

*Status: Point in time view as at 14/10/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Solicitors Act 1974, Part I. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 1

#### INTERVENTION IN SOLICITOR’S PRACTICE

##### Modifications etc. (not altering text)

- C1** Sch. 1 applied (with modifications) by S.I. 2000/1119, regs. 1, 37(3), Sch. 4 para. 9 (as amended (1.7.2009) by The Legal Services Act 2007 (Registered European Lawyers) Order 2009 (S.I. 2009/1587), art. 3(9))

#### PART I

##### CIRCUMSTANCES IN WHICH SOCIETY MAY INTERVENE

- 1 (1) Subject to sub-paragraph (2), the powers conferred by Part II of this Schedule shall be exercisable where—
- (a) the Council have reason to suspect dishonesty on the part of—
    - (i) a solicitor, or
    - (ii) an employee of a solicitor, or
    - (iii) the personal representatives of a deceased solicitor,in connection with that solicitor’s practice or in connection with any trust of which that solicitor is or formerly was a trustee;
  - (b) the Council consider that there has been undue delay on the part of the personal representatives of a deceased solicitor who immediately before his death was practising as a sole solicitor in connection with that solicitor’s practice or in connection with any controlled trust;
  - (c) the Council are satisfied that a solicitor has failed to comply with rules made by virtue of section 32 or 37(2)(c);
  - (d) a solicitor has been adjudged bankrupt or has made a composition or arrangement with his creditors;
  - (e) a solicitor has been committed to prison in any civil or criminal proceedings;
  - [<sup>F1</sup>(ee) the Council are satisfied that a sole solicitor is incapacitated by illness or accident to such an extent as to be unable to attend to his practice;]
  - (f) the powers conferred by [<sup>F2</sup>section 104 of the Mental Health Act 1959 or section 98 of the Mental Health Act 1983 (emergency powers) or section 105 of the said Act of 1959 or section 99 of the said Act of 1983 (appointment of receiver)] have been exercised in respect of a solicitor; or
  - (g) the name of a solicitor has been removed from or struck off the roll or a solicitor has been suspended from practice.
  - [<sup>F3</sup>(h) the Council are satisfied that a sole solicitor has abandoned his practice;

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- (i) the Council are satisfied that a sole solicitor is incapacitated by age to such an extent as to be unable to attend to his practice;
  - (j) any power conferred by this Schedule has been exercised in relation to a sole solicitor by virtue of sub-paragraph (1)(a) and he has acted as a sole solicitor within the period of eighteen months beginning with the date on which it was so exercised;
  - (k) the Council are satisfied that a person has acted as a solicitor at a time when he did not have a practising certificate which was in force;
  - (l) the Council are satisfied that a solicitor has failed to comply with any condition, subject to which his practising certificate was granted or otherwise has effect, to the effect that he may act as a solicitor only—
    - (i) in employment which is approved by the Society in connection with the imposition of that condition;
    - (ii) as a member of a partnership which is so approved;
    - (iii) as an officer of a body recognised by the Council of the Law Society under section 9 of the <sup>M1</sup>Administration of Justice Act 1985 and so approved; or
    - (iv) in any specified combination of those ways.]
- (2) The powers conferred by Part II of this Schedule shall only be exercisable under sub-paragraph (1)(c) if the Society has given the solicitor notice in writing that the Council are satisfied that he has failed to comply with rules specified in the notice and also (at the same or any later time) notice that the powers conferred by Part II of this Schedule are accordingly exercisable in his case.

#### Textual Amendments

- F1** Sch. 1 Pt. I para. 1(1)(ee) inserted by Administration of Justice Act 1985 (c. 61, SIF 34), s. 8, **Sch. 1 para. 13(2)**
- F2** Words substituted by Mental Health Act 1983 (c. 20, SIF 85), s.148, **Sch. 4 para. 38(c)**
- F3** Sch. 1 Pt. I paras. 1(1)(h)–(l) added by Courts and Legal Services Act (c. 41, SIF 76:1), s. 91(1)

#### Marginal Citations

- M1** 1985 c.61. (76:1).

- 2 On the death of a sole solicitor paragraphs 6 to 8 shall apply to the client accounts of his practice.
- 3 The powers conferred by Part II of this Schedule shall also be exercisable, subject to paragraphs 5(4) and 10(3), where—
- (a) a complaint is made to the Society that there has been undue delay on the part of a solicitor in connection with any matter in which the solicitor or his firm was instructed on behalf of a client or with any controlled trust; and
  - (b) the Society by notice in writing invites the solicitor to give an explanation within a period of not less than 8 days specified in the notice; and
  - (c) the solicitor fails within that period to give an explanation which the Council regard as satisfactory; and
  - (d) the Society gives notice of the failure to the solicitor and (at the same or any later time) notice that the powers conferred by Part II of this Schedule are accordingly exercisable.

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- (1) Where the powers conferred by Part II of this Schedule are exercisable in relation to a solicitor, they shall continue to be exercisable after his death or after his name has been removed from or struck off the roll.
  - (2) The references to the solicitor or his firm in paragraphs 5(1), 6(2) and (3), 8, 9(1) and (5) and 10(1) include, in any case where the solicitor has died, references to his personal representatives.

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