



# Solicitors Act 1974

## 1974 CHAPTER 47

### PART II

#### PROFESSIONAL PRACTICE, CONDUCT AND DISCIPLINE OF SOLICITORS AND CLERKS

##### *[<sup>F1</sup>Disciplinary powers of the Society*

##### **[<sup>F1</sup>44E Appeals against disciplinary action under section 44D**

- (1) A person may appeal against—
  - (a) a decision by the Society to rebuke that person under section 44D(2)(a) if a decision is also made to publish details of the rebuke;
  - (b) a decision by the Society to impose a penalty on that person under section 44D(2)(b) or the amount of that penalty;
  - (c) a decision by the Society to publish under section 44D(3) details of any action taken against that person under section 44D(2)(a) or (b).
- (2) Subsections (9)(b), (10)(a) and (b), (11) and (12) of section 46 (Tribunal rules about procedure for hearings etc) apply in relation to appeals under this section as they apply in relation to applications or complaints, except that subsection (11) of that section is to be read as if for “the applicant” to “application)” there were substituted any party to the appeal.
- (3) Rules under section 46(9)(b) may, in particular, make provision about the period during which an appeal under this section may be made.
- (4) On an appeal under this section, the Tribunal has power to make such order as it thinks fit, and such an order may in particular—
  - (a) affirm the decision of the Society;
  - (b) revoke the decision of the Society;
  - (c) in the case of a penalty imposed under section 44D(2)(b), vary the amount of the penalty;

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*Changes to legislation: There are currently no known outstanding effects for the Solicitors Act 1974, Section 44E. (See end of Document for details)*

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- (d) in the case of a solicitor, contain provision for any of the matters mentioned in paragraphs (a) to (d) of section 47(2);
  - (e) in the case of an employee of a solicitor, contain provision for any of the matters mentioned in section 47(2E);
  - (f) make such provision as the Tribunal thinks fit as to payment of costs.
- (5) Where by virtue of subsection (4)(e) an order contains provision for any of the matters mentioned in section 47(2E)(c), section 47(2F) and (2G) apply as if the order had been made under section 47(2E)(c).
- (6) An appeal from the Tribunal shall lie to the High Court, at the instance of the Society or the person in respect of whom the order of the Tribunal was made.
- (7) The High Court shall have power to make such order on an appeal under this section as it may think fit.
- (8) Any decision of the High Court on an appeal under this section shall be final.
- (9) This section is without prejudice to any power conferred on the Tribunal in connection with an application or complaint made to it.]

#### **Textual Amendments**

- F1** Ss. 44D, 44E and cross-heading inserted (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 177, 211, [Sch. 16 para. 46](#) (with ss. 29, 192, 193); S.I. 2009/503, [art. 2\(b\)\(i\)](#) (subject to art. 4)

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

- C1** S. 44E 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\(7\)\(c\)](#))
- S. 44E extended in part (with modifications) (1.7.2009) by [The Registered Foreign Lawyers Order 2009 \(S.I. 2009/1589\)](#), [art. 3\(2\)\(I\)](#), Sch.

**Changes to legislation:**

There are currently no known outstanding effects for the Solicitors Act 1974, Section 44E.