



# Solicitors (Scotland) Act 1980

## 1980 CHAPTER 46

### PART IV

#### COMPLAINTS AND DISCIPLINARY PROCEEDINGS

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

#### **53 Powers of Tribunal**

- (1) Subject to the other provisions of this Part, the powers exercisable by the Tribunal under subsection (2) shall be exercisable if—
  - (a) after holding an inquiry into a complaint against a solicitor the Tribunal is satisfied that he has been guilty of professional misconduct, or
  - (b) a solicitor has (whether before or after enrolment as a solicitor), been convicted by any court of an act involving dishonesty or has been sentenced to a term of imprisonment of not less than 2 years.
- (2) Subject to subsection (1), the Tribunal may—
  - (a) order that the name of the solicitor be struck off the roll; or
  - (b) order that the solicitor be suspended from practice as a solicitor for such time as it may determine; or
  - (c) subject to subsection (3), impose on the solicitor a fine not exceeding £250; or
  - (d) censure the solicitor; or
  - (e) impose such fine and censure him.
- (3) The Tribunal shall not impose a fine under subsection (2)(c) in any of the circumstances mentioned in subsection (1)(b).
- (4) Any fine imposed by the Tribunal under subsection (2) shall be forfeit to Her Majesty.
- (5) Where the Tribunal have exercised the power conferred by subsection (2) to censure, or impose a fine on, a solicitor, or both to censure and impose a fine, the Tribunal may order that the solicitor's practising certificate shall be subject to such terms and

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*Status: This is the original version (as it was originally enacted).*

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conditions as the Tribunal may direct; and the Council shall give effect to any such order of the Tribunal.

- (6) Where the Tribunal order that the name of a solicitor be struck off the roll, or that the solicitor be suspended from practice as a solicitor, the Tribunal may direct that the order shall take effect on the date on which it is intimated to the solicitor; and if any such direction is given the order shall take effect accordingly.
- (7) Where in relation to any such order as is mentioned in subsection (6) the Tribunal give a direction under that subsection, and an appeal against the order is taken to the Court under section 54, the order shall continue to have effect pending the determination or abandonment of the appeal unless, on an application under subsection (2) of section 54, the Court otherwise directs.