SCOTTISH STATUTORY INSTRUMENTS

2004 No. 550

LEGAL PROFESSION

The Solicitors (Scotland) Act 1980 (Compensation for Inadequate Professional Services) Order 2004

Made - - - -	*21st December 2004*
Laid before the Scottish Parliament - - - -	*22nd December 2004*
Coming into force - -	*1st April 2005*

The Scottish Ministers, in exercise of the powers conferred by section 56A(3) of the Solicitors (Scotland) Act 1980(**1**) and of all other powers enabling them in that behalf, after consulting the Council of the Law Society of Scotland in accordance with section 56A(4) of that Act, hereby make the following Order:

Citation and commencement

1. This Order may be cited as the Solicitors (Scotland) Act 1980 (Compensation for Inadequate Professional Services) Order 2004 and shall come into force on 1st April 2005.

Amendment of the Solicitors (Scotland) Act 1980

2. The Solicitors (Scotland) Act 1980 is amended as follows:–

(a) in section 42A(2)(d)(**2**) (which empowers the Council of the Law Society of Scotland, in upholding a complaint of inadequate professional services by a solicitor, to direct the payment of compensation of a sum not exceeding £1,000), for "£1,000" substitute "£5,000"; and

(b) in section 53A(2)(d)(**3**) (which empowers the Scottish Solicitors' Discipline Tribunal, in upholding a complaint of inadequate professional services by a solicitor, to direct

(**1**) 1980 c. 46. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).

(**2**) Section 42A was inserted by the Solicitors (Scotland) Act 1988 (c. 42), section 1. It was amended by the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (c. 40), Schedule 8, paragraph 29(8) and applied with modifications and extensions by the European Communities (Lawyer's Practice) (Scotland) Regulations 2000 (S.S.I. 2000/121), regulation 37(2) and Schedule 2, paragraph 7 and the Solicitors (Scotland) Act 1980 (Foreign Lawyers and Multi-national Practices) Regulations 2004 (S.S.I. 2004/383), regulation 13.

(**3**) Section 53A was inserted by the Solicitors (Scotland) Act 1988 (c. 42), section 3. It was amended by the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (c. 40), Schedule 8, paragraph 29(11) and applied with modifications and extensions by S.S.I. 2000/121, regulation 37(2) and Schedule 2, paragraph 6 and S.S.I. 2004/383, regulation 13.