

**Status:** Point in time view as at 01/07/1999.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

**Changes to legislation:** Solicitors (Scotland) Act 1980, Part I is up to date with all changes known to be in force on or before 22 May 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

#### 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 <sup>F1</sup>10] and not more than <sup>F1</sup>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 <sup>F2</sup>appointed by the Lord President;]
  - (b) <sup>F3</sup>8] members (in this Part referred to as “lay members”) who are neither solicitors nor advocates, <sup>F4</sup>appointed by the Lord President after consultation with the Secretary of State.]

<sup>F5</sup> . . .

##### 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- F5** Words following Sch. 4 para. 1(b) repealed (3.6.1991.)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

<sup>F6</sup>1A The Tribunal shall consist of equal numbers of—

*Status: Point in time view as at 01/07/1999.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

**Changes to legislation:** *Solicitors (Scotland) Act 1980, Part I is up to date with all changes known to be in force on or before 22 May 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)*

- (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.]

**Status:** Point in time view as at 01/07/1999.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

**Changes to legislation:** Solicitors (Scotland) Act 1980, Part I is up to date with all changes known to be in force on or before 22 May 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)

#### 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 [<sup>F7</sup>in the case—
- (a) of a lay member, may be re-appointed by the Lord President [<sup>F8</sup>after consultation with the Secretary of State]; and
  - (b) of a solicitor member, may be [<sup>F9</sup>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, [<sup>F10</sup>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. [<sup>F11</sup>and
  - (d) there are present not more than 3 solicitor members for every lay member.]

*Status: Point in time view as at 01/07/1999.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

*Changes to legislation: Solicitors (Scotland) Act 1980, Part I is up to date with all changes known to be in force on or before 22 May 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)*

**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 <sup>F12</sup> . . . 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

**Status:**

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

**Changes to legislation:**

Solicitors (Scotland) Act 1980, Part I is up to date with all changes known to be in force on or before 22 May 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.