

THE SOLICITORS (SCOTLAND) ACT 1980
THE SCOTTISH SOLICITORS' DISCIPLINE TRIBUNAL

INTERLOCUTOR

in Appeal

MESSRS NESS GALLAGHER & CO, Solicitors,
Stewarton Chambers, 95 Stewarton Street, Wishaw.

against

A Determination by the Council of the Law
Society of Scotland dated 30th March and
issued 30th April 1999.

Edinburgh 28th July 1999. The Tribunal having heard the solicitor for the Council of the Law Society of Scotland, Dismiss the Appeal; Find the Appellants liable in the expenses of the Council of the Law Society of Scotland and of the Tribunal as the same may be taxed by the Auditor of the Court of Session on a solicitor and client indemnity basis in terms of Chapter Six of the Law Society's Table of Fees for general business together with a reasonable sum for posts and incidental outlays; and direct that publicity to include the name of the Appellants, be given to this decision.

Vice Chairman

NOTE

This Appeal had been set down for Hearing before the Discipline Tribunal on 28th July 1999, but prior to that date it was indicated informally that the Appellants did not wish to proceed with the Appeal.

Mr D.C.W. Pyle W.S. the solicitor for the Council of the Law Society of Scotland in this matter, appeared before the Tribunal on 28th July 1999. The Appellants did not appear and were not represented. Mr Pyle produced a letter dated 23rd July 1999 from Mr James A. McCann, Solicitor, Clydebank, who had been instructed by the Appellants, confirming that they would not be proceeding further with the Appeal and that they had fully implemented the Order which had been the subject of the Appeal. Mr McCann also accepted the Appellants' liability to meet the expenses arising from the Appeal. Mr Pyle moved the Tribunal to dismiss the Appeal and to make a finding for expenses and the Tribunal has accordingly made an appropriate order.

Paragraph 23 of the Fourth Schedule to the Solicitors (Scotland) Act 1980 as amended, extends Paragraph 14 of that Schedule to such proceedings and in the absence of any circumstances which might have occasioned the Tribunal to exercise its limited discretion, publicity to include the name of the Appellants will be given to this Decision.

Vice Chairman