



# Solicitors (Scotland) Act 1980

## 1980 CHAPTER 46

### PART IV

#### COMPLAINTS AND DISCIPLINARY PROCEEDINGS

##### *The Scottish Solicitors' Discipline Tribunal*

#### 51 Complaints to Tribunal.

- (1) A complaint may be made to the Tribunal by the Council; and, for the purpose of investigating and prosecuting complaints, the Council may appoint a solicitor to act as fiscal.
- (2) The persons mentioned in subsection (3) may report to the Tribunal any case where it appears that a solicitor may have been guilty of professional misconduct (including any case where it appears that a solicitor may have been seeking to make extraordinary and apparently unjustified claims against his client [<sup>F1</sup>or against the Scottish Legal Aid Fund]) [<sup>F2</sup>or an incorporated practice may have failed to comply with any provision of this Act or of rules made under this Act applicable to it][<sup>F3</sup>or a solicitor or an incorporated practice may have provided inadequate professional services], and any such report shall be treated by the Tribunal as a complain under subsection (1).
- (3) The persons referred to in subsection (2) are—
  - (a) the Lord Advocate;
  - [<sup>F4</sup>(aa) the Advocate General for Scotland]
  - (b) any judge;
  - [<sup>F5</sup>(ba) the Dean of the Faculty of Advocates;]
  - (c) the Auditor of the Court of Session;
  - (d) the Auditor of any sheriff court.
  - [<sup>F6</sup>(e) the Scottish Legal Aid Board.]
  - [<sup>F7</sup>(f) the Scottish legal services ombudsman.]

*Status: Point in time view as at 20/05/1999. This version of this provision has been superseded.*

*Changes to legislation: Solicitors (Scotland) Act 1980, Section 51 is up to date with all changes known to be in force on or before 15 June 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)*

[<sup>F8</sup>(4) Where a report is made to the Tribunal under subsection (2) the Tribunal may, if it thinks fit, appoint a solicitor to prosecute the complaint and the expenses of the solicitor, so far as not recoverable from the solicitor complained against, shall be paid out of the funds of the Tribunal.]

#### Textual Amendments

- F1** Words inserted by [Legal Aid \(Scotland\) Act 1986 \(c. 47, SIF 77:2\)](#), ss. 43, 45, Sch. 3 para. 8(2), **Sch. 4 para. 3(1)**
- F2** Words inserted by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1985 \(c. 73, SIF 76:2\)](#), s. 56, **Sch. 1 Pt. I para. 26**
- F3** Words inserted by [Solicitors \(Scotland\) Act 1988 \(c. 42, SIF 76:2\)](#), s. 6(1)(3), **Sch. 1 para. 14(a)**
- F4** S. 51(3)(aa) inserted (20.5.1999) by S.I. 1999/1042, arts. 1(2)(b), 4, **Sch. 2 Pt. I para. 7(3)**
- F5** S. 51(3)(ba) 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(9)(a)**; S.I. 1991/1252, art. 3, **Sch. 1**
- F6** S. 51(3)(e) inserted by [Legal Aid \(Scotland\) Act 1986 \(c. 47, SIF 77:2\)](#), ss. 43, 45, Sch. 3 para. 8(3), **Sch. 4 para. 3(1)**
- F7** S. 51(3)(f) substituted (3.6.1991) (for para. (f) added by [Solicitors \(Scotland\) Act 1988 \(c. 42, SIF 76:2\)](#), s. 6(1), **Sch. 1 para. 14(b)**) by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1990 \(c. 40, SIF 76:2\)](#), s. 74, **Sch. 8 Pt. II para. 29(9)(b)**; S.I. 1991/1252, art. 3, **Sch. 1**
- F8** S. 51(4) added by [Solicitors \(Scotland\) Act 1988 \(c. 42, SIF 76:2\)](#), s. 6(1), **Sch. 1 para. 14(c)**

**Status:**

Point in time view as at 20/05/1999. This version of this provision has been superseded.

**Changes to legislation:**

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