



# Solicitors (Scotland) Act 1980

## 1980 CHAPTER 46

### PART II

#### RIGHT TO PRACTISE AS A SOLICITOR

##### *Practising Certificates*

#### **15 Discretion of Council in special cases**

- (1) In any case where this section has effect, the applicant shall, unless the Council otherwise order, give to the Council, not less than 6 weeks before he applies for a practising certificate, notice of his intention to do so; and the Council may in their discretion—
  - (a) grant or refuse the application, or
  - (b) decide to issue a certificate to the applicant subject to such conditions as the Council may think fit.
- (2) Subject to subsections (3) and (4), this section shall have effect in any case where a solicitor applies for a practising certificate—
  - (a) still having to serve a post qualifying obligatory year of practical training in terms of an undertaking by him to that effect in his indenture of apprenticeship; or
  - (b) not having held a practising certificate in force within the period of 12 months following the date of his admission; or
  - (c) when a period of 12 months or more has elapsed since he held a practising certificate in force ; or
  - (d) without having paid in full any fine imposed on him under Part IV; or
  - (e) without having paid in full any expenses for which he has been found liable under section 38 or Part IV; or
  - (f) when, having been suspended from practice, the period of suspension has expired ; or

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*Status: This is the original version (as it was originally enacted).*

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- (g) when, having had his name struck off the roll, his name has been restored to the roll; or
  - (h) after his estate has been sequestrated or he has granted a trust deed for behoof of creditors, whether he has obtained his discharge or not; or
  - (i) when, after a complaint has been made—
    - (i) relating to his conduct of the business of a client his attention has been drawn by the Council to the matter, and he has not replied or has not furnished a reply which would enable the Council to dispose of the matter ; or
    - (ii) of delay in the disposal of the business of a client he has not completed that business within such period as the Council may fix as being a reasonable period within which to do so,and in either case has been notified in writing by the Council accordingly.
- (3) Where a practising certificate free of conditions is issued by the Council under subsection (1) to a solicitor in relation to whom this section has effect by reason of any such circumstances as are mentioned in paragraphs (b), (c), (f), (g) or (h) of subsection (2), this section shall not thereafter have effect in relation to that solicitor by reason of those circumstances.
- (4) Where the Council decide to issue a practising certificate subject to conditions, they may, if they think fit, postpone the issue of the certificate pending the hearing and determination of an appeal under section 16.