Legal Profession and Legal Aid (Scotland) Act 2007

2007 asp 5

PART 3

LEGAL PROFESSION: OTHER MATTERS

58   Constitution of Scottish Solicitors' Discipline Tribunal

(1) Schedule 4 to the 1980 Act is amended as follows.

(2) For paragraph 1 substitute—

"1   The Tribunal shall consist of not more than 28 members.

1A   The Tribunal shall consist of equal numbers of—
  (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.

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.

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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.

1D A statutory instrument containing an order made under paragraph 1C is subject to annulment in pursuance of a resolution of the Scottish Parliament.".

(3) In paragraph 2(a), for "lay" substitute "non-lawyer".

(4) In paragraph 3, for "lay" substitute "non-lawyer".

(5) In paragraph 5—

    (a)   in sub-paragraph (b), for "1 lay member is" substitute "2 solicitor members are";

    (b)   for sub-paragraph (c) substitute—

        "(c)   at least 2 non-lawyer members are present.";

    (c)   sub-paragraph (d) is repealed.

(6) In paragraph 6, for "lay" substitute "non-lawyer".