



# Economic Crime and Corporate Transparency Act 2023

## 2023 CHAPTER 56

### PART 5

#### MISCELLANEOUS

##### *Regulatory and investigatory powers*

#### **208 Scottish Solicitors' Discipline Tribunal: powers to fine in cases relating to economic crime**

- (1) Section 53 of the Solicitors (Scotland) Act 1980 (powers of tribunal) is amended as follows.
- (2) In subsection (1)—
  - (a) in paragraph (b)—
    - (i) after “dishonesty” insert “(other than a conviction for an economic crime offence)”;
    - (ii) after “or has” insert “(other than in relation to a conviction for an economic crime offence)”;
  - (b) after paragraph (b) insert—
    - “(ba) a solicitor has (whether before or after enrolment as a solicitor) been convicted by any court of an economic crime offence, or”;
  - (c) in paragraph (c), after “offence” insert “(other than a conviction for an economic crime offence)”;
  - (d) after paragraph (c) insert—
    - “(ca) an incorporated practice has been convicted by any court of an economic crime offence, which conviction the Tribunal is satisfied renders it unsuitable to continue to be recognised under section 34(1A), or”.

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*Changes to legislation: There are currently no known outstanding effects for the Economic Crime and Corporate Transparency Act 2023, Section 208. (See end of Document for details)*

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(3) In subsection (2), after paragraph (c), insert—

“(ca) where the Tribunal is proceeding on the ground in subsection (1)(ba) or (1)(ca), or where subsection (2A) or (2B) applies, impose on the solicitor or, as the case may be, the incorporated practice, a fine of any amount.”

(4) After subsection (2) insert—

“(2A) This subsection applies where the Tribunal is proceeding on the ground referred to in subsection (1)(a) and —

- (a) the solicitor has, in relation to the subject matter of the Tribunal’s inquiry, been convicted by any court of an economic crime offence, or
- (b) the misconduct referred to in subsection (1)(a) consisted of an act or omission which had the effect of inhibiting the prevention or detection of an economic crime offence.

(2B) This subsection applies where the Tribunal is proceeding on the ground referred to in subsection (1)(d) and the incorporated practice has —

- (a) in relation to the subject matter of the Tribunal’s inquiry, been convicted by any court of an economic crime offence, or
- (b) failed to comply with a provision or rule as referred to in subsection (1)(d) and—
  - (i) the failure consisted of an act or omission which had the effect of inhibiting the prevention or detection of an economic crime offence, or
  - (ii) the provision or rule applies only for purposes relating to the prevention or detection of an economic crime offence.”

(5) In subsection (3ZA)—

- (a) in paragraph (a), after “dishonesty” insert “(not being an economic crime offence)”;
- (b) in paragraph (b), at the end insert “, (1)(ba) or (1)(ca)”;
- (c) after paragraph (b), insert—
  - “(c) where subsection (2A) or (3A) applies.”

(6) In subsection (3A)—

- (a) in paragraph (a), for “(1)(a) or (b)” substitute “(1)(a), (b) or (ba)”;
- (b) in paragraph (b), for “(1)(c) or (d)” substitute “(1)(c), (ca) or (d)”.

(7) After subsection (9) insert—

“(9A) In this section, an economic crime offence means an economic crime within the meaning given by section 193(1) of the Economic Crime and Corporate Transparency Act 2023.”

(8) The amendments made by this section do not apply in relation to any act or omission occurring before the day on which this section comes into force.

#### Commencement Information

**I1** S. 208 in force at Royal Assent for specified purposes, see [s. 219\(1\)\(2\)\(b\)](#)

**I2** [S. 208](#) in force at 4.3.2024 in so far as not already in force by [S.I. 2024/269](#), [reg. 2\(z62\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Economic Crime and Corporate Transparency Act 2023, Section 208.