



# Solicitors Act 1974

## CHAPTER 47

### SOLICITORS ACT 1974

#### PART I

##### RIGHT TO PRACTISE AS SOLICITOR

###### *Qualifications and training*

- 1 Qualifications for practising as solicitor.
- 1A Practising certificates: employed solicitors.
- 1B Restriction on practice as sole solicitor
- 2 Training regulations.

###### *Admission*

- 3 Admission as solicitor.
- 4 .....
- 5 .....

###### *The roll*

- 6 Keeping of the roll.
- 7 Entry of name and restoration of name struck off.
- 8 Removal or restoration of name at solicitor's request.

###### *Practising certificates*

- 9 Applications for practising certificates.
- 10 Issue of practising certificates.
- 10A Register of holders of practising certificates
- 11 Fees payable on issue of practising certificates.

*Status: Point in time view as at 01/12/2001.*

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- 12 Discretion of Society with respect to issue of practising certificates in special cases.
- 12A Additional fee payable by certain solicitors on applying for practising certificates.
- 13 Appeals in connection with issue of practising certificates.
- 13ZA Application to practise as sole practitioner while practising certificate in force
- 13ZB Fee payable on making of sole solicitor endorsement
- 13A Imposition of conditions while practising certificates are in force.
- 13B Suspension of practising certificates where solicitors convicted of fraud or serious crime.
- 14 Commencement, expiry and replacement of practising certificates.
- 15 Suspension of practising certificates.
- 16 Duration of suspension of practising certificates.
- 17 Publicity in relation to suspension of practising certificates.
- 17A Suspension of sole solicitor endorsement
- 17B Duration and publicity of suspension of sole solicitor endorsement
- 18 Evidence as to holding of practising certificates.

#### *Rights and privileges of solicitors*

- 19 Rights of practising and rights of audience.

#### *Unqualified persons acting as solicitors*

- 20 Unqualified person not to act as solicitor.
- 21 Unqualified person not to pretend to be a solicitor.
- 22 Unqualified person not to prepare certain instruments.
- 22A Powers of entry etc. of local weights and measures authorities.
- 23 Unqualified person not to prepare papers for probate etc.
- 24 Application of penal provisions to body corporate.
- 25 Costs where unqualified person acts as solicitor.
- 26 Time limit for commencement of certain proceedings.
- 27 Saving for persons authorised to conduct legal proceedings.

#### *Supplementary*

- 28 Regulations.
- 29 Non-British subjects as solicitors. 12 & 13 Will. 3. c. 2.
- 30 Evidence as to solicitors in Scotland.

## **PART II**

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

#### *Practice rules*

- 31 Rules as to professional practice, conduct and discipline.

#### *Accounts etc.*

- 32 Accounts rules and trust accounts rules.
- 33 Interest on clients' money.
- 33A Inspection of practice bank accounts etc.
- 34 Accountants' reports.

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*Sole solicitors*

- 34A Employees of solicitors
- 34B Employees of solicitors: accounts rules etc

*Intervention in solicitor's practice, Compensation Fund and professional indemnity*

- 35 Intervention in solicitor's practice.
- 36 Compensation Fund.
- 36A Compensation funds
- 37 Professional indemnity.

*Inadequate professional services*

- 37A Redress for inadequate professional services.

*Restrictions on practice as solicitor*

- 38 Solicitor who is justice of the peace not to act in certain proceedings.
- 39 .....
- 40 Solicitor not to commence or defend actions while in prison.

*Restrictions on employment of certain persons*

- 41 Employment by solicitor of person struck off or suspended.
- 42 Failure to disclose fact of having been struck off or suspended.
- 43 Control of solicitors' employees and consultants.
- 44 Offences in connection with orders under section 43(2).

*Imposition by Council of disciplinary sanctions for inadequate professional services*

- 44A Power of Council to impose sanctions for inadequate professional services.

*Examination of files*

- 44B Examination of files.
- 44BA Power to require explanation of document or information
- 44BB Provision of information and documents by other persons
- 44BC Information offences

*Costs of investigations*

- 44C Payment of costs of investigations.
- 45 .....

*Disciplinary powers of the Society*

- 44D Disciplinary powers of the Society
- 44E Appeals against disciplinary action under section 44D

*Disciplinary proceedings before Solicitors Disciplinary Tribunal*

- 46 Solicitors Disciplinary Tribunal.
- 46A Funding of the Tribunal
- 47 Jurisdiction and powers of Tribunal.
- 47A Power of Tribunal to impose sanctions for inadequate professional services.

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- 48 Orders of Tribunal.
- 49 Appeals from Tribunal.
- 49A Appeals to the Tribunal instead of the High Court

*Disciplinary proceedings before Supreme Court*

- 50 Jurisdiction of Supreme Court over solicitors.
- 51 Procedure upon certain applications to High Court.
- 52 Power of Society to draw up order of court.
- 53 Production of order of court to Society.

*Disciplinary proceedings—general*

- 54 Restrictions on powers to strike names off roll.
- 55 Applications to require solicitor to answer allegations.

**PART III**

REMUNERATION OF SOLICITORS

*Non-contentious business*

- 56 Orders as to remuneration for non-contentious business.
- 57 Non-contentious business agreements.
- 58 Remuneration of a solicitor who is a mortgagee.

*Contentious business*

- 59 Contentious business agreements.
- 60 Effect of contentious business agreements.
- 61 Enforcement of contentious business agreements.
- 62 Contentious business agreements by certain representatives.
- 63 Effect on contentious business agreement of death, incapability or change of solicitor.
- 64 Form of bill of costs for contentious business.
- 65 Security for costs and termination of retainer.
- 66 Taxations with respect to contentious business.

*Remuneration—general*

- 67 Inclusion of disbursements in bill of costs.
- 68 Power of court to order solicitor to deliver bill, etc.
- 69 Action to recover solicitor's costs.
- 70 Taxation on application of party chargeable or solicitor.
- 71 Taxation on application of third parties.
- 72 Supplementary provisions as to taxations.
- 73 Charging orders.
- 74 Special provisions as to contentious business done in county courts.
- 75 Saving for certain enactments.

**PART IV**

MISCELLANEOUS AND GENERAL

*The Society*

- 76 Non-practising solicitors eligible for membership of Society.
- 77 Annual subscription to Society.

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- 78 Cessation and suspension of membership of Society.
- 79 Committees and Sub-Committees of the Council.
- 80 Powers to act on behalf of Society.

#### *Miscellaneous*

- 81 Administration of oaths and taking of affidavits.
- 81A Fees for administering oaths and taking affidavits.
- 82 .....
- 83 Power of Society to inspect file of proceedings in bankruptcy of solicitor.
- 84 Service of documents at solicitor's place of business.
- 85 Bank accounts.
- 86 Bankers' books.

#### *Supplementary*

- 86A Rules
- 87 Interpretation.
- 88 Saving for solicitors to public departments and City of London.
- 89 Consequential amendments, repeals, savings, etc.
- 90 Short title, commencement and extent.

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### SCHEDULES

#### SCHEDULE 1 — Intervention in Solicitor's Practice

##### Part I — CIRCUMSTANCES IN WHICH SOCIETY MAY INTERVENE

- 1 (1) Subject to sub-paragraph (2), the powers conferred by Part...
- 2 On the death of a sole solicitor paragraphs 6 to...
- 3 The powers conferred by Part II of this Schedule shall...
- 4 (1) Where the powers conferred by Part II of this...

##### Part II — POWERS EXERCISABLE ON INTERVENTION

#### *Money*

- 5 (1) The High Court, on the application of the Society,...
- 6 (1) Without prejudice to paragraph 5, if the Council pass...
- 6A (1) Without prejudice to paragraph 5, if the Society passes...
- 6B (1) The Society may make rules governing its treatment of...
- 7 (1) If the Society takes possession of any sum of...
- 8 Without prejudice to paragraphs 5 to 7, if the High...

#### *Documents*

- 9 (1) The Society may give notice to the solicitor or...

#### *Mail*

- 10 (1) The High Court, on the application of the Society,...

#### *Trusts*

- 11 (1) If the solicitor or his personal representative is a...

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*General*

- 12 The powers in relation to sums of money and documents...
- 13 Subject to any order for the payment of costs that...
- 13A (1) The High Court, on the application of the Society,...
- 14 Where an offence under this Schedule committed by a body...
- 15 Any application to the High Court under this Schedule may...
- 16 The Society may do all things which are reasonably necessary...

SCHEDULE 1A — INADEQUATE PROFESSIONAL SERVICES

- 1 Circumstances in which Council’s powers may be exercised
- 2 Directions which may be given
- 3 Compensation
- 4 Taxation of costs
- 5 Failure to comply with direction
- 6 Fees
- 7 Costs
- 8 Duty of Tribunal
- 9 Interpretation

SCHEDULE 2 — The Compensation Fund

- 1 The fund shall be maintained and administered by the Society...
- 2 (1) Subject to sub-paragraphs (2) and (2A), every solicitor—
- 3 The Society may invest any money which forms part of...
- 4 . . . the Society may borrow for the purposes...
- 5 The Society may insure with authorised insurers for such purposes...
- 6 There shall be carried to the credit of the fund—...
- 7 All money from time to time forming part of the...

SCHEDULES 3 — CONSEQUENTIAL AMENDMENTS

- 1 . . . . .
- 2 . . . . .
- 3 . . . . .
- 4 In section 20(3) of the Justices of the Peace Act...
- 5 . . . . .
- 6 In section 192(2) of the County Courts Act 1959 (as...
- 7 . . . . .
- 8 In section 4(2) of the Matrimonial Causes Act 1967, for...
- 9 In section 223(1) of the Local Government Act 1972, for...
- 10 . . . . .

Schedule 4 — ENACTMENTS REPEALED

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