



Solicitors Act 1974

1974 CHAPTER 47

PART II **U.K.**

PROFESSIONAL PRACTICE, CONDUCT AND DISCIPLINE OF SOLICITORS AND CLERKS

Restrictions on practice as solicitor

38 **Solicitor who is justice of the peace not to act in certain proceedings.** **E+W**

(1) Subject to the provisions of this section, it shall not be lawful for any solicitor who is one of the justices of the peace [^{F1}assigned to any local justice area, or for any partner of his, to act in connection with proceedings before any justice of the peace acting in that area] as solicitor or agent for the solicitor of any person concerned in those proceedings.

(2) ^{F2}.....

(3) ^{F2}.....

[^{F3}(3A) Subsection (1) does not apply where a solicitor is a Deputy District Judge (Magistrates' Courts); but where a solicitor is acting as a Deputy District Judge (Magistrates' Courts) [^{F4}in any local justice] area it shall not be lawful for him, or for any partner of his, to act in connection with proceedings before any justice of the peace [^{F5}acting in] that area as solicitor or agent for the solicitor of any person concerned in those proceedings.]

^{F6}(4).....

Textual Amendments

F1 Words in s. 38(1) substituted (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), ss. 109(1), 110, [Sch. 8 para. 176\(2\)](#); [S.I. 2005/910](#), [art. 3](#)

F2 [S. 38\(2\)\(3\)](#) repealed (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), ss. 109(1)(3), 110, [Sch. 8 para. 176\(3\)](#), [Sch. 10](#); [S.I. 2005/910](#), [art. 3](#)

F3 [S. 38\(3A\)](#) inserted (31.8.2000) by [1999 c. 22](#), s. 78, [Sch. 11 para. 23](#) (with [Sch. 14 para. 7\(2\)](#)); [S.I. 2000/1920](#), [art. 3](#)

Changes to legislation: There are currently no known outstanding effects for the Solicitors Act 1974, Cross Heading: Restrictions on practice as solicitor. (See end of Document for details)

- F4** Words in s. 38(3A) substituted (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(1), 110, **Sch. 8 para. 176(4)(a)**; S.I. 2005/910, **art. 3**
- F5** Words in s. 38(3A) substituted (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(1), 110, **Sch. 8 para. 176(4)(b)**; S.I. 2005/910, **art. 3**
- F6** S. 38(4) repealed (27.9.1999) by 1999 c. 22, ss. 106, 108(3)(f), **Sch. 15 Pt. V(1)** (with Sch. 14 paras. 7(2), 36(9))

Modifications etc. (not altering text)

- C1** S. 38 extended (with modifications) (1.7.2009) by S.I. 2000/1119, Sch. 4 para. 7(2)Table (as amended by The Legal Services Act 2007 (Registered European Lawyers) Order 2009 (S.I. 2009/1587), **art. 3(7)(c)**)
- C2** S. 38 modified (1.1.1992) by Administration of Justice Act 1985 (c.61,SIF 34), s. 9, **Sch.2 para.7**; S.I. 1991/2683, **art. 2**

F739 **E+W**

Textual Amendments

- F7** S. 39 repealed by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), ss. 59(1), 66(1)(2), 125(7), **Sch. 20**

40 **Solicitor not to commence or defend actions while in prison.** **E+W**

F8

Textual Amendments

- F8** S. 40 repealed (1.7.2009) by Legal Services Act 2007 (c. 29), ss. 177, 210, 211, Sch. 16 para. 40, **Sch. 23** (with ss. 29, 192, 193); S.I. 2009/1365, **art. 2(a)(i)(c)(i)**

Changes to legislation:

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