



INFORMATION SHEET ON THE SCOTTISH SOLICITORS' DISCIPLINE TRIBUNAL

What is the Scottish Solicitors' Discipline Tribunal (SSDT)?

The Tribunal is an independent body which deals mainly with serious disciplinary issues that arise from time to time in relation to Scottish solicitors. It is a formal judicial body set up under the provisions of Sections 50-54 and Schedule 4 of the Solicitors (Scotland) Act 1980 as amended. The Legal Profession and Legal Aid (Scotland) Act 2007 contains certain provisions affecting the Tribunal.

What issues does the Tribunal deal with?

1. Complaints about professional misconduct by a solicitor
2. Applications for restoration to the Roll of Solicitors
3. Appeals by solicitors or Lay Complainers in respect of findings of unsatisfactory professional conduct made/not made by the Law Society (Section 42ZA Appeals).

Who are the members of the Tribunal?

The Tribunal has both solicitor and lay members. All are appointed by the Lord President of the Court of Session – Scotland's most senior judge. Solicitor members are nominated by the Law Society of Scotland, but may not also be members of the Council of the Law Society. Lay members are drawn from all backgrounds and walks of life, following open advertisement. The principles of public appointment are followed by the Scottish Government in making recommendations to the Lord President. Panels of Tribunal members dealing with individual cases normally sit with two solicitor and two lay members.

How are complaints against solicitors dealt with?

Complaints of professional misconduct against solicitors in Scotland are channelled through the Law Society of Scotland, which carries out an initial investigation and may decide to prosecute more serious cases before the Tribunal. Members of the public who have a complaint against a solicitor should in the first instance make their complaint to Scottish Legal Complaints Commission, The Stamp Office, 10 – 14 Waterloo Place, Edinburgh which is, since 1 October 2008, the single gateway for all complaints against solicitors. It will forward any matters which it considers may amount to professional misconduct or unsatisfactory professional conduct to the Law Society at Atria One, 144 Morrison Street, Edinburgh.

Who can complain to the Tribunal?

The Law Society is invariably the complainer and appoints a Fiscal to prosecute the Complaint before the Tribunal. In terms of Section 51(3) of the Solicitors (Scotland) Act 1980 certain other parties have the power to take a complaint against an incorporated

practice to the Tribunal. This rarely happens in practice. Individuals cannot make complaints direct to the Tribunal

Does the Tribunal have any rules?

The Tribunal is governed by a set of rules (presently the Scottish Solicitors Discipline Tribunal Procedure Rules 2008) that must be approved by the Lord President of the Court of Session. These are available on the Tribunal Website at www.ssd.org.uk. Conduct occurring prior to 1 October 2008 will be dealt with under the Scottish Solicitors' Discipline Tribunal Procedure Rules 2005.

What sanctions are available to the Tribunal?

The most severe sanction available to the Tribunal is to strike an individual off the Roll of Solicitors which effectively removes the individual's right to practise as a solicitor in Scotland. Other sanctions include: Censure, fine, restriction of practising certificate and suspension. The Legal Profession and Legal Aid (Scotland) Act 2007 introduced new sanctions of awarding compensation and ordering retraining.

Are the Tribunal's hearings held in public?

Hearings are held in public unless the Tribunal agrees that it is appropriate to hold the hearing in private. There will be a number of hearings which require to be held in private for example in cases where criminal proceedings are pending.

Are the Tribunal's decisions publicly available?

Yes. In terms of paragraph 14 of Schedule 4 to the Solicitors (Scotland) Act 1980 as amended, every decision of the Tribunal is published in full subject to the terms of paragraph 14A. Once the written Tribunal Findings are intimated to parties three weeks are allowed for an appeal and at the end of this three-week period, publicity is given to the decision. Sometimes publicity may be deferred.

Is the Tribunal independent?

Yes, the Tribunal is independent of the Law Society. While – as explained above - the Law Society recommends solicitor members for appointment, it has no further involvement once they are appointed by the Lord President.

How is the Tribunal administered?

The Tribunal is administered by an independent company limited by guarantee, SSDT Administration Limited. The Tribunal Clerk is employed by SSDT Administration Limited and reports to the Tribunal.

**SSDT
Unit 3.5, The Granary Business Centre
Coal Road
Cupar
Fife
KY15 5YQ**

E-mail: enquiries@ssdt.org.uk