



Solicitors Act 1974

1974 CHAPTER 47

PART I

RIGHT TO PRACTISE AS SOLICITOR

Unqualified persons acting as solicitors

20 Unqualified person not to act as solicitor

- (1) No unqualified person shall—
- (a) act as a solicitor, or as such issue any writ or process, or commence, prosecute or defend any action, suit or other proceeding, in his own name or in the name of any other person, in any court of civil or criminal jurisdiction; or
 - (b) act as a solicitor in any cause or matter, civil or criminal, to be heard or determined before any justice or justices or any commissioners of Her Majesty's revenue.
- (2) Any person who contravenes the provisions of subsection (1)—
- (a) shall be guilty of an offence and liable on conviction on indictment to imprisonment for not more than two years or to a fine or to both; and
 - (b) shall be guilty of contempt of the court in which the action, suit, cause, matter or proceeding in relation to which he so acts is brought or taken and may be punished accordingly; and
 - (c) in addition to any other penalty or forfeiture and any disability to which he may be subject, shall be liable to a penalty of £50 to be recovered, with the full costs of the action, by an action brought by the Society with the consent of the Attorney General in the High Court or in any county court, and to be applied to the use of Her Majesty.

21 Unqualified person not to pretend to be a solicitor

Any unqualified person who wilfully pretends to be, or takes or uses any name, title, addition or description implying that he is, qualified or recognised by law as qualified

Status: This is the original version (as it was originally enacted).

to act as a solicitor shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50.

22 Unqualified person not to prepare certain instruments

- (1) Subject to subsection (2), any unqualified person who directly or indirectly—
- (a) draws or prepares any instrument of transfer or charge for the purposes of the Land Registration Act 1925, or makes any application or lodges any document for registration under that Act at the registry, or
 - (b) draws or prepares any other instrument relating to real or personal estate, or any legal proceeding,
- shall, unless he proves that the act was not done for or in expectation of any fee, gain or reward, be guilty of an offence and liable on summary conviction to a fine not exceeding £50.
- (2) Subsection (1) does not apply to—
- (a) a barrister or duly certificated notary public;
 - (b) any public officer drawing or preparing instruments or applications in the course of his duty;
 - (c) any person employed merely to engross any instrument, application or proceeding;
- and paragraph (b) of that subsection does not apply to a duly certificated solicitor in Scotland.
- (3) For the purposes of subsection (1)(b), "instrument" does not include—
- (a) a will or other testamentary instrument;
 - (b) an agreement not under seal;
 - (c) a letter or power of attorney; or
 - (d) a transfer of stock containing no trust or limitation thereof.

23 Unqualified person not to act in preparation of papers for probate, etc.

- (1) If any person to whom this subsection applies, directly or as an agent of any other person, whether or not that other person is a person to whom this subsection applies—
- (a) takes instructions for a grant of probate or of letters of administration, or
 - (b) draws or prepares any papers on which to found or oppose any such grant,
- he shall, unless he proves that the act was not done for or in expectation of any fee, gain or reward, and without prejudice to any other liability or disability to which he may be subject under this or any other Act, be guilty of an offence and liable on summary conviction to a fine not exceeding £10.
- (2) Subsection (1) applies to any unqualified person who is not a barrister or duly certificated notary public.

24 Application of penal provisions to body corporate

- (1) If any act is done by a body corporate, or by any director, officer or servant of a body corporate, and is of such a nature or is done in such a manner as to be calculated to imply that the body corporate is qualified or recognised by law as qualified to act as a solicitor—

- (a) the body corporate shall be guilty of an offence and liable on summary conviction to a fine not exceeding £100, and
 - (b) in the case of an act done by a director, officer or servant of the body corporate, he also shall be guilty of an offence and liable on summary conviction to a fine not exceeding £10.
- (2) For the avoidance of doubt it is hereby declared that in sections 20, 22 and 23 references to unqualified persons and to persons include references to bodies corporate.

25 Costs where unqualified person acts as solicitor

- (1) No costs in respect of anything done by any unqualified person acting as a solicitor shall be recoverable by him, or by any other person, in any action, suit or matter.
- (2) Nothing in subsection (1) shall prevent the recovery of money paid or to be paid by a solicitor on behalf of a client in respect of anything done by the solicitor while acting for the client without holding a practising certificate in force if that money would have been recoverable if he had held such a certificate when so acting.

26 Time limit for commencement of certain proceedings

Notwithstanding anything in the Magistrates' Courts Act 1952, proceedings in respect of any offence under section 21, 22 or 23 may be brought at any time before the expiration of two years from the commission of the offence or six months from its first discovery by the prosecutor, whichever period expires first.

27 Saving for persons authorised to conduct legal proceedings

Nothing in this Part shall affect any enactment empowering an unqualified person to conduct, defend, or otherwise act in relation to any legal proceedings.