



Solicitors (Scotland) Act 1980

1980 CHAPTER 46

PART III

PROFESSIONAL PRACTICE, CONDUCT AND DISCIPLINE OF SOLICITORS

Protection of clients

45 Safeguarding interests of clients of solicitors struck off or suspended

- (1) The following provisions of this section shall have effect in relation to the practice of a solicitor whose name is struck off the roll or who is suspended from practice as a solicitor under any provision of this Act.
- (2) The solicitor shall within 21 days of the material date satisfy the Council that he has made suitable arrangements for making available to his clients or to some other solicitor or solicitors instructed by his clients or by himself—
 - (a) all deeds, wills, securities, papers, books of accounts, records, vouchers and other documents in his or his firm's possession or control which are held on behalf of his clients or which relate to any trust of which he is sole trustee or co-trustee only with one or more of his partners or employees, and
 - (b) all sums of money due from him or his firm or held by him or his firm on behalf of his clients or subject to any such trust as aforesaid.
- (3) if the solicitor fails so to satisfy the Council the provisions of section 38 shall apply in relation to that solicitor, notwithstanding that the Council may not have reasonable cause to believe that he has been guilty of any such dishonesty as is mentioned in section 43(2).
- (4) If the solicitor, immediately before the striking off or, as the case may be, the suspension, was a sole solicitor, the right to operate on, or otherwise deal with, any client account in the name of the solicitor or his firm shall on the occurrence of that event vest in the Society (notwithstanding any enactment or rule of law to the contrary) to the exclusion of any other person.
- (5) In this section—

Status: This is the original version (as it was originally enacted).

- " material date " means whichever is the latest of—
- (a) the date when the order of the Tribunal or Court by or in pursuance of which the solicitor is struck off the roll or suspended from practice is to take effect;
 - (b) the last date on which—
 - (i) an appeal against that order may be lodged or an application may be made to the Court under section 54(2), or
 - (ii) an appeal against a decision of the Council under section 40 may be lodged ;
 - (c) the date on which any such appeal is dismissed or abandoned; and
- " sole solicitor " means a solicitor practising under his own name or as a single solicitor under a firm name.