



Solicitors (Scotland) Act 1980

1980 CHAPTER 46

PART IV

COMPLAINTS AND DISCIPLINARY PROCEEDINGS

The Scottish Solicitors' Discipline Tribunal

54 Appeals from decisions of Tribunal.

(1) ^{F1}

[^{F2}(1A) A solicitor or an incorporated practice may, before the expiry of the period of 21 days beginning with the day on which any decision by the Tribunal mentioned in subsection (1B) is intimated to him or, as the case may be, it appeal to the Court against the decision.

(1B) The decision is—

- (a) where the Tribunal was satisfied as mentioned in section 53(1)(a), the finding that the solicitor has been guilty of professional misconduct;
- (b) where the Tribunal was satisfied as mentioned in section 53(1)(d), the finding that the incorporated practice has failed to comply with any provision of this Act or of any rule made under this Act applicable to the practice;
- (c) in any case falling within paragraph (a) or (b), or where the decision was made because of the circumstances mentioned in section 53(1)(b) or (c), any decision under section 53(2) or (5).

(1C) The Council may, before the expiry of the period of 21 days beginning with the day on which a decision by the Tribunal under section 53(2) or (5) is intimated to them, appeal to the Court against the decision; but the Council may not appeal to the Court against a decision of the Tribunal under section 53(2)(bb) [^{F3}or (bc)] .

(1D) Where the Tribunal has found that a solicitor has been guilty of professional misconduct but has not directed him under section 53(2)(bb) [^{F4}or (bc)] to pay compensation, the complainer may, before the expiry of the period of 21 days

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beginning with the day on which the Tribunal's finding is intimated to him, appeal to the Court against the decision of the Tribunal not to make a direction under that subsection.

- (1E) A complainer to whom the Tribunal has directed a solicitor under section 53(2)(bb) [^{F5}or (bc)] to pay compensation may, before the expiry of the period of 21 days beginning with the day on which the direction under that subsection is intimated to him, appeal to the Court against the amount of the compensation directed to be paid.
- (1F) On an appeal under any of subsections (1A) to (1E), the Court may give such directions in the matter as it thinks fit, including directions as to the expenses of the proceedings before the Court and as to any order by the Tribunal relating to expenses.
- (1G) A decision of the Court under subsection (1A), (1B), (1C), (1D), (1E) or (1F) shall be final.]

(2) Where

- [^{F6}(a)] the Tribunal has exercised the power conferred by section 53(6) to direct that its decision shall take effect on the date on which it is intimated to the solicitor concerned, the solicitor may, within 21 days of that date, apply to the Court for an order varying or quashing the direction in so far as it relates to the date of taking effect [^{F7};
- (b) the Tribunal has ordered the revocation of the recognition under section 34(1A) of an incorporated practice, the incorporated practice may within 21 days of the date when the order is intimated to it apply to the court for an order varying (subject to the limit of 60 days referred to in subsection (6A) of section 53) the direction under that subsection;]
- [^{F8}(c) the Tribunal has exercised the power conferred by section 53(6B) to direct that its order shall take effect on the day on which it is intimated to the solicitor, firm of solicitors or incorporated practice concerned, the solicitor, firm of solicitors or incorporated practice may, before the expiry of the period of 21 days beginning with that day, apply to the court for an order varying or quashing the direction in so far as it relates to the day on which the order takes effect];

and on any such application the Court may make the order applied for or such other order with respect to the matter as it thinks fit.

[^{F9}(2A) In subsections (1D) and (1E), “complainer” has the same meaning as in section 42ZA.

(2B) ^{F1}

(2C) ^{F1}]

Textual Amendments

- F1** S. 54(1)(2B)(2C) repealed (1.10.2008) by [Legal Services Act 2007 \(c. 29\)](#), ss. 195, 210, 211, Sch. 20 para. 1(13), [Sch. 23](#) (with ss. 29, 192, 193); S.I. 2008/1436, [art. 3](#)
- F2** S. 54(1A)-(1G) inserted (1.10.2008) by [Legal Profession and Legal Aid \(Scotland\) Act 2007 \(asp 5\)](#), [ss. 57\(1\)\(a\)](#), 82 (with s. 77); S.S.I. 2008/311, [art. 2](#)
- F3** Words in s. 54(1C) inserted (1.5.2011) by [Legal Services \(Scotland\) Act 2010 \(asp 16\)](#), [ss. 139\(2\)](#), 150(2); S.S.I. 2011/180, [art. 4\(a\)](#)
- F4** Words in s. 54(1D) inserted (1.5.2011) by [Legal Services \(Scotland\) Act 2010 \(asp 16\)](#), [ss. 139\(2\)](#), 150(2); S.S.I. 2011/180, [art. 4\(a\)](#)

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- F5** Words in s. 54(1E) inserted (1.5.2011) by Legal Services (Scotland) Act 2010 (asp 16), **ss. 139(2), 150(2)**; S.S.I. 2011/180, art. 4(a)
- F6** “(a)” inserted by Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (c. 73, SIF 76:2), s. 56, **Sch. 1 Pt. I para. 29(b)**
- F7** “;” and s. 54(2)(b) inserted by Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (c. 73, SIF 76:2), s. 56, **Sch. 1 Pt. I para. 29(b)**
- F8** S. 54(2)(c) inserted (1.10.2008) by Legal Profession and Legal Aid (Scotland) Act 2007 (asp 5), **ss. 57(1)(b), 82** (with s. 77); S.S.I. 2008/311, **art. 2**
- F9** S. 54(2A)-(2C) inserted (1.10.2008) by Legal Profession and Legal Aid (Scotland) Act 2007 (asp 5), **ss. 57(1)(c), 82** (with s. 77); S.S.I. 2008/311, **art. 2**

Modifications etc. (not altering text)

- C1** S. 54 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}

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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)(iia) inserted by [2010 asp 16 s. 118\(2\)\(b\)](#)