. [^{F11}and
 - (d) there are present not more than 3 solicitor members for every lay member.]

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Textual Amendments

- F11** Sch. 4 Pt. I para. 5(d) and word “and” immediately preceding it added by [Solicitors \(Scotland\) Act 1988](#) (c. 42, SIF 76:2), s. 6(1), **Sch. 1 para. 23(a)**

- 6 There shall be paid to the lay members of the Tribunal out of money provided by Parliament such fees and allowances as the Secretary of State may ^{F12} . . . determine.

Textual Amendments

- F12** Words in [Sch. 4 para. 6](#) repealed (1.7.1999) by [S.I. 1999/1820](#), arts. 1(2), 4, **Sch. 2 Pt. I para. 65**, Pt.IV

PART II

PROCEDURE AND POWERS OF TRIBUNAL

Modifications etc. (not altering text)

- C2** [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**

Complaints

- 7 The making of a complaint to the Tribunal or the giving of any information in connection with a complaint shall confer qualified privilege.

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**)

- 8 A complaint made to the Tribunal shall not be withdrawn except with the Tribunal’s leave and subject to such conditions with respect to expenses or otherwise as the Tribunal thinks fit.

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**)

- [^{F13}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),

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the Tribunal may remit the complaint to the Council.]

Textual Amendments

F13 Sch. 4 para. 8A inserted by Solicitors (Scotland) Act 1988 (c. 42, SIF 76:2), s. 6(1), **Sch. 1 para. 23(b)**

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**

- 9 Subject to Part IV, the Tribunal may dismiss a complaint against a solicitor [^{F14}or an incorporated practice]—
- (a) without requiring the solicitor [^{F14}or the incorporated practice] to answer the allegations made against him [^{F14}or, as the case may be, it] or without holding any enquiry if—
- (i) they are of the opinion that the complaint discloses no *prima facie* case of professional misconduct on the part of the solicitor [^{F14}or, of failure on the part of the incorporated practice to comply with any provision of this Act or of rules made under this Act][^{F15}or, as the case may be, of provision of inadequate professional services]; or
- (ii) the complainer fails to comply with any rule made under section 52; or
- (b) without hearing parties if they are of the opinion upon consideration of the complaint and other documents that they disclose no case of professional misconduct on the part of the solicitor [^{F14}or, of failure on the part of the incorporated practice to comply with any provision of this Act or of rules made under this Act][^{F15}or, as the case may be, of provision of inadequate professional services].

Textual Amendments

F14 Words inserted by Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (c. 73, SIF 76:2), s. 56, **Sch. 1 Pt. I para. 35(a)**

F15 Words inserted by Solicitors (Scotland) Act 1988 (c. 42, SIF 76:2), s. 6(1), **Sch. 1 para. 23(c)**

Modifications etc. (not altering text)

C6 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**

- 10 The Tribunal shall give notice of the complaint to the solicitor [^{F16}or incorporated practice] against whom the complaint is made (“the respondent”) and shall enquire into the complaint, giving him [^{F16}or, as the case may be, it] reasonable opportunity of making his [^{F16}or, as the case may be, its] defence.

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Textual Amendments

F16 Words inserted by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1985 \(c. 73, SIF 76:2\)](#), s. 56, [Sch. 1 Pt. I para. 35\(b\)](#)

- 11 For the purpose of enquiring into the complaint the Tribunal may administer oaths and receive affirmations; and the complainer and respondent shall each be entitled—
- (a) to require the evidence of parties, witnesses and others interested, and
 - (b) to call for and recover such evidence and documents, and examine such witnesses, as they think proper, but no person shall be compelled to produce any document which he could not be compelled to produce in an action.

Modifications etc. (not altering text)

C7 [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](#))

- 12 On a petition by the complainer or the respondent to the Court, or to the sheriff having jurisdiction in any place in which the respondent carries on business, the Court or, as the case may be, the sheriff, on production of copies (certified by the Clerk of the Tribunal) of the complaint and answers, if lodged, together with a statement signed by the clerk specifying the place and date of the hearing of the complaint and certifying that notice to that effect has been given to the complainer and to the respondent, and on being satisfied that it would be proper to compel the giving of evidence by any witness or the production of documents by any haver, may—
- (a) grant warrant for the citation of witnesses and havers to give evidence or to produce documents before the Tribunal, and for the issue of letters of second diligence against any witness or haver failing to appear after due citation;
 - (b) grant warrant for the recovery of documents; and
 - (c) appoint commissioners to take the evidence of witnesses, to examine havers, and to receive exhibits and productions.

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)

C8 [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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- 14 Every decision on the Tribunal shall be signed by the chairman or other person presiding and [F17 shall, subject to paragraph 14A, be published in full].

Textual Amendments

F17 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

Modifications etc. (not altering text)

C9 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)

- [F18]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

F18 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)

C10 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 and to the complainer intimating the right of appeal available from that decision under this Act.

Modifications etc. (not altering text)

C11 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 [F19 or an incorporated practice]; or
 - (d) fining a solicitor [F19 or an incorporated practice], [F20 or

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- (e) order that the recognition under section 34(1A) of an incorporated practice be revoked^[F21]; 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,]

on the expiration of the days of appeal ^[F22](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 ^[F23](h)] or in the case of a decision of the Tribunal under section 53(6) ^[F24]or (6B)] which has not been varied or quashed by the Court ^[F19]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 ^[F25]or as revoking the recognition under section 34(1A) of an incorporated practice].

Textual Amendments

- F19** Words inserted by Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (c. 73, SIF 76:2), s. 56, **Sch. 1 Pt. I para. 35(c)**
- F20** 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(e)**
- F21** 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)**
- F22** Words inserted by Solicitors (Scotland) Act 1988 (c. 42, SIF 76:2), s. 6(1), **Sch. 1 para. 23(d)(ii)**
- F23** “(h)” substituted by virtue of Solicitors (Scotland) Act 1988 (c. 42, SIF 76:2), s. 6(1), **Sch. 1 para. 23(d)(iii)**
- F24** Words inserted by Solicitors (Scotland) Act 1988 (c. 42, SIF 76:2), s. 6(1), **Sch. 1 para. 23(d)(iv)**
- F25** 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 ^{F26} . . . , to the Principal Clerk of Session, and shall ^[F27], without prejudice to paragraph 14,] cause a notice of the operative part of the order to be published in the Edinburgh Gazette ^{F28}[. . .]

Textual Amendments

- F26** 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**

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F27 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**

F28 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**

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.

[^{F29}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

F29 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)

C12 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**)

Expenses

19 Subject to the provisions of Part IV, the Tribunal may make in relation to any complaint against a solicitor such order as it thinks fit as to the payment by the complainer or by the respondent of the expenses incurred by the other party and by the Tribunal or a reasonable contribution towards those expenses.

Modifications etc. (not altering text)

C13 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**)

20 On the application of the person in whose favour an order for expenses under paragraph 19 is made and on production of a certificate by the clerk of the Tribunal that the days of appeal against the order have expired without an appeal being lodged or, where such an appeal has been lodged, that the appeal has been dismissed or withdrawn, the Court may grant warrant authorising that person to recover those expenses from the person against whom the order was made.

Modifications etc. (not altering text)

C14 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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- 21 Such warrant shall have effect for execution and for all other purposes as if it were an extracted decree of court awarded against the person against whom the order of the Tribunal was made.

Modifications etc. (not altering text)

C15 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)

- 22 The expenses of the Tribunal so far as not otherwise defrayed shall be paid by the Society as part of the expenses of the Society.

Modifications etc. (not altering text)

C16 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)

f³⁰ Appeals

Textual Amendments

F30 Sch. 4 paras. 23–25 added by Solicitors (Scotland) Act 1988 (c. 42, SIF 76:2), s. 6(1), Sch. 1 para. 23(e)

- 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.

Status:

Point in time view as at 01/07/1999. This version of this schedule contains provisions that are not valid for this point in time.

Changes to legislation:

Solicitors (Scotland) Act 1980, SCHEDULE 4 is up to date with all changes known to be in force on or before 05 July 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.