

**THE SOLICITORS (SCOTLAND) ACT 1980  
THE SCOTTISH SOLICITORS' DISCIPLINE TRIBUNAL  
(SSDT RULES 2024)**

**FINDINGS**

**in Section 53(1)(b) Complaint**

**by**

**THE COUNCIL OF THE LAW SOCIETY of  
SCOTLAND, Atria One, 144 Morrison Street,  
Edinburgh**

**Complainers**

**against**

**ANDREW GERALD LINGARD c/o HMP  
Edinburgh, 33 Stenhouse Road, Edinburgh**

**Respondent**

1. A Complaint dated 27 May 2025 was lodged with the Scottish Solicitors' Discipline Tribunal in terms of Section 53(1)(b) of the Solicitors (Scotland) Act 1980 ("the 1980 Act") by the Council of the Law Society of Scotland, Atria One, 144 Morrison Street, Edinburgh (hereinafter referred to as "the Complainers") averring that Andrew Gerald Lingard c/o HMP Edinburgh, 33 Stenhouse Road, Edinburgh (hereinafter referred to as "the Respondent") was a practitioner who has been convicted and sentenced to a period of imprisonment of more than 12 months.
2. The Tribunal caused a copy of the Complaint as lodged to be served upon the Respondent. Answers were lodged for the Respondent.
3. Motions were lodged on behalf of the Respondent requesting (a) that, under Rule 6(2) of the 2024 Rules, any hearing be held in private and (b) that the Respondent be anonymised in any publicity. The Complainers intimated their opposition to both motions and the Tribunal set down a virtual Procedural Hearing on 15 October 2025 to hear submissions.
4. At the virtual Procedural Hearing on 15 October 2025, the Complainers were represented by their Fiscal, Breck Stewart, Solicitor Advocate, Edinburgh. The Respondent was present and represented by James Mulgrew, Solicitor, Glasgow. The Tribunal having heard submissions from both parties, refused the motion under Rule 6(2), refused the motion for anonymity in any publicity *in hoc statu* and on joint motion, fixed a virtual Hearing for 27 November 2025.

5. At the virtual Hearing on 27 November 2025, the Complainers were represented by their Fiscal, Breck Stewart, Solicitor Advocate, Edinburgh. The Respondent was present and represented by James Mulgrew, Solicitor, Glasgow. No evidence was led. The Tribunal heard submissions from both parties.
6. The Tribunal found the following facts to be established:-
  - 6.1 The Respondent is Mr Andrew Gerald Lingard presently detained within HMP Edinburgh 33 Stenhouse Drive Edinburgh. His date of birth is 7 April 1985. He was admitted to the roll of solicitors on the 30 September 2009. He was employed by Gateley (Scotland) Edinburgh from the 25 August 2008 to the 31 October 2010. Then Mercedes- Benz UK between 8 November 2010 until 24 February 2012. Then Michael Page, Edinburgh between 27 February 2012 and 23 August 2012. Then Europcar Group UK Limited Leicester between 5 September 2012 and 25 April 2014. He was employed by Monarch Airlines Limited Luton between 28 April 2014 and 24 November 2017. Then Asos.com London between 5 December 2017 and 18 October 2019. He was employed by Stonegate Pub Company Luton between 21 October 2019 until the 23 June 2023.
  - 6.2 On the 22 June 2023, at the High Court of Justiciary sitting in Livingston, the respondent was found guilty, following trial by jury, of three offences
    - 6.2.1 (003) The rape of victim 1 (the respondent's partner) on various occasions between 1 January 2007 and 30 July 2010.
    - 6.2.2 (005) Use of lewd, indecent and libidinous practices and behaviour towards victim 2 (then a girl between 12 and 16) on an occasion between 17 August 2005 and 31 December 2005.
    - 6.2.3 (006) Use of lewd, indecent and libidinous practices and behaviour towards victim 3 (then between the age of 12 and 16) on various occasions between 1 August 2006 and 31 March 2009.
  - 6.3 On the 27 November 2023 the court sentenced the accused, Andrew Gerald Lingard, to be imprisoned for a period of 7 years, said period to date from 22 June 2023, *in cumulo*, in respect of charges 3, 5, and 6; and, in terms of section 234A of the Criminal Procedure (Scotland) Act 1995, made a Non-Harassment Order for a period of 10 years in respect of each complainer in relation to charges 3, 5, and 6.

- 6.4 The conviction and sentence were widely reported in the press. In the press the respondent was identified as a solicitor. He has brought the profession into disrepute. The conduct which led to the conviction exhibits a complete lack of integrity.
7. Having considered the foregoing circumstances, the Tribunal found that, in terms of Section 53(1)(b) of the 1980 Act, the Respondent had been convicted by a court and sentenced to imprisonment for a term of 12 months or more and that the powers of the Tribunal under Section 53(2) of the 1980 Act were exercisable in this Complaint.
8. The Tribunal heard submissions from both parties in relation to sanction, expenses and publicity.
9. The Tribunal pronounced an Interlocutor in the following terms:-

By Video Conference, 27 November 2025. The Tribunal having considered the Complaint dated 27 May 2025 at the instance of the Council of the Law Society of Scotland, Atria One, 144 Morrison Street, Edinburgh against Andrew Gerald Lingard c/o HMP Edinburgh, 33 Stenhouse Road, Edinburgh; Finds that the Respondent has been convicted by a court and sentenced to imprisonment for a term of 12 months or more and that Section 53(1)(b) of the Solicitors (Scotland) Act 1980 applies to the circumstances of this Complaint; Orders that the name of the Respondent be Struck Off the Roll of Solicitors in Scotland; Finds the Respondent liable in the expenses of the Complainers and of the Tribunal including expenses of the Clerk, chargeable as the same may be taxed by the Auditor of the Court of Session on a party and party basis in terms of Schedule 1 of the Act of Sederunt (Taxation of Judicial Expenses Rules) 2019 as amended with a unit rate of £18.00; and Directs that publicity will be given to this decision, and to the Tribunal's Interlocutor & Note of 15 October 2025, and that this publicity should include the name of the Respondent but need not identify any other person.

(signed)  
**Mark Hastings**  
**Vice Chair**

10. A copy of the foregoing together with a copy of the Findings certified by the Clerk to the Tribunal as correct were duly sent to the Respondent by recorded delivery service on 17 MARCH 2026.

**IN THE NAME OF THE TRIBUNAL**



**Mark Hastings**  
**Vice Chair**

**NOTE**

At the virtual Hearing on 27 November 2025, the Fiscal made a motion for the Tribunal to allow a Joint Minute to be received, which was consented to by the Respondent. The Tribunal allowed the Joint Minute (which agreed that the Complainers' two Productions were what they bore to be) to be admitted. Both parties having previously indicated that they did not intend to lead any parole evidence, the Tribunal proceeded to hear submissions.

**APPLICATION OF SECTION 53(1)(b)****SUBMISSIONS FOR THE COMPLAINERS**

The Fiscal invited the Tribunal to find it established that the Respondent had been found guilty and sentenced to a period of imprisonment of 12 months or more. He stated that this was supported by the admissions by the Respondent in his Answers and by the two documentary Productions produced for the Complainers, namely the extract sentence and a transcript of the Judge's sentencing remarks.

He submitted that the requirements of Section 53(1)(b) had been satisfied and that the Tribunal could proceed to exercise its powers under Section 53(2).

**SUBMISSIONS FOR THE RESPONDENT**

Mr Mulgrew confirmed to the Tribunal that the Respondent accepted that the requirements of Section 53(1)(b) were met.

**DECISION**

The Complaint before the Tribunal contained four averments of fact. These were admitted by the Respondent in his Answers, with the caveat that the fourth was admitted under explanation. An extract sentence was produced which confirmed the details of the convictions and the sentence imposed.

Rule 14(3) of the SSDT Rules 2024 provides that an extract conviction is conclusive proof of the conviction "*and will constitute evidence that the person in question was guilty of the offence, save in exceptional circumstances*". No submission was made to the Tribunal that there were any exceptional circumstances in this case. Accordingly, the Tribunal found the facts at paragraph 6 above to be established.

The Respondent having been convicted and sentenced to a term of imprisonment of seven years, the Tribunal was satisfied that the requirements of Section 53(1)(b) were met and that it had the authority to exercise its powers under Section 53(2).

## **SANCTION, PUBLICITY AND EXPENSES**

### **SUBMISSIONS FOR THE COMPLAINERS**

The Fiscal confirmed that the Respondent had no previous finding of professional misconduct or unsatisfactory professional conduct.

With regard to publicity, the Fiscal reminded the Tribunal of the terms of Paragraph 14 and 14A of the 1980 Act. He accepted that the Tribunal, as a public body, requires to interpret the statute with regard to its obligations under the European Convention of Human Rights (hereinafter referred to as “the ECHR”). He referred the Tribunal to the case of SRA v Spector [2016] 4WLR 16, in particular paragraph 18 to 22, which he stated emphasised the importance of the common law principles of open justice. He stated that it was recognised that this principle could be abrogated from by statute, but that was not the case here. He emphasised that Paragraph 14A had the opposite effect, in respect to the limitation of the circumstances where anonymity could be granted.

The Fiscal referred to paragraph 25 of Spector and submitted that this emphasised that the common law principle of open justice should only be departed from if some limitation of it was justified in the interests of the administration of justice. He submitted that there was no such interest here.

The Fiscal stated that he understood from the authorities lodged by the Respondent for this Hearing, and for the Procedural Hearing in October, that the Respondent would seek to rely on Article 3 of the United Nations Convention on the Rights of the Child which states at Article 3.1:

*“In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child should be a primary consideration.”*

The Fiscal accepted that this Convention was imported into Scots Law, to a certain extent, by the United Nations Convention on the Rights of the Child (Incorporation)(Scotland) Act 2024. However, he stated that it was the Complainers’ position that this Complaint was not one concerning a child.

The Fiscal emphasised that the case concerned a relationship between the Respondent and the Law Society of Scotland. He argued that this matter did not involve a decision that would affect an individual child's rights or that would relate to a group of children.

The Tribunal asked the Fiscal if he accepted that the child being referred to here could be affected by publication of the Tribunal's decision. He responded that, given that the child is not named in the process, and that the decision itself does not directly concern the particular child or a bigger group of children of which this child was a part, that would be stretching the interpretation of Article 3.

The Fiscal noted that the Respondent had also lodged copies of Articles 16 and 19 of the United Nations Convention on the Rights of the Child and he submitted that they did not apply to the Tribunal's decision.

He submitted there was no reason in this case to depart from the fundamental principles of open justice or from the Tribunal's obligation under Paragraph 14A of the Schedule 4 of the 1980 Act.

The Fiscal invited the Tribunal to make an award of expenses in favour of the Complainers.

## **SUBMISSIONS FOR THE RESPONDENT**

The Tribunal was referred to the submissions made for the Respondent at the Procedural Hearing in October, which the Tribunal confirmed it had before it, and it invited the Respondent's agent to make further submissions, highlighting the key points the Respondent wished the Tribunal to take into account.

The basis of the Respondent's application for anonymity rested on Article 6(1) of the ECHR which, in tandem with Article 10, sets out the default position of open justice. It was submitted that the issue of privacy or anonymity is covered in Article 6(1) which draws on Article 8.

Articles 3, 16 and 19 of the United Nations Convention on the Rights of the Child were relied upon with which, it was submitted, Tribunal acts require to be compatible. It was submitted that these provisions ought to inform the Tribunal how it should assess this application for anonymity.

The special circumstances relied upon for a limitation to publicity under Article 6(1) of the ECHR were (1) the interests of public order and (2) the interests of juveniles and the protection of private life. The Tribunal was referred to the provisions of Paragraph 14A of Schedule 4 to the 1980 Act and it was submitted that publicity including the name of the Respondent could damage or be likely to damage the interests of the

Scottish Prison Service and Police Scotland, as described in the Productions lodged for the Respondent and referred to in his submissions to the Tribunal at the procedural hearing.

The Tribunal was directed to the Productions describing the media attention following the Respondent's conviction and sentence, which had an impact of the Respondent's wife and son described in the Productions, in particular, the statement of the Respondent's wife. Publicity caused a reaction both within and outside the prison estate which had an impact on the Respondent's bonding visits with his child. The Respondent accepted that these proceedings do not directly concern the child, but it was submitted that they could indirectly concern the child, potentially to a considerable extent. The Productions lodged on behalf of the Respondent were drawn upon for support that these concerns were real.

The Respondent acknowledged the importance of open justice but argued that the public interest would be satisfied by publicity that a solicitor, with the convictions here, was dealt with seriously by the Tribunal and it did not require the publicity to include the particular identity of the solicitor concerned. The principle of denunciation, as part of the punishment of the Respondent, had already been satisfied by previous publicity. The public's confidence in the Tribunal, as a professional regulator, would not be diminished by anonymising the Respondent. The public interest could be satisfied by the publicity disclosing the particulars referred to in Paragraph 13 of Schedule 4 to the 1980 Act, including the nature of the convictions and the length of sentence. The Respondent recognised that he would be struck off.

The Tribunal was invited to make no award of expenses. It was emphasised that the Respondent had not delayed proceedings. Whilst he had lodged the procedural application, this was done in consideration of the interests of his wife and child. The Respondent admitted the conduct at an early stage in proceedings. Answers were lodged on 1 July 2025. The Respondent was prepared to remove his name from the Roll of Solicitors and the Complainers had been advised of this in November 2024.

The Tribunal was reminded that the Respondent was serving a seven-year sentence and would be released if granted parole, or six months before the end of his sentence.

## **RESPONSE BY COMPLAINERS**

The Fiscal submitted that the Complainers would be in a difficult position if the Respondent was anonymised in the decision. The Respondent's conviction was in the public domain. The public should be able to ask the Complainers what happened to this particular solicitor and the Complainers should be able to answer that enquiry. If the Tribunal anonymised the Respondent, the Law Society would not be able to answer that question. It would be a strange situation if a member of the public who had been presented during this hearing

could have that information but someone who was not present at the hearing could not, which did not sit well with the principle of open justice.

With regard to expenses, the Fiscal accepted that the Respondent had taken positive steps to resolve the Complaint. He reminded the Tribunal that the Complainers had a statutory obligation to take steps to protect the interests of the profession and the public. He submitted that it was appropriate that the expenses incurred in meeting that statutory obligation should be recovered.

## **DECISION ON SANCTION, PUBLICITY AND EXPENSES**

The Respondent had been convicted of three serious offences and sentenced to a lengthy period of imprisonment. The character and gravity of these offences were not compatible with being a solicitor. It is important that the profession maintains the confidence of the public and that its members maintain a high ethical standard of conduct, both in their professional and private lives. The Tribunal was satisfied that the Respondent is not a fit and proper person to practise as a solicitor and that the only appropriate sanction under Section 53(2) was to strike his name from the Roll of Solicitors.

With regard to publicity, the Tribunal gave careful consideration to the submissions of both parties, made both at this hearing and at the procedural hearing.

The Tribunal accepts that the provisions of the ECHR apply to its procedure.

Paragraph 14 of Schedule 4 of the 1980 Act provides that the Tribunal must publish its decisions in full. Paragraph 14A provides that:-

*In carrying out their duty under paragraph 14, the Tribunal may refrain from publishing any names, places or other facts the publication of which would, in their opinion, damage or be likely to damage, the interests of persons other than-*

- (a) the solicitor against whom the complaint (as respects which the appeal was made) was made; or*
  - (b) his partners; or*
  - (c) his or their families,*
- but where they so refrain they shall publish their reasons for so doing.*

The Respondent's submission was that the Tribunal requires to balance its obligations under the 1980 Act with the provisions under ECHR. The Tribunal had regard to Article 6(1) of the ECHR which provides:-

*In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgment shall be pronounced publicly but the press and public may be excluded from all or part of the trial in the interests of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.*

The Tribunal was invited to anonymise the Respondent on two bases: (1) the interests of public order and (2) the interests of juveniles and the protection of private life. The Respondent submitted that, in carrying out the exercise of balancing the competing interests involved, the Tribunal was bound to have the interests of the Respondent's child as its primary concern. No authority was produced to the Tribunal regarding the meaning and extent of "concerning a child", which was unhelpful.

The Respondent accepted that the proceedings did not directly concern the child. The proceedings were brought by the Respondent's professional regulator. Standing this, the Tribunal was not satisfied that the proceedings engaged the terms of the United Nations Convention on the Rights of the Child.

Nonetheless, even if the Tribunal accepted that this was an action "concerning a child", it still required to balance the parties' competing interests, albeit, having the interests of the child as its primary concern. Given the information before it, it appeared that the Respondent's submissions were based on an anxiety around the possibility of a re-reporting of facts which were already in the public domain. The Tribunal considered that the principle of open justice is fundamental in maintaining public confidence in the profession. The conviction of the Respondent is already in the public domain, and it is in the public and profession's interests that it can be seen that the profession has taken appropriate steps to deal with the Respondent.

On the basis of the information before it, the Tribunal was not satisfied that the interests of the child, as a primary concern, outweighed the principle of open justice.

The Tribunal was invited to consider that the interests of the Scottish Police and Scottish Prison Service would be, or would be likely to be, damaged by publicity. It considered that there was nothing unusual or exceptional about the conviction of the Respondent which would suggest that his case was any different to others dealt with by both organisations. Over and above that, there was no evidence put before the Tribunal to allow this conclusion to be reached.

Accordingly, the Tribunal directed that this decision and the Interlocutor & Note of 15 October 2025 should be given publicity and that the publicity should include the name of the Respondent.

The Tribunal recognised that the Respondent had cooperated with the Law Society from the outset of these proceedings. However, the Law Society has a duty to take steps to protect the interests of both the profession and the public. This requires to be done openly and transparently. The Complainers required to raise these proceedings against the Respondent and in all of the circumstances it was appropriate that an award of expenses should be made against the Respondent. The proceedings were made necessary by the conduct of the Respondent, and he should bear those expenses.



**Mark Hastings**  
Vice Chair