
STATUTORY INSTRUMENTS

1994 No. 288

LEGAL PROFESSION

The Solicitors (Disciplinary Proceedings) Rules 1994

Made - - - - *21st January 1994*
Coming into Operation *1st March 1994*

The Solicitors' Disciplinary Tribunal constituted under the Solicitors Act 1974⁽¹⁾ with the concurrence of the Master of the Rolls, in exercise of the powers conferred on the Solicitors Disciplinary Tribunal by section 46 of the said Act and of all other powers them enabling hereby make the following Rules:

THE SOLICITORS (DISCIPLINARY PROCEEDINGS) RULES 1994

- (A) (A) These Rules may be cited as the Solicitors (Disciplinary Proceedings) Rules 1994 and shall come into force on the 1st day of March 1994 whereupon the Solicitors (Disciplinary Proceedings) Rules 1985⁽²⁾ shall cease to have effect.
- (B) In these Rules the following words have the following meanings:
- (i) "solicitor's clerk" a person who is or was employed or remunerated by a solicitor or by a firm of solicitors as a clerk and is or was not himself a solicitor at the relevant time.
 - (ii) "the Clerk" the Clerk to the Tribunal or any deputy or person appointed by the Tribunal (whether temporarily or otherwise) to perform the duties of that office.
 - (iii) "an Application" an originating written requirement (in one of the forms set out in the First Schedule hereto and where requisite supported by a statement) that proceedings be commenced before the Tribunal. In these Rules an "Application" covers also a "complaint" to which reference is made in the Act.
 - (iv) "the applicant" the person or body making the Application.
 - (v) "the respondent" any party to the Application who is not the Applicant.
 - (vi) "the Society" the Law Society.
 - (vii) "the Act" The Solicitors Act 1974 (as amended by the Administration of Justice Act 1985⁽³⁾) and the Courts and Legal Services Act 1990⁽⁴⁾.

(1) 1974 c. 47.
(2) S.I.1985/226.
(3) 1985 c. 61.
(4) 1990 c. 41.

- (viii) “a division of the Tribunal” three members of the Tribunal sitting to hear and determine an application.
- (C) Other expressions in these Rules have the meanings assigned to them in the Act and the Regulations made thereunder.
- (D) The Interpretation Act 1978(5) applies to these Rules in the same manner as it applies to an Act of ParliaMent.
- (E) The Clerk shall be a Solicitor of the Supreme Court of Judicature.
- (F) The forms referred to in these Rules by number are set out in the First Schedule hereto.
- (G) A summary of time limits prescribed by these Rules is set out in the Second Schedule hereto.

PART I

Constitution of the Tribunal

2. The Tribunal shall elect a solicitor member of the Tribunal to be its President. To be eligible for election a solicitor member shall be proposed by a member and seconded by two other members and shall be elected if he obtains a simple majority of the votes cast.

3. For the hearing and determination by a division of the Tribunal of any Application in accordance with the provisions of these Rules, a solicitor member of the Tribunal (so appointed by the President) shall act as its Chairman, provided that, in the absence of such appointment, a solicitor member shall act as Chairman.

PART II

Applications.

Applications and Forms

- (a) 4. (1) (a) An Application to the Tribunal:
 - (i) To strike the name of a solicitor off the Roll of Solicitors, or
 - (ii) To strike the name of a registered foreign lawyer off the Register of Foreign Lawyers maintained by the Society, or
 - (iii) Making allegations against a solicitor, a former solicitor, or a registered foreign lawyer, or
 - (iv) Making an allegation against a Recognised Body shall be in Form 1.
- (b) An Application to the Tribunal to make an order under Section 43(2) of the Act with respect to a solicitor’s clerk shall be in Form 2.
- (c) An Application to the Tribunal seeking restoration to the Roll or for the revocation of an order made pursuant to Section 43(2) of the Act or by a former registered foreign lawyer seeking to be restored to the Register of Foreign Lawyers shall be by affidavit in Form 3.
- (d) An Application to the Tribunal by a solicitor who has been suspended from practice or a registered foreign lawyer suspended from the Register of Foreign Lawyers to have that period of suspension terminated shall be by affidavit in Form 4.

- (e) An Application that a direction be made by the Tribunal that a direction made by the Society in respect of a solicitor in respect of inadequate professional services be treated for the purposes of enforcement as if it were contained in an order of the High Court shall be in Form 1.

Statements

(2) Applications made under this Rule shall be supported by a written statement setting out the allegations in Applications made under Paragraph (1)(a)(i)(ii)(iii)(iv), (b) or (e) and setting out a summary of the facts in support of all Applications.

Copies

(3) The applicant shall supply five copies of the originating Application and statement to the Clerk with an additional copy for any second or further respondent.

Preliminary Consideration of Application

- (i) An Application under Rule 4(1)(a)(i)(ii)(iii)(iv) and (b) shall be considered by a solicitor member of the Tribunal who shall certify whether a prima facie case is established in which event the procedure set out in Part III shall apply.
- (ii) Where in the opinion of the solicitor member no prima facie case is established the Application shall be considered by another solicitor member and a lay member of the Tribunal and where in their opinion no prima facie case is established, the Tribunal may dismiss the Application without requiring the respondent to answer the allegations and without hearing the applicant. If required so to do by either party, the Tribunal shall make a formal order dismissing the Application.
- (iii) If in the opinion of the solicitor member of the Tribunal the respondent should be given the opportunity of making representations as to whether or not a prima facie case is established, then the Clerk will serve a copy of the Application upon the respondent inviting him to make such representation in writing within 14 days and the solicitor member will after considering the same certify that a prima facie case is or is not established, or require oral representations to be made by the parties to him sitting in private before so certifying.

The Parties

- (i) In the case of an Application of the nature specified in Rule 4(1)(a)(i)(ii)(iii)(iv) and (e) the parties to the Application shall be the applicant and the respondent.
- (ii) In the case of an Application of the nature specified in Rule 4(1)(b) the parties shall be the Society (or its representative), who shall be the applicant in every such case, the respondent and, if the Tribunal so direct, any solicitor by whom the solicitor's clerk was employed either at the time of the commission of any offence mentioned in Section 43(1) of the Act of which it is alleged the solicitor's clerk has been convicted, or at the time of any such act or default as is mentioned in Section 43(1)(b) of the Act to which it is alleged that the solicitor's clerk has been a party.
- (iii) In the case of an Application of the nature specified in Rule 4(1)(c) and (d) the parties shall be the applicant and the Society (in these cases the Society shall be the respondent to the Application).

Notice

(6) In the case of an Application of the nature specified in Rule 4(1)(c) and (d), the Tribunal may if it thinks fit require the applicant or the respondent to give notice of the Application and of the day fixed for the hearing by advertisement or otherwise as it may direct.

Third Party Objectors

(7) If any person desires to object to an Application made pursuant to Rule 4(1)(c) or (d) he shall give notice in writing to the applicant, the Society and the Clerk at least 10 days before the date fixed for the hearing specifying the grounds of his objection. The Tribunal may allow such objector to appear at the hearing and call evidence or make representations (or both) and require him to be cross examined thereon.

Foreign Lawyers Assisting the Tribunal

(8) The Tribunal may (either upon granting an application by either party or of its own motion) be assisted in connection with any Application made under Rule 4(1)(a)(ii)(iii), (c) or (d), relating to a registered foreign lawyer or a former registered foreign lawyer, by a member of the legal profession in the jurisdiction by reference to which the foreign lawyer is or was qualified in such manner as the Tribunal shall think fit. Such application by either party to be made not later than 21 days before the date of the hearing. The Tribunal's decision in that regard (whether following an application or made of its own motion) to be notified to the parties not later than 14 days before the hearing.

PART III

General

5. Before fixing a day for any hearing the Tribunal may require the applicant to supply such further information and documents and copies thereof relating to the Application as it thinks fit.

6. Upon the receipt of an Application and after the finding by the Tribunal of a prima facie case where these Rules require the Tribunal shall fix a day for the hearing and the Clerk shall serve notice thereof on the parties at least 42 days before the date of the hearing. The Clerk shall give notice to the respondent in Form 5 and a copy shall be sent to the applicant.

7.—(1) Service of an Application and statement or affidavit pursuant to the provisions of Rules 4 and 6 shall be:

- (i) personally, or
- (ii) by first class post with Recorded Delivery and Advice of Delivery, in the case of a solicitor, to his last known place of business appearing in the Register (commonly known as the Practising Roll kept by the Society) or to his last known place of abode and in every other case to the last known place of business or abode of the person to be served and such service shall be deemed to have been effected on the second business day after the letter was despatched, or
- (iii) in such other manner as the Tribunal may direct.

(2) Any notice or document other than an Application and statement or affidavit in support may as well as being served under the provisions of part (1) of this Rule also be served

- (i) by leaving the document at an address prescribed in part (1) of this Rule
- (ii) where a solicitor either agrees to accept service through a document exchange or advertises a document exchange number on his letter heading, by leaving the document at that document exchange or at a document exchange that transmits documents every business day to that document exchange. In this Rule "Document Exchange" means any document exchange for the time being approved by the Lord Chancellor for the purposes of Order 65, Rule 7, of the Rules of the Supreme Court. Any document so left shall be deemed to have been served on the second business day following the day on which it is left.

8. The Tribunal may in its discretion require the parties to attend before it or at its offices before the Clerk for a pre-hearing review to facilitate the listing of the hearing of any Application.

9. The Tribunal may of its own motion or upon the application of any party adjourn or postpone the hearing upon such terms as the Tribunal may think fit.

10. The Tribunal may give directions to the parties. Set out in the Second Schedule to these Rules is a summary of time limits contained in the Rules which shall apply to all Applications unless in a particular Application the Tribunal at the request of any party or of its own motion amends or adds to them.

11. Each party shall furnish to the Clerk and to every other party at least 21 days before the day fixed for the hearing, unless the Tribunal direct otherwise, a paginated bundle of copies of all documents on which he intends to rely unless the documents intended to be relied upon have been exhibited to the statement in support of the application or to any affidavit filed with the Tribunal.

12. Prior to the hearing any party may inspect the documents included in a bundle furnished by any other party three days after notifying that other party of that requirement.

(a) (a) Subject to paragraphs (b) (c) of this Rule the Tribunal shall hear all Applications in public.

(b) Any party applying that a hearing shall be in private shall notify the Clerk and the other party to the proceedings at least 21 days before the date fixed for the hearing and unless at least 10 days before that date any other party to the proceedings objects thereto the Tribunal may consent to hear the Application in private. In the event of an objection the Tribunal shall at the hearing determine in private whether the hearing is to be in public or in private.

(c) Notwithstanding paragraphs (a) (b) of this Rule if it appears to the Tribunal that any person would suffer undue prejudice from a public hearing or that for any other reason the circumstances and nature of the case make a public hearing undesirable the Tribunal may direct that the public shall be excluded either from the whole or any part of the hearing.

(a) (a) An applicant may file a supplementary statement containing further allegations and/or a summary of the facts in support of the application at any time after the service of the original Application but not later than 30 days before the date fixed for the hearing when the procedure set out in Rule 4(3)(4)(7) and

(8) shall be followed. The Tribunal shall notify the applicant that a prima facie case has been established thereby and the applicant shall serve the same upon the respondent.

(b) If upon the hearing it shall appear to the Tribunal that the written allegations or statement require to be amended or added to, the Tribunal may permit such amendment or addition and may note any correction of the subject matter of any affidavit. If in the opinion of the Tribunal such amendment, addition or correction shall be such as to take any party by surprise so as to prejudice the conduct of his case the Tribunal shall grant an adjournment of the hearing upon such terms as to costs or otherwise as the Tribunal shall think fit.

15. In the discretion of the Tribunal:

(a) a tape recording of the proceedings may be made on behalf of the Tribunal and a copy of such recording will be made available to any party to the proceedings who requests one within three months of the hearing day and reimburses the Tribunal with the cost of supplying the same.

(b) the Tribunal may order that a shorthand or stenographic note of the proceedings be taken and the shorthand writer shall if required supply to any party to the proceedings a copy of the transcript of such notes on payment of his charges.

- (c) if no tape-recorded, shorthand or stenographic note be taken of the proceedings the Chairman of the Tribunal shall take a note of the proceedings and a copy of such note will be made available to any party to the proceedings who requests one within three months of the hearing day and reimburses the Tribunal with the cost of supplying the same.

16. The Civil Evidence Acts 1968(6) and 1972(7) shall apply in relation to proceedings before the Tribunal in the same manner as they apply in relation to civil proceedings:

- (a) Any notice given pursuant to the provisions of the Civil Evidence Acts shall be given not less than 21 days before the date fixed for the hearing of an Application.
- (b) Any Counter-notice shall be given not less than 10 days before the date fixed for the hearing.
 - (a) (a) Not less than 28 days before the date fixed for the hearing of an Application the applicant may (in writing) require the other party to indicate to the applicant within 14 days of the receipt of such requirement which of any facts set out in the statement or affidavit submitted in support of the Application are in dispute. Failure to reply to such a notice shall be material only in relation to the question of costs.
 - (b) Any party may by notice in writing at any time not later than nine days before the day fixed for the hearing call upon any other to admit any document and if such other party desires to challenge the authenticity of the document he shall within six days after service of such notice give notice that he does not admit the document and requires it to be proved at the hearing.
 - (c) If such other party refuses or neglects to give notice of non-admission within the time prescribed in the last preceding paragraph he shall be deemed to have admitted the document unless otherwise ordered by the Tribunal.
 - (d) Where a party gives notice of non-admission within the time prescribed by paragraph (b) of this Rule and the document is proved at the hearing, the costs of proving the document shall be paid by the party who has challenged the document whatever the Order of the Tribunal may be unless in their Findings the Tribunal shall find that there were reasonable grounds for not admitting the authenticity of the document.
 - (e) Where a party proves a document without having given notice to admit under paragraph (b) of this Rule no costs of proving the document shall be allowed on taxation unless otherwise directed by the Tribunal except where the omission to give notice to admit was in the opinion of the Taxing Master a saving expense.
- (a) (a) The Tribunal may in its discretion either as to the whole case or as to any particular fact or facts proceed and act upon evidence given by affidavit.
- (b) Every affidavit upon which any party proposes to rely shall be filed with the Clerk and served upon the opposing party not less than 21 days before the date fixed for the hearing of the Application together with a notice in Form 9 in the Schedule hereto.
- (c) Any party on whom such a notice has been served who requires the attendance at the hearing of a deponent to any affidavit shall not less than 10 days before such date require in writing the other party to produce the deponent at the hearing.
- (d) In the event of any party not requiring the attendance of a deponent in accordance with the provisions of this Rule the Tribunal may accept such affidavit in evidence.
- (e) If a deponent who has been required to attend in accordance with the provisions of these Rules does not attend the hearing the onus shall be on the party seeking to rely on the affidavit evidence of that witness to show why the affidavit should be accepted in evidence.

(6) 1968 c. 64.

(7) 1972 c. 30.

- (f) If any party should wish to call as a witness any person who has not deposed to an affidavit to give evidence he must within 10 days of the date fixed for the hearing notify the Clerk and the other party or parties and provide a written proof of evidence to the other party and four copies to the Clerk.
- 19.** A subpoena issued in the High Court of Justice under section 46(11) of the Act shall be in one of either Forms 7 or 8 as shall be appropriate.
- 20.** If any party fails to attend in person or be represented at the hearing the Tribunal may, upon proof of service upon such party of the notice of hearing, proceed to hear and determine the application in his absence.
- 21.** If at the conclusion of the hearing of an Application the Tribunal find any of the allegations made against the respondent to have been substantiated they shall so inform him. The Clerk shall then refer the Tribunal to any previous disciplinary proceedings in which any allegation has been substantiated against him so that the respondent may then have the opportunity to speak in mitigation, and where appropriate, in respect of costs.
- 22.** Upon the hearing or determination of any Application the Tribunal may in the case of an application against a solicitor, former solicitor, or registered foreign lawyer without finding any allegation of unbefitting conduct proved against the respondent or in the case of an application in respect of a solicitor's clerk, without making any Order under section 43(2) of the Act nevertheless order any party to pay the costs if having regard to his conduct or to all the circumstances, or both, the Tribunal shall think fit.
- 23.** Upon the conclusion of the hearing or determination of any Application the Tribunal may announce its Order while still sitting in which case the Order may be filed immediately with the Society, and the Findings shall be filed later as if judgment had been reserved, or it may reserve judgment in which case it shall announce its Findings and Order in public at a later date notice whereof shall be given to the parties by the Clerk. The Clerk shall on the day of pronouncement file the Order, or the Findings, or both, with the Society. The Clerk shall supply a copy of the Findings and Order to each party to the proceedings and to any other person present at the pronouncement who requests one.
- (a) (a) The Tribunal shall have power upon the application of a party against or with respect to whom it has made an Order to suspend the filing thereof with the Society.
- (b) Where the filing of an Order is suspended under this Rule the Order shall not take effect until it is filed with the Society and if the Order is an Order that a solicitor be suspended from practice the period of suspension shall be deemed to commence on the date of the filing of the Order with the Society or on such later date (if any) specified in the Order.
- 25.** At any time before the filing of the Tribunal's Findings and Order with the Society, or within one calendar month of such filing, if he has neither attended in person nor been represented at the hearing and the Tribunal has determined the Application in his absence, the respondent may apply to the Tribunal for a re-hearing in Form 6 in the First Schedule hereto supported by an affidavit setting out the facts upon which he wishes to rely. If satisfied that it is just so to do, the Tribunal may grant the application upon such terms as it thinks fit. The re-hearing shall be before a division of the Tribunal different from that which heard the original Application.
- 26.** All statements and affidavits shall be filed and kept by the Clerk. The Tribunal may order that any books, papers or exhibits produced or used at a hearing shall be retained by the Clerk until the time within which an appeal may be entered has expired, and, if notice of appeal is given, until the appeal is heard or otherwise disposed of.
- 27.** In the case of an Application in respect of a solicitor's clerk the Tribunal may on the application of any party or on their own motion order that any such Application shall be heard before,

together with, or after the hearing of an Application to require a solicitor by whom the clerk is or was employed to answer allegations.

- (a) (a) The Tribunal may at any stage of the proceedings against a Solicitor, Former Solicitor or Registered Foreign Lawyer in which the application is not made on behalf of the Society refer the case to the Society for consideration by the Adjudication and Appeals Committee of the Solicitors Complaints Bureau (or such other appropriate body or committee as the Society might decide) and may adjourn the application pending the consideration thereof by that Committee in case it should see fit to lodge a further application against the respondent or to undertake on behalf of the original application the prosecution of his application.
- (b) The Tribunal shall inform the Society, or the Solicitors Complaints Bureau, or both, (or such other appropriate body or committee as the Society might decide) at any stage of the proceedings relating to a solicitor, whether or not its decision has been pronounced, if it is of the opinion that the Society should consider whether to take any of the steps set out in the Courts & Legal Services Act 1990 (Schedule 15) relating to inadequate professional services.

29. No Application shall be withdrawn without the consent of the Tribunal.

- (i) In proceedings before the Tribunal which involve the decision of another court or tribunal, the following rules of evidence shall apply provided that it is proved in each case that the decision relates to the relevant party to the Application.
 - (a) conviction of a criminal offence may be proved by producing a certified copy of the certificate of conviction relating to the offence; proof of a conviction shall constitute prima facie evidence that the relevant party to the Application was guilty of the offence the subject thereof.
 - (b) the finding and sentence of any tribunal in or outside England and Wales exercising a professional disciplinary jurisdiction may be proved by producing a certified copy of the finding and sentence.
 - (c) the judgment of any civil court may be proved by producing a certified copy of the judgment.
- (ii) In any case set out in paragraph (i) of this Rule, the findings of fact by the court or tribunal upon which the conviction, finding, sentence or judgment is based shall be admissible as prima facie proof of those facts.
- (iii) At the discretion of the Tribunal the strict rules of evidence shall not apply at any hearing before the Tribunal.
 - (a) (a) Subject to the provisions of these Rules the Tribunal may regulate its own procedure.
 - (b) The Tribunal may dispense with any requirements of these Rules in respect of notices, affidavits, witnesses, service or time in any case where it appears to the Tribunal to be just so to do.

Dated this 21st day of January 1994

*G. B. Marsh
D. Leverton
R. P. L. McMurtrie*

Approved: T. H. Bingham

Thomas Bingham M.R.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

THE FIRST SCHEDULE

FORM 1(Rule 4)

Form of Application against a Solicitor; a Registered Foreign Lawyer; a Former Solicitor or a Recognised Body

TO the clerk to the Solicitors' Disciplinary Tribunal constituted under the Solicitors Act 1974.

IN THE MATTER of the Solicitors Act 1974—and— Number

..... Applicant

..... Respondent

I APPLY THAT of

(A Solicitor) (A Registered Foreign Lawyer) (A Former Solicitor) (A Recognised Body)

may be required to answer the allegations contained in the statement which accompanies this application and that such Order may be made as the Tribunal shall think right.

[OR]

I APPLY THAT

A DIRECTION be made by the Tribunal that the Direction of the Law Society relating to inadequate professional services dated day of made in respect of(a solicitor) of be treated for the purposes of enforcement as if it were contained in an Order of the High Court.

SIGNED by the applicant whose address for service is:

signature
address
Occupation or profession
date

- (1) The full name of the Respondent must be stated. Initials are not sufficient.
- (2) The address of the Respondent is his or her last known place or places of business, or last known place of abode.
- (3) The statement should commence with the allegations and thereafter the facts upon which the applicant relies should be set out in concise numbered paragraphs.

FORM 2(Rule 4)Form of Application in respect of a Solicitor's Clerk

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

IN THE MATTER OF the Solicitors Act 1974

Number

AND

To the Clerk to the Solicitors' Disciplinary Tribunal constituted under the Solicitors Act 1974.

I apply on behalf of the Law Society that an Order be made by the Tribunal directing that as from a date to be specified in such Order no solicitor shall, except in accordance with permission in writing granted by the Law Society for such period and subject to such conditions as the Society may think fit to specify in the permission, employ or remunerate in connection with the practice as a solicitor of a person who is or was a clerk to a solicitor, or that such other Order may be made as the Tribunal shall think right.

The facts in support of this application are contained in the statement which accompanies this Application.

Signed by the applicant whose address for service is:

signature

address

Profession or Occupation

date

FORM 3(Rule 4)

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Affidavit by former Solicitor seeking restoration to the Roll or by former Solicitor's Clerk seeking revocation of an Order made pursuant to S.43 of the Solicitors Act 1974, or by a former Registered Foreign Lawyer seeking restoration to the Register of Foreign Lawyers.

IN THE MATTER OF THE SOLICITORS ACT 1974 Number

AND in the matter of

I,

of

make oath and say as follows:-

I was admitted a solicitor of the Supreme Court of Judicature on the day of 19.....

By an Order of the Solicitors' Disciplinary Tribunal dated day of I was struck off the Roll of Solicitors/the Register of Foreign Lawyers.

I apply to the Tribunal to have my name restored to the Roll of Solicitors/the Register of Foreign Lawyers.

OR

.....

I was a clerk to a Solicitor.

On the day of 19 The Solicitors' Disciplinary Tribunal ordered that as from the day of 19 no solicitor should except, in accordance with permission in writing granted by the Law Society for such period and subject to such conditions as the Society might think fit to specify in the permission, employ or remunerate me in connection with the practice of a solicitor.

I apply to the Tribunal to have the Order made in respect of me revoked.

.....

I set out below the facts upon which I rely in support of this application:-

1. [Here set out the facts concisely in numbered paragraphs. A copy of the Tribunal's Striking Off Order or Order made pursuant to Section 43 of the Solicitors Act 1974 should be an exhibit to this affidavit]
- 2.

Sworn at }
this day of 19 }

Before me:-

A Solicitor/Commissioner for Oaths

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

FORM 4(Rule 4)

Affidavit by Solicitor who has been suspended from practice or Registered Foreign Lawyer who has been suspended from the Register of Foreign Lawyers who is seeking to have that period of suspension terminated.

IN THE MATTER OF THE SOLICITORS ACT 1974 Number

And

In the matter of

**I
OF**

HEREBY MAKE OATH AND SAY as follows:-

**I was suspended from practice as a solicitor on the day of
..... 19 .. by an Order of the Tribunal dated the day of
..... 19**

I make application to the Tribunal that the period of suspension imposed upon me be terminated.

The facts upon which I rely in support of my application are set out below:-

1.

[here set out in concise numbered paragraphs the facts upon which the applicant relies. A copy of the relevant Findings and Order should be an exhibit to this affidavit]

2.

**Sworn at }
this day of 19 }**

Before me:-

A Solicitor/Commissioner for Oaths

FORM 5(Rule 6)Form of Notice to the Respondent (with a copy sent to the Applicant) by the Clerk to the Solicitors' Disciplinary TribunalSOLICITORS' DISCIPLINARY TRIBUNAL Constituted under the Solicitors Act 1974

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

IN THE MATTER OF THE SOLICITORS ACT 1974 Number

AND

In the matter of

(a Solicitor) (A Solicitor's Clerk) (a Registered Foreign Lawyer) (a Former Solicitor) (A Former Solicitor seeking restoration to the Roll) (A Former Solicitor's Clerk seeking Revocation of an Order made pursuant to S.43 of the Solicitors Act 1974) (A Solicitor who has been suspended from practice seeking termination of this period of suspension) (a Registered Foreign Lawyer who has been struck off the Register of Foreign Lawyers) (a Registered Foreign Lawyer who has been suspended from the Register of Foreign Lawyers) (a Recognised Body)

..... Applicant

..... Respondent

TO (The respondent) of

Application has been made by (applicant) of

to the Solicitors' Disciplinary Tribunal constituted under the Solicitors Act 1974 that:

- (a)* You be required to answer the allegations contained in the statement of which a copy accompanies this notice and that such order may be made as the Tribunal shall think right.
- (b)* An Order be made by the Tribunal directing that as from a date to be specified in such order no solicitor shall, except in accordance with permission in writing granted by the Law Society for such period and subject to such conditions as the Society may think fit to specify in the permission, employ or remunerate in connection with the practice as a solicitor, the respondent being a person who is or was a clerk to a solicitor, or that such other order may be made as the Tribunal shall think right.
- (c)* An Order be made that the Applicant (a former solicitor) be restored to the Roll of Solicitors: (a former Registered Foreign Lawyer) be restored to the Register of Foreign Lawyers.
- (d)* An Order be made revoking the Order made by the Tribunal on the day of 19, pursuant to Section 43(2) of the Solicitors Act 1974, in respect of the Applicant.
- (e)* An Order be made that the period of suspension from practice/from the Register of Foreign Lawyers imposed upon the applicant by the Tribunal in its Order dated the day of 19 be terminated.
- (f)* By virtue of Rule 4(5)(ii) of the Solicitors (Disciplinary Proceedings) Rules 1993 the Tribunal have directed that you be constituted a party to the application, a copy of which is sent herewith.

The day fixed for the hearing is at 10.00 a.m. The Tribunal will sit at the Court Room, 60 Carey Street, Chancery Lane, W.C.2. (Entrance in Star Yard).

If you fail to appear the Tribunal may in accordance with the Solicitors (Disciplinary Proceedings) Rules 1993 proceed in your absence.

A copy of the Solicitors (Disciplinary Proceedings Rules) 1993 is sent herewith and you are required to comply with the procedures set out in it.

In order to keep costs to a minimum, each party is invited to inform the other and the Clerk to the

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

FORM 5 (Rule 6)—continued

Solicitors' Disciplinary Tribunal not less than 14 days before the date of the hearing of any facts which are not in dispute. (Rule 17 (a))

Dated

Clerk to the Tribunal

(*Delete as appropriate)

FORM 6(Rule 25)Application by Affidavit for a rehearing

IN THE MATTER OF THE SOLICITORS ACT 1974

Number

AND In the Matter of:

..... (Respondent)

Tribunal case number:

I APPLY under Rule 25 of the Solicitors (Disciplinary Proceedings) Rules 1993 that the above mentioned case be reheard by the Tribunal. The facts upon which I rely in support of this application are set out in the affidavit which accompanies it.

Dated

Signature

Address

.....

1. [The affidavit should set out in concise numbered paragraphs the reasons why the respondent did not appear before the Tribunal at the earlier hearing and set out all matters which the respondent wishes to place before the Tribunal in mitigation or otherwise].

2.

Sworn at }
this day of 19 }

Before me:-

A Solicitor/Commissioner for Oaths

FORM 7(Rule 19)Form of Subpoena Ad Testificandum

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

IN THE MATTER OF THE SOLICITORS ACT 1974 Number

AND in the Matter of

ELIZABETH THE SECOND, by the Grace of God, etc.

To:
(names of witnesses)

We command you to attend before the Solicitors' Disciplinary Tribunal constituted under the Solicitors Act 1974 at
on, the day of 19.....
at the hour of in the noon, and so from day to day until the application in the above matter is heard, to give evidence on behalf of

WITNESS

Lord High Chancellor of Great Britain, the day of in the year of Our Lord

FORM 8(Rule 19)Form of Subpoena Duces Tecum

IN THE MATTER OF THE SOLICITORS ACT 1974 Number

AND in the Matter of

ELIZABETH THE SECOND, by the Grace of God, etc.

TO:
(Names of Witnesses)

We command you to attend before the Solicitors' Disciplinary Tribunal constituted under the Solicitors Act 1974 at
on the day of at the hour of in the noon, and so from day to day until the application in the above matter is heard, to give evidence on behalf of
..... and We also command you to bring with you and produce at the time and place aforesaid (specify documents to be produced)

WITNESS

Lord High Chancellor of Great Britain, the day of In the year of Our Lord

FORM 9(Rule 18)Form of Notice to Accompany Affidavit Evidence

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

IN THE MATTER OF THE SOLICITORS ACT 1974

Number

AND in the Matter of

TAKE NOTICE that the applicant/respondent proposes to rely upon the affidavit(s) listed below copies of which are served herewith. If you wish any witness being a deponent to one of these affidavits to be required to attend the hearing you must, not less than 10 days before the date set down for the hearing of the application, notify me and the Clerk to that effect. In the event of your failure to do so the Tribunal may accept the affidavit in question in evidence.

LIST

	<i>Date</i>	<i>Deponent</i>
1.		
2.		
3.		

DATE:

SIGNED

ADDRESS

.....

SECOND SCHEDULE

*The Solicitor's (Disciplinary Proceedings) Rules, 1994
Summary of Time Limits*

	Rule Number:	In relation to Hearing Date
Notice (Clerk to parties)	6	42 days before
Supplementary allegations/ statement	14	30 days before
Require admission of Facts (reply in 14 days thereafter)	17	28 days before
Bundles of documents filed and exchanged (inspection of originals in 3 days)	11	21 days before
Civil Evidence Act Notice	16	21 days before
Application for Hearing in Public	13	21 days before
Evidential Affidavit filed and Notice	17(a)	21 days before

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

	Rule Number:	In relation to Hearing Date
Notice of assistance of Registered Foreign Lawyer to parties	4(8)	14 days before
Civil Evidence Act Counter Notice	16	10 days before
Time for notice by Objector	4(7)	10 days before
Require attendance of deponent witness	18(c)	10 days before
Provide Proof of Evidence of witness	18(f)	10 days before
Requirement admission of document (Notice of challenge in 6 days)	17(b)	9 days before
Application for re-hearing	25	Within one month of filing of the order
Require copy of tape recording	15	Within 3 months after
Note: Respondent to make representations with regard to prima facie case	4(4)(iii)	Within 14 days of service of invitation to make them.

EXPLANATORY NOTE

These Rules regulate procedure for the making, hearing and determination of Applications (and complaints) made pursuant to the provisions of the Solicitors Act 1974 to the Solicitors' Disciplinary Tribunal constituted under that Act.

The Rules re-enact the Solicitors (Disciplinary Proceedings) Rules 1985 with amendments.

The changes of substance relate to the change in the Tribunal's jurisdiction following the enactment of the Administration of Justice Act 1985 (recognised bodies) and the Courts and Legal Services Act 1990 (former solicitors, registered foreign lawyers, enforcement of Law Society Direction as to inadequate professional services), the form of Applications, the requirement that a prima facie case be established in applications made in respect of solicitor's clerks, service, admissions and the evidence of witnesses and hearings generally to be held in public.