

Changes to legislation: Solicitors (Scotland) Act 1980, Paragraph 16 is up to date with all changes known to be in force on or before 26 April 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) View outstanding changes

SCHEDULES

SCHEDULE 4

CONSTITUTION, PROCEDURE AND POWERS OF TRIBUNAL

Modifications etc. (not altering text)

- C1 Sch. 4 applied (with modifications) (1.10.2004) by The Solicitors (Scotland) Act 1980 (Foreign Lawyers and Multi-national Practices) Regulations (S.S.I. 2004/383), {reg. 13}

PART II

PROCEDURE AND POWERS OF TRIBUNAL

Modifications etc. (not altering text)

- C1 Sch. 4 Pt. II (paras. 7–22) applied by Legal Aid (Scotland) Act 1986 (c. 47, SIF 77:2), ss. 31(10), 45, Sch. 4 para. 2

Decisions

- 16 In the case of a decision by the Tribunal—
- (a) ordering a solicitor to be struck off the roll; or
 - (b) ordering a solicitor to be suspended from practice; or
 - (c) censuring a solicitor [^{F1}or an incorporated practice]; or
 - (d) fining a solicitor [^{F1}or an incorporated practice], [^{F2}or
 - (e) order that the recognition under section 34(1A) of an incorporated practice be revoked][^{F3}; or
 - (f) ^{F4}
 - (g) ^{F4}
 - (h) ordering that an investment business certificate issued to a solicitor, a firm of solicitors or an incorporated practice be—
 - (i) suspended; or
 - (ii) subject to such terms and conditions as they may direct; or
 - (iii) revoked,]

on the expiration of the days of appeal [^{F5}(if any)] without an appeal being lodged or, where an appeal has been lodged, if and as soon as the appeal is withdrawn or a decision by the Court is given in terms of subparagraphs (a) to [^{F6}(h)] or in the case of a decision of the Tribunal under section 53(6) [^{F7}or (6B)] which has not been varied or quashed by the Court [^{F1}or under section 53(6A) which has not been varied by the court], the clerk of the Tribunal shall immediately send to the Council

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a copy of the decision of the Tribunal certified by him and a copy of the decision by the Court in any appeal, and the Council shall forthwith give effect to any order as to striking the solicitor off the roll and to any terms and conditions directed by the Tribunal under section 53(5); and in any other case shall cause a note of the effect of the decision to be entered against the name of the solicitor in the roll [^{F8}or as revoking the recognition under section 34(1A) of an incorporated practice].

Textual Amendments

- F1** Words inserted by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1985 \(c. 73, SIF 76:2\)](#), s. 56, [Sch. 1 Pt. I para. 35\(c\)](#)
- F2** Word “or” and para. 16(1)(e) inserted by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1985 \(c. 73, SIF 76:2\)](#), s. 56, [Sch. 1 Pt. I para. 35\(c\)](#)
- F3** [Sch. 4 para. 16\(f\)–\(h\)](#) and word “; or” inserted by [Solicitors \(Scotland\) Act 1988 \(c. 42, SIF 76:2\)](#), s. 6(1), [Sch. 1 para. 23\(d\)](#)
- F4** [Sch. 4 para. 16\(f\)\(g\)](#) repealed (1.10.2008) by [Legal Services Act 2007 \(c. 29\)](#), ss. 195, 210, 211, [Sch. 20 para. 1\(19\)\(b\)](#), [Sch. 23](#) (with ss. 29, 192, 193); S.I. 2008/1436, [art. 3](#)
- F5** Words inserted by [Solicitors \(Scotland\) Act 1988 \(c. 42, SIF 76:2\)](#), s. 6(1), [Sch. 1 para. 23\(d\)\(ii\)](#)
- F6** “(h)” substituted by virtue of [Solicitors \(Scotland\) Act 1988 \(c. 42, SIF 76:2\)](#), s. 6(1), [Sch. 1 para. 23\(d\)\(iii\)](#)
- F7** Words inserted by [Solicitors \(Scotland\) Act 1988 \(c. 42, SIF 76:2\)](#), s. 6(1), [Sch. 1 para. 23\(d\)\(iv\)](#)
- F8** Words inserted by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1985 \(c. 73, SIF 76:2\)](#), s. 56, [Sch. 1 Pt. I para. 35\(c\)](#)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 12A(2)(ba) inserted by [2010 asp 16 s. 118\(3\)](#)
- s. 32(1)(d) and word inserted by [2010 asp 16 s. 118\(2\)\(a\)\(i\)](#)
- s. 32(2D) inserted by [2010 asp 16 s. 118\(2\)\(a\)\(iv\)](#)
- Sch. 4 para. 1A(b)(ia) inserted by [2010 asp 16 s. 118\(2\)\(b\)](#)