



# Solicitors (Scotland) Act 1980

## 1980 CHAPTER 46

### PART VI

#### MISCELLANEOUS AND GENERAL

##### *General*

#### **63 Penalties and time limit for prosecution of offences**

- (1) Any person guilty of an offence under this Act shall be liable on summary conviction to a fine not exceeding [<sup>F1</sup>[<sup>F2</sup>level 4] on the standard scale][<sup>F3</sup> . . .]
- (2) Notwithstanding any provision of the <sup>M1</sup>Criminal Procedure (Scotland) Act 1975, the prosecution of any offence under this Act shall be commenced within 6 months of its first discovery by the prosecutor or in any event within 2 years after the commission of that offence.
- [<sup>F4</sup>(3) Where an offence under this Act is committed by a body corporate and is proved to have been committed with the consent or connivance of or to be attributable to any neglect on the part of—
  - (a) any director, secretary or other similar officer of the body corporate; or
  - (b) any person who was purporting to act in any such capacity,he (as well as the body corporate) shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.
- (4) Where an offence under this Act is committed by a partnership or by an unincorporated association (other than a partnership) and is proved to have been committed with the consent or connivance of a partner in the partnership or, as the case may be, a person concerned in the management or control of the association, he (as well as the partnership or association) shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.]

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**Changes to legislation:** *Solicitors (Scotland) Act 1980, Section 63 is up to date with all changes known to be in force on or before 25 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*

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#### Textual Amendments

- F1** Words substituted by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **ss. 289F**, 289G
- F2** Words in s. 63(1) substituted (*3.6.1991*) by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1990 \(c. 40, SIF 76:2\)](#), s. 74, **Sch. 8 Pt. II para. 29(14)(a)(i)**; S.I. 1991/1252, art. 3, **Sch.1**
- F3** Words in s. 63(1) repealed (*3.6.1991*) by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1990 \(c. 40, SIF 76:2\)](#), s. 74, Sch. 8 Pt. II para. 29(14)(a)(ii), **Sch. 9**; S.I. 1991/1252, art. 3, **Sch. 1**
- F4** S. 63(3)(4) 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(14)(b)**; 1991/1252, art. 3, Sch.1

#### Modifications etc. (not altering text)

- C1** [S. 63](#) 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}

#### Marginal Citations

- M1** [1975 c.21](#).

**Changes to legislation:**

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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\(2\)\(b\)](#)