



# Solicitors Act 1974

## 1974 CHAPTER 47

### PART I **U.K.**

#### RIGHT TO PRACTISE AS SOLICITOR

##### *Qualifications and training*

#### **1** **Qualifications for practising as solicitor.** **E+W**

No person shall be qualified to act as a solicitor unless—

- (a) he has been admitted as a solicitor, and
- (b) his name is on the roll, and
- (c) he has in force a certificate issued by the Society in accordance with the provisions of this Part authorising him to practise as a solicitor (in this Act referred to as a “practising certificate”).

#### **[<sup>F1</sup>1A** **Practising certificates: employed solicitors.** **E+W**

A person who has been admitted as a solicitor and whose name is on the roll shall, if he would not otherwise be taken to be acting as a solicitor, be taken for the purposes of this Act to be so acting if he is employed in connection with the provision of any legal services—

- (a) by any person who is qualified to act as a solicitor;
- (b) by any partnership at least one member of which is so qualified; or
- (c) by a body recognised <sup>F2</sup>. . . under section 9 of the Administration of Justice Act 1985 (incorporated practices).]

#### **Textual Amendments**

**F1** S. 1A inserted by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\)](#), s. 85

*Status: Point in time view as at 07/03/2008. This version of this part contains provisions that are not valid for this point in time.*  
**Changes to legislation:** There are currently no known outstanding effects for the Solicitors Act 1974, Part I. (See end of Document for details)

**F2** Word in s. 1A(c) repealed (7.3.2008) by Legal Services Act 2007 (c. 29), ss. 177, 210, 211, Sch. 16 para. 2(b), Sch. 23 (with ss. 29, 192, 193); S.I. 2008/222, art. 2(j)(i)

VALID FROM 01/07/2009

**[<sup>F3</sup>1B Restriction on practice as sole solicitor E+W**

- (1) Rules under section 31 (rules as to professional practice etc) must provide that a solicitor may not practise as a sole solicitor unless he has in force—
  - (a) a practising certificate, and
  - (b) an endorsement of that certificate by the Society authorising him to practise as a sole solicitor (a “sole solicitor endorsement”).
- (2) The rules may provide that, for the purposes of the rules and this Act, a solicitor is not to be regarded as practising as a sole solicitor in such circumstances as may be prescribed by the rules.
- (3) The rules must prescribe the circumstances in which a solicitor may be regarded by the Society as suitable to be authorised to practise as a sole solicitor.]

**Textual Amendments**

**F3** S. 1B inserted (1.7.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, Sch. 16 para. 3 (with ss. 29, 192, 193); S.I. 2009/1365, art. 2(a)(i)

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

**C1** S. 1B extended (with modifications) (1.7.2009) by S.I. 2000/1119, Sch. 4 para. 7(1)Table (as substituted by The Legal Services Act 2007 (Registered European Lawyers) Order 2009 (S.I. 2009/1587), art. 3(7)(a))

**2 Training regulations. E+W**

- (1) The Society , with the concurrence of the [<sup>F4</sup> Secretary of State], the Lord Chief Justice and the Master of the Rolls, may make regulations (in this Act referred to as “training regulations”) about education and training for persons seeking to be admitted or to practise as solicitors.
- <sup>F5</sup>(2) .....
- (3) Training regulations—
  - (a) may prescribe—
    - (i) the education and training <sup>F6</sup>. . . to be undergone by persons seeking admission as solicitors;
    - (ii) any education or training to be undergone by persons who have been admitted as solicitors;
    - (iii) the examinations or other tests to be undergone by persons seeking admission as solicitors or who have been admitted;
    - (iv) the qualifications and reciprocal duties and responsibilities of persons undertaking to give education or training for the purposes of the regulations or undergoing such education or training; and

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- (v) the circumstances in which <sup>F7</sup>. . . education or training under the regulations may be [<sup>F8</sup>started or] terminated;
- (b) may require persons who have been admitted as solicitors to hold practising certificates while they are undergoing education or training under the regulations;
- (c) may include provision for the charging of fees by the Society and the application of fees which the Society receives;
- (d) may make different provision for different classes of persons and different circumstances.
- [<sup>F9</sup>(4) Where, under Schedule 4 to the Courts and Legal Services Act 1990 (approval of certain regulations in connection with the grant of rights of audience or rights to conduct litigation), the [<sup>F4</sup> Secretary of State][<sup>F10</sup> approves any regulation such as is mentioned in subsection (1), the requirement of the concurrence of the Lord Chief Justice and the Master of the Rolls imposed by that subsection shall not apply.]]
- [<sup>F9</sup>(5) Subsection (4) shall have effect whether or not the regulation required to be approved under Schedule 4 to the Act of 1990.]

#### Textual Amendments

- F4** Words in s. 2 substituted (19.8.2003) by [The Secretary of State for Constitutional Affairs Order 2003 \(S.I. 2003/1887\)](#), [art. 9](#), [Sch. 2 para. 3](#)
- F5** S. 2(2) repealed (1.4.1991) by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\)](#), s. 125(7), [Sch. 20](#); S.I. 1991/608, [art. 2](#), [Sch.](#)
- F6** Words in s. 2(3)(a)(i) repealed (7.3.2008) by [Legal Services Act 2007 \(c. 29\)](#), ss. 177, 210, 211, [Sch. 16 para. 4\(b\)\(i\)](#), [Sch. 23](#) (with ss. 29, 192, 193); S.I. 2008/222, [art. 2\(j\)\(i\)\(n\)\(i\)](#)
- F7** Words in s. 2(3)(a)(v) repealed (7.3.2008) by [Legal Services Act 2007 \(c. 29\)](#), ss. 177, 210, 211, [Sch. 16 para. 4\(b\)\(ii\)](#), [Sch. 23](#) (with ss. 29, 192, 193); S.I. 2008/222, [art. 2\(j\)\(i\)\(n\)\(i\)](#)
- F8** Words in s. 2(3)(a)(v) inserted (7.3.2008) by [Legal Services Act 2007 \(c. 29\)](#), ss. 177, 211, [Sch. 16 para. 4\(b\)\(iii\)](#) (with ss. 29, 192, 193); S.I. 2008/222, [art. 2\(j\)\(i\)](#)
- F9** S. 2(4)(5) added (1 4.1991) by [Courts and Legal Services Act 1990 \(c. 41, SIF 37\)](#), s. 125(2), [Sch. 17 para. 8](#); S.I. 1991/608, [art. 2](#), [Sch.](#)
- F10** Words in s. 2(4) substituted (1.1.2000) by 1999 c. 22, s. 43, [Sch. 6 para. 2](#) (with [Sch. 14 para. 7\(2\)](#)); S.I. 1999/3344, [art. 2\(a\)](#) (with [art. 4](#), [Sch. 2](#))

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

- C2** S. 2 extended (22.5.2000) by [S.I. 2000/1119](#), regs. 1, 37(3), [Sch. 4 para. 1\(1\)](#)

### Admission

## 3 Admission as solicitor. **E+W**

- (1) Subject to section 4 and to section 20(3) of the <sup>M1</sup>Peace Act 1949 (which relates to the admission as solicitors of certain persons who have served as assistant to a justices' clerk), no person shall be admitted as a solicitor unless he has obtained a certificate from the Society that the Society—
- (a) is satisfied that he has complied with training regulations, and
- (b) is satisfied as to his character and his suitability to be a solicitor.

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(2) Any person who has obtained a certificate that the Society is satisfied as mentioned in subsection (1) may apply to the Master of the Rolls to be admitted as a solicitor; and if any such person so applies, the Master of the Rolls,<sup>F11</sup> . . . , shall, unless cause to the contrary is shown to his satisfaction, in writing, and in such manner and form as the Master of the Rolls may from time to time think fit, admit that person to be a solicitor.

<sup>F12</sup>(3) . . . . .

**Textual Amendments**

**F11** Words repealed by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 125(7), **Sch. 20**

**F12** S. 3(3) repealed by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 125(7), **Sch. 20**

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**Marginal Citations**

**M1** 1949 c. 101.

<sup>F13</sup>4 . . . . . **E+W+S**

**Textual Amendments**

**F13** S. 4 repealed (with *temp. saving*) by Courts and Legal Services Act 1990 (c. 41, SIF 37, 76:1), s. 125(2)(6)(7), Sch. 17 para. 9, Sch. 19 para. 11(1)(2)(3), **Sch. 20**

<sup>F14</sup>5 . . . . . **U.K.**

**Textual Amendments**

**F14** S. 5 repealed by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 125(7), **Sch. 20**

*The roll*

**6 Keeping of the roll. E+W**

- (1) The Society shall continue to keep a list of all solicitors of the Supreme Court, called “the roll”.
- (2) The roll may be kept by means of a computer.
- (3) If the roll is kept by means of a computer, the Society shall make any entry available for inspection in legible form during office hours, without payment, by any person who applies to inspect it.
- (4) If the roll is not kept by means of a computer, any person may inspect it during office hours without payment.

**7 Entry of name and restoration of name struck off. E+W**

On production—

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- (a) of an admission of any person as a solicitor signed by the Master of the Rolls<sup>F15</sup> . . . , or
- (b) of an order for the restoration to the roll of the name of a person whose name has been struck off it, [<sup>F16</sup>or
- (c) of an order under section 47(2)(h) for the restoration of a person's name to the roll,]

and on payment to the Society of such fee<sup>F17</sup> . . . as the [<sup>F18</sup>Society] may from time to time determine, the Society shall enter the name of that person on the roll.

#### Textual Amendments

- F15** Words in s. 7(a) repealed (1. 6. 1992) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 125(7), **Sch. 20**; S.I. 1992/1221, art. 2, **Sch.**
- F16** S. 7(c) added by Courts and Legal Services Act 1990 (c. 41, SIF 37), s. 125(3), **Sch. 18 para. 7**
- F17** Words repealed by Administration of Justice Act 1985 (c. 61, SIF 34), ss. 8, 67(2), Sch. 1 para. 2, **Sch. 8 Pt. III**
- F18** Word in s. 7 substituted (7.3.2008) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 7(b)** (with ss. 29, 192, 193); S.I. 2008/222, **art. 2(j)(i)**

## 8 Removal or restoration of name at solicitor's request. **E+W**

- (1) The Society, on the application of a solicitor, may remove his name from the roll.
- (2) The Society, on the application of a former solicitor whose name is not on the roll because it has been removed from it, may enter his name on the roll, on payment to the Society of such fee<sup>F19</sup> . . . as the [<sup>F20</sup>Society] may from time to time determine.

[<sup>F21</sup>(2A) Subsection (2) does not apply to a former solicitor with respect to whom a direction has been given under section 47(2)(g).]

- (3) The power to enter a name on the roll conferred on the Society by subsection (2) includes power to enter the name of a person whose name was removed from the roll before the coming into force of section 5 of the<sup>M2</sup>Solicitors (Amendment) Act 1974.

[<sup>F22</sup>(4) An appeal from any decision of the Society under subsection (2) shall lie to the Master of the Rolls.

- (5) The Master of the Rolls may make regulations about appeals to him under this section.]

#### Textual Amendments

- F19** Words repealed by Administration of Justice Act 1985 (c. 61, SIF 34), ss. 8, 67(2), Sch. 1 para. 3, **Sch. 8 Pt. III**
- F20** Word in s. 8(2) substituted (7.3.2008) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 8(2)** (with ss. 29, 192, 193); S.I. 2008/222, **art. 2(j)(i)**
- F21** S. 8(2A) inserted by Courts and Legal Services Act 1990 (c. 41, SIF 37), s. 125(3), **Sch. 18 para. 8**
- F22** S. 8(4)(5) added by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), **s. 95**

#### Marginal Citations

- M2** 1974 c. 26.

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### *Practising certificates*

#### **9 Applications for practising certificates. E+W**

- (1) On receipt of an application for a practising certificate, the Society shall cause to be entered in a register kept for that purpose the applicant's full name, his place or places of business and the date of his admission.
- (2) The register may be kept by means of a computer.
- (3) If the register is kept by means of a computer, the Society shall make any entry available for inspection in legible form during office hours, without payment, by any person who applies to inspect it.
- (4) If the register is not kept by means of a computer, any person may inspect it during office hours without payment.
- (5) If in, or in relation to, an application for a practising certificate or a notice under section 84(1) any person makes any false statement material to the application or notice, a complaint in respect of that statement may be made to the Tribunal by or on behalf of the Society.

#### **10 Issue of practising certificates. E+W**

- (1) Subject to sections 11 and 12, the Society shall issue a practising certificate to a person who applies for one, if it is satisfied, within 21 days of receipt of his application,—
  - (a) that his name is on the roll; and
  - (b) that he is not suspended from practice; and
  - (c) that his application complies with any regulations under section 28; and
  - (d) that he is complying with such training regulations (if any) as apply to him; and
  - (e) that he is complying with any indemnity rules or is exempt from them.
- (2) At any time when regulations under section 28 specify a training condition or training conditions, any practising certificate issued to an applicant by the Society shall be issued subject to that condition or one of those conditions if it appears to the Society that training regulations will apply to him at the end of 21 days from the Society's receipt of his application.
- (3) At any time when regulations under section 28 specify an indemnity condition or indemnity conditions, any practising certificate issued to an applicant by the Society shall be issued subject to that condition or one of those conditions if it appears to the Society that he will be exempt from indemnity rules at the end of 21 days from the Society's receipt of his application.

VALID FROM 01/07/2009

#### **[<sup>F23</sup>10A Register of holders of practising certificates E+W**

- (1) The Society must keep a register of all solicitors who hold practising certificates.
- (2) The register must contain—
  - (a) the full name of each solicitor who holds a practising certificate,

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- (b) in relation to each solicitor who holds a practising certificate, a statement as to whether there is in force a sole solicitor endorsement, and
- (c) such other information as may be specified in regulations under section 28(1)
- (d).]

#### Textual Amendments

**F23** S. 10A inserted (1.7.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 10** (with ss. 29, 192, 193); S.I. 2009/1365, **art. 2(a)(i)**

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

**C3** S. 10A extended (with modifications) (1.7.2009) by S.I. 2000/1119, Sch. 4 para. 7(1)Table (as substituted by The Legal Services Act 2007 (Registered European Lawyers) Order 2009 (S.I. 2009/1587), **art. 3(7)(a)**)

## 11 Fees payable on issue of practising certificates. **E+W**

(1) Subject to subsection (2), there shall be paid to the Society in respect of each practising certificate to be issued by it, before the certificate is issued, such fee as the Master of the Rolls, with the concurrence of the [<sup>F24</sup> Secretary of State] and the Lord Chief Justice, may from time to time by order determine.

[<sup>F25</sup>(2) An order under subsection (1) may specify reduced fees for practising certificates in such circumstances as may be so specified.]

[<sup>F25</sup>(2A) Subsection (2B) applies where an order under subsection (1) specifies a reduced fee in the case of a solicitor whose income, from his practice as a solicitor, is, during such period as may be so specified, less than an amount so specified.]

[<sup>F25</sup>(2B) The question whether, for the purposes of any such order, the income of a solicitor during the specified period falls below the specified amount shall be determined in accordance with regulations made by the Master of the Rolls with the concurrence of the [<sup>F24</sup> Secretary of State] and the Lord Chief Justice.]

(3) All fees received by the Society under subsection (1) shall be applied in such manner as the Society may think fit for the purposes of

- [<sup>F26</sup>(a) the regulation, accreditation, education and training of solicitors and those wishing to become solicitors, including the maintaining and raising of their professional standards and giving advice on practice management and practical support for solicitors' practices;
- (b) the participation by the Law Society in law reform and the legislative process;
- (c) the provision by solicitors and those wishing to become solicitors of free legal services to the public;
- (d) the promotion of the protection by law of human rights and fundamental freedoms;
- (e) the promotion by the Law Society of the professional interests of solicitors through discussion with, and participation in the activities of, relevant national and international bodies, governments and the legal professions of other jurisdictions.]

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- (4) The Society shall submit annually to the judges mentioned in subsection (1) an account of all such fees and of their application and shall cause a copy of the account to be deposited at the Society'shall for inspection by any solicitor.

#### Textual Amendments

- F24** Words in s. 11 substituted (19.8.2003) by [The Secretary of State for Constitutional Affairs Order 2003 \(S.I. 2003/1887\)](#), art. 9, **Sch. 2 para. 3**
- F25** S. 11(2)(2A)(2B) substituted for S. 11(2)(2A) (which subsection (2A) was inserted by [Prosecution of Offences Act 1985 \(c. 23, SIF 39:1\)](#), s. 4(5)) by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\)](#), s. 87
- F26** S. 11(3)(a)-(e) and preceding "—" substituted (19.12.2002) for words by [The Access to Justice Act 1999 \(Solicitors' Practising Certificates\) Order 2002 \(S.I. 2002/3235\)](#), art. 2

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

- C4** S. 11(3): power to amend conferred (25.5.2001) by [1999 c. 22, s. 47\(1\)](#), (with Sch. 14 para. 7(2)); [S.I. 2001/1655](#), art. 2

## 12 Discretion of Society with respect to issue of practising certificates in special cases. **E+W**

- (1) Subject to subsections (2) and (3), this section shall have effect in any case where a solicitor applies for a practising certificate—
- (a) for the first time; or
  - (b) not having held a practising certificate free of conditions since the date of his admission; or
  - (c) [<sup>F27</sup>when, on what would be the commencement date for the certificate, if it were granted], a period of twelve months or more will have elapsed since he held a practising certificate in force; or
  - (d) after the Tribunal has ordered a penalty or costs to be paid by him or that he be reprimanded; or
  - (e) after he has been invited by the Society to give an explanation in respect of any matter [<sup>F28</sup>relating to] his conduct and has failed to give an explanation in respect of that matter which the Council regard as sufficient and satisfactory, and has been notified in writing by the Society that he has so failed; or
  - [<sup>F29</sup>(ee) when, having been required by section 34(1) to deliver an accountant's report to the Society, he has not delivered that report within the period allowed by section 34(2); or]
  - (f) when, having been suspended from practice, the period of his suspension has expired; or
  - (g) when, having had his name removed from or struck off the roll, his name has been restored to the roll; or
  - (h) while he is an undischarged bankrupt <sup>F30</sup>. . . ; or
  - (i) after having been adjudged bankrupt [<sup>F31</sup>and discharged] or after having entered into a composition with his creditors or a deed of arrangement for the benefit of his creditors; or
  - [<sup>F32</sup>(j) while he lacks capacity (within the meaning of the Mental Capacity Act 2005) to act as a solicitor and powers under sections 15 to 20 or section 48 of that Act are exercisable in relation to him;]



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- (k) after having been committed to prison in civil or criminal proceedings; or
  - (l) after having had given against him any judgment which involves the payment of money, not being a judgment—
    - (i) limited to the payment of costs; or
    - (ii) as to the whole effect of which upon him he is entitled to indemnity or relief from some other person; or
    - (iii) evidence of the satisfaction of which has been produced to the Society.
- (2) Where a practising certificate free of conditions is issued by the Society under subsection (4) to a solicitor in relation to whom this section has effect by reason of any such circumstances as are mentioned in paragraph (d), (e) [<sup>F33</sup>(ee)], (f), (g), (i), (k), or (l) of subsection (1) [<sup>F33</sup>then, except in the case of any circumstances of whose existence the Society is unaware at the time the certificate is issued,], this section shall not thereafter have effect in relation to that solicitor by reason of those circumstances.
- (3) Where a solicitor's practising certificate is suspended by virtue of section 15(1) by reason of his suspension from practice and the suspension of his practising certificate is terminated unconditionally under section 16(4) or (5), then, notwithstanding subsection (1)(f), this section shall not thereafter have effect in relation to that solicitor by reason of that suspension from practice and the expiry of the period of that suspension.
- (4) In any case where this section has effect, the applicant shall, unless the Society or the Master of the Rolls otherwise orders, give to the Society not less than six weeks before he applies for a practising certificate notice of his intention so to apply; and, subject to subsections (6) and (7), the Society may in its discretion—
- (a) grant or refuse the application, or
  - (b) decide to issue a certificate to the applicant subject to such conditions as the Society may think fit.
- [<sup>F34</sup>(4A) Without prejudice to the generality of subsection (4)(b)—
- (a) conditions may be imposed under that provision for requiring the applicant to take any specified steps that will, in the opinion of the Society, be conducive to his carrying on an efficient practice as a solicitor; and
  - (b) conditions may be so imposed (whether for the purpose mentioned in paragraph (a) or otherwise) notwithstanding that they may result in expenditure being incurred by the applicant.]
- (5) Where the Society decides to issue a certificate subject to conditions, it may, if it thinks fit, postpone the issue of the certificate pending the hearing and determination of any appeal under section 13(2)(b).
- (6) The Society shall not refuse an application by a solicitor for a practising certificate in a case where this section has effect by reason only—
- (a) that he is applying for the first time; or
  - (b) that he has not held a practising certificate free from conditions since the date of his admission;
- and, in a case falling within paragraph (b), the certificate shall not be made subject to any conditions binding on the applicant in respect of any period more than three years after the date on which the first practising certificate issued to him had effect.
- (7) Where a solicitor applies for a practising certificate in a case where this section has effect by reason only of any such circumstances as are mentioned in paragraph (h), (k)

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or (l) of subsection (1) and an appeal has been made to the appropriate court against the order or judgment in question, the Society shall not refuse the application before the determination of that appeal, unless in the opinion of the Society the proceedings on that appeal have been unduly protracted by the appellant or are unlikely to be successful.

#### Textual Amendments

- F27** Words in S. 12(1)(c) substituted (1.7.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 37), s. 125(3), **Sch. 18 para. 9**; S.I. 1991/1364, art. 2, **Sch.**
- F28** Words substituted by Administration of Justice Act 1985 (c. 61, SIF 34), ss. 4(1), 69(5), **Sch. 9 para. 4(2)(a)**
- F29** S. 12(ee) inserted by Administration of Justice Act 1985 (c. 61, SIF 34), ss. 4(2)(b), 69(5), **Sch. 9 para. 4(a)**
- F30** Words repealed by Insolvency Act 1985 (c. 65, SIF 66), s. 235, **Sch. 10 Pt. III**
- F31** Words substituted by Insolvency Act 1985 (c. 65, SIF 66), s. 235, **Sch. 8 para. 25**
- F32** S. 12(1)(j) substituted (1.10.2007) by Mental Capacity Act 2005 (c. 9), ss. 67(1), 68, **Sch. 6 para. 22(2)** (with ss. 27-29, 62); S.I. 2007/1897, art. 2
- F33** Words inserted by Administration of Justice Act 1985 (c. 61, SIF 34), ss. 4(3), 69(5), **Sch. 9 para. 4(b)**
- F34** S. 12(4A) inserted by Administration of Justice Act 1985 (c. 61, SIF 34), ss. 4(4), 69(5), **Sch. 9 para. 4(b)**

#### [<sup>F35</sup>12A Additional fee payable by certain solicitors on applying for practising certificates. **E+W**

- (1) Where a solicitor applies for a practising certificate at a time when section 12 has effect in relation to him by reason of the circumstances mentioned in section 12(1)(ee), he shall pay an additional fee to the Society when making his application.
- (2) The amount of that additional fee—
  - (a) shall be fixed by order of the Master of the Rolls made with the concurrence of the [<sup>F36</sup> Secretary of State] and the Lord Chief Justice; and
  - (b) shall be designed to provide reasonable compensation to the Society for the additional cost of dealing with such applications.]

#### Textual Amendments

- F35** S. 12A inserted by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 88
- F36** Words in s. 12A substituted (19.8.2003) by The Secretary of State for Constitutional Affairs Order 2003 (S.I. 2003/1887), art. 9, **Sch. 2 para. 3**

#### 13 Appeals in connection with issue of practising certificates. **E+W**

- (1) Where an application for a practising certificate is duly made to the Society otherwise than in a case where section 12 has effect and the Society refuses or neglects to issue a certificate, the applicant may apply to the High Court or to any judge of that court, or to the Master of the Rolls, who may make such order in the matter, including an order for the payment of costs by the Society to the applicant or by the applicant to the society, as may be just.
- (2) Where the Society—

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- (a) in the exercise of the powers conferred on it by section 10, [<sup>F37</sup>decides to issue] a practising certificate subject to a training condition or an indemnity condition; or
  - (b) in the exercise of the powers conferred on it by section 12, refuses to issue a practising certificate or [<sup>F37</sup>decides to issue] a certificate subject to a condition, the applicant may appeal to the Master of the Rolls against the decision of the Society within one month of being notified of it.
- (3) On an appeal to the Master of the Rolls under subsection (2)(a), he may—
- (a) affirm the decision of the Society; or
  - (b) direct the Society to issue a certificate to the applicant free from conditions; or
  - (c) if regulations under section 28 specify a number of training conditions or indemnity conditions, direct the Society to issue a certificate to the applicant subject to a training condition or, as the case may be, an indemnity condition, different from that subject to which it was originally issued.
- (4) On an appeal to the Master of the Rolls under subsection (2)(b), he may—
- (a) affirm the decision of the Society; or
  - (b) direct the Society to issue a certificate to the applicant free from conditions or subject to such conditions other than training conditions or indemnity conditions as the Master of the Rolls may think fit; or
  - (c) direct the Society not to issue a certificate; or
  - (d) if a certificate has been issued, by order suspend it; or
  - (d) make such other order as he thinks fit.

#### Textual Amendments

**F37** Words substituted by [Administration of Justice Act 1985 \(c. 61, SIF 34\)](#), s. 8, [Sch. 1 para. 5](#)

VALID FROM 01/07/2009

#### [<sup>F38</sup>13ZA] **Application to practise as sole practitioner while practising certificate in force** **E+W**

- (1) A solicitor whose practising certificate for the time being in force (his “current certificate”) does not have a sole solicitor endorsement, may apply to the Society for such an endorsement.
- (2) For the purposes of subsection (1) a practising certificate with a sole solicitor endorsement which is suspended is to be treated as having such an endorsement.
- (3) A solicitor may not apply under subsection (1) if he is suspended from practice as a sole solicitor.
- (4) An application must be—
  - (a) made in accordance with regulations under section 28, and
  - (b) accompanied by any fee payable under section 13ZB in respect of the endorsement applied for.

*Status: Point in time view as at 07/03/2008. This version of this part contains provisions that are not valid for this point in time.*

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

(5) Where a sole solicitor endorsement is granted to an applicant of a prescribed description, the applicant's practising certificate shall have effect subject to any conditions prescribed in relation to applicants of that description.

“Prescribed” means prescribed by regulations under section 28(3B)(f).

(6) A person who makes an application under this section may appeal to the High Court against—

- (a) a decision to refuse the application, or
- (b) a decision to impose a condition on a practising certificate in accordance with subsection (5).

(7) The Society may by rules make provision, as respects any application under this section that is neither granted nor refused by the Society within such period as may be specified in the rules, for enabling an appeal to be brought under this section in relation to the application as if it had been refused by the Society.

(8) On an appeal under this section the High Court may—

- (a) affirm the decision of the Society,
- (b) direct the Society to grant a sole solicitor endorsement,
- (c) direct that the applicant's practising certificate is to have effect subject to such conditions (if any) as the High Court thinks fit, or
- (d) make such other order as the High Court thinks fit.

(9) In relation to an appeal under this section the High Court may make such order as it thinks fit as to payment of costs.

(10) The decision of the High Court on an appeal under this section shall be final.

#### Textual Amendments

**F38** Ss. 13ZA, 13ZB inserted (1.7.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 177, 211, [Sch. 16 para. 16](#) (with ss. 29, 192, 193); [S.I. 2009/1365](#), [art. 2\(a\)\(iii\)](#) (subject to [art. 4](#))

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

**C5** S. 13ZA extended (with modifications) (1.7.2009) by [S.I. 2000/1119](#), [Sch. 4 para. 7\(1\)Table](#) (as substituted by [The Legal Services Act 2007 \(Registered European Lawyers\) Order 2009 \(S.I. 2009/1587\)](#), [art. 3\(7\)\(a\)](#))

VALID FROM 01/07/2009

### 13ZB Fee payable on making of sole solicitor endorsement **E+W**

(1) Before a sole solicitor endorsement is granted under section 13ZA, there must be paid to the Society in respect of the endorsement a fee of such amount as the Society may from time to time determine.

(2) Different fees may be specified for different categories of applicant and in different circumstances.

**Status:** Point in time view as at 07/03/2008. This version of this part contains provisions that are not valid for this point in time.

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

(3) If a fee payable under this section would not otherwise be a practising fee for the purposes of section 51 of the Legal Services Act 2007, it is to be treated for the purposes of that section as such a fee.

(4) In subsection (3) “practising fee” has the meaning given by that section.]

#### Textual Amendments

**F38** Ss. 13ZA, 13ZB inserted (1.7.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 16** (with ss. 29, 192, 193); S.I. 2009/1365, **art. 2(a)(iii)** (subject to art. 4)

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

**C6** S. 13ZB extended (with modifications) (1.7.2009) by S.I. 2000/1119, Sch. 4 para. 7(1)Table (as substituted by The Legal Services Act 2007 (Registered European Lawyers) Order 2009 (S.I. 2009/1587), **art. 3(7)(a)**)

### [<sup>F39</sup>13A Imposition of conditions while practising certificates are in force. **E+W**

- (1) Subject to the provisions of this section, the Society may in the case of any solicitor direct that his practising certificate for the time being in force (his “current certificate”) shall have effect subject to such conditions as the Society may think fit.
- (2) The power to give a direction under this section in the case of any solicitor shall be exercisable by the Society at any time during the period for which his current certificate is in force if—
  - (a) in the event of an application for a practising certificate being made by him at that time, section 12 would have effect in relation to him by reason of any such circumstances as are mentioned in paragraph (d), (e), (ee), (k) or (l) of subsection (1) of that section; or
  - <sup>F40</sup>(b) .....
  - (c) he has entered into a composition with his creditors or a deed of arrangement for the benefit of his creditors [<sup>F41</sup>; or
  - [ he has been charged with, or convicted of—
  - <sup>F41</sup>(d) (i) an offence involving dishonesty or deception; or
  - [<sup>F42</sup>(ii) an indictable offence.]]
- (3) Subject to subsection (4), the conditions specified in a direction under this section shall have effect as from the time when the solicitor concerned is notified of the Society’s decision to give the direction.
- (4) The Society may, if it thinks fit, provide in a direction under this section that the conditions specified in the direction shall not have effect pending the hearing and determination of any appeal under subsection (6).
- (5) Where there is pending against any judgment or order an appeal by a solicitor which, if successful, would result in subsection (2) no longer being applicable to him, the Society shall not give a direction under this section in his case so long as the appeal is pending, unless in the opinion of the Society the proceedings on that appeal have been unduly protracted by him or are unlikely to be successful.

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

[<sup>F43</sup>This subsection does not apply to the exercise of the Society's powers under this section by virtue of subsection (2)(d).]

- (6) A solicitor in whose case a direction is given under this section may appeal to the Master of the Rolls against the decision of the Society within one month of being notified of it.
- (7) On an appeal under subsection (6), the Master of the Rolls may—
- (a) affirm the decision of the Society; or
  - (b) direct that the appellant's current certificate shall have effect subject to such conditions as the Master of the Rolls thinks fit; or
- by order revoke the direction; or
- (d) make such other order as he thinks fit.
- (8) Subsection (4A) of section 12 shall apply for the purposes of subsection (1) of this section as it applies for the purposes of subsection (4)(b) of that section.]

#### Textual Amendments

- F39** S. 13A added by [Administration of Justice Act 1985 \(c. 61, SIF 34\)](#), s. 5
- F40** S. 13A(2)(b) repealed by [Insolvency Act 1985 \(c. 65, SIF 66\)](#), s. 235, [Sch. 10 Pt. III](#)
- F41** Words added by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\)](#), s. 94(1)
- F42** S. 13A(2)(d)(ii) substituted (1.1.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 111, 178, [Sch. 7 para. 42\(2\)](#); S.I. 2005/3495, [art. 2\(1\)](#) (subject to [art. 2\(2\)](#))
- F43** Words added by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\)](#), s. 94(2)

#### [<sup>F44</sup>13B Suspension of practising certificates where solicitors convicted of fraud or serious crime. **E+W**

- (1) Where—
- (a) a solicitor has been convicted of—
    - (i) an offence involving dishonesty or deception; or
    - [<sup>F45</sup>(ii) an indictable offence; and]
  - (b) the Society has made an application to the Tribunal under section 47 with respect to him,
- the Society may direct that any practising certificate of his which is for the time being in force be suspended.
- (2) Any such suspension shall be for such period, not exceeding six months, as the Society shall specify in the direction.
- (3) If, before the specified period expires—
- (a) the Tribunal determines the Society's application;
  - (b) the conviction is quashed or set aside; or
  - (c) the Society withdraws its application to the Tribunal,
- the suspension shall cease to have effect.
- (4) Where the specified period comes to an end without any of the events mentioned in subsection (3) having occurred, the Society may direct that the suspension be continued for such period, not exceeding six months, as it shall specify in the direction.

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

- (5) A suspension under this section may only be extended once under subsection (4).
- (6) Nothing in this section is to be taken as in any way affecting the Tribunal’s power to suspend a solicitor from practice.
- (7) A solicitor in whose case a direction is given under subsection (1) or (4) may appeal to the Master of the Rolls against the direction within one month of being notified of it.
- (8) In an appeal under subsection (7), the Master of the Rolls may—
  - (a) affirm the suspension;
  - (b) direct that the appellant’s certificate shall not be suspended but shall have effect subject to such conditions as the Master of the Rolls thinks fit;
  - (c) by order revoke the direction; or
  - (d) make such other order as he thinks fit.]

#### Textual Amendments

**F44** S. 13B inserted by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 94(3)

**F45** S. 13B(1)(a)(ii) substituted (1.1.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 111, 178, Sch. 7 para. 42(3); S.I. 2005/3495, art. 2(1) (subject to art. 2(2))

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

**C7** S. 13B extended (22.5.2000) by S.I. 2000/1119, regs. 1, 37(3), Sch. 4 para. 7(1) (as substituted (1.7.2009) by The Legal Services Act 2007 (Registered European Lawyers) Order 2009 (S.I. 2009/1587), art. 3(7)(a))

### [<sup>F46</sup>14 Commencement, expiry and replacement of practising certificates. **E+W**

- (1) Every practising certificate shall have effect from the beginning of the day (“the commencement date”) on which it is issued.
- (2) The Master of the Rolls may, with the concurrence of the [<sup>F47</sup> Secretary of State] and the Lord Chief Justice, make regulations—
  - (a) prescribing the date (“the replacement date”) by which each solicitor who has a practising certificate which is for the time being in force must apply for a new practising certificate if he wishes to continue to have one; and
  - (b) requiring every practising certificate to specify its replacement date.
- (3) The Society shall enter the commencement date and replacement date of each practising certificate in the register kept under section 9.
- (4) Without prejudice to section 28(1), any regulations under subsection (2) may—
  - (a) provide for different replacement dates for different categories of solicitor or in different circumstances;
  - (b) provide for the Society to specify different replacement dates to those prescribed by the regulations in respect of individual solicitors;
  - (c) make such transitional, incidental and supplemental provision, in connection with any provision for different replacement dates (including different dates specified by the Society), as the Master of the Rolls considers expedient.
- (5) Where a practising certificate is in force with respect to a solicitor, the Society may withdraw the certificate if—

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- (a) the replacement date for that certificate has passed; but
  - (b) he has not applied for a new practising certificate.
- (6) A practising certificate shall expire—
- (a) where the solicitor’s name is removed from or struck off the roll, immediately upon the occurrence of that event;
  - (b) where it is withdrawn under subsection (5), immediately upon the occurrence of that event;
  - (c) where a new practising certificate is issued to the solicitor, on the commencement of the new certificate;
  - (d) where the Society refuses to issue the solicitor with a new practising certificate—
    - (1) immediately after the replacement date for the existing certificate has passed; or,
    - (ii) if that date has already passed, immediately upon the Society taking its decision not to issue him with a new certificate.
- (7) Where any practising certificate expires in the circumstances mentioned in subsection (6)(a), (b) or (d) the date of its expiry shall be entered in the register kept under section 9.]

#### Textual Amendments

- F46** S. 14 substituted (1.7.1991) by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\)](#), ss. 86, 125(6), [Sch. 19 para. 12](#); [S.I. 1991/1364](#), art. 2, [Sch.](#)
- F47** Words in s. 14 substituted (19.8.2003) by [The Secretary of State for Constitutional Affairs Order 2003 \(S.I. 2003/1887\)](#), art. 9, [Sch. 2 para. 3](#)

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

- C8** S. 14 modified (1.7.1991) by [Courts and Legal Services Act 1990 \(c. 41, SIF 37, 76:1\)](#), 125(6), [Sch. 19 para. 12\(1\)\(2\)](#); [S.I. 1991/1364](#), art. 2, [Sch.](#)

## 15 Suspension of practising certificates. **E+W**

- (1) The making by the Tribunal or by the court of an order suspending a solicitor from practice shall operate, and an adjudication in bankruptcy of a solicitor shall operate immediately, to suspend any practising certificate of that solicitor for the time being in force.
- <sup>F48</sup>(1A) Where the power conferred by paragraph 6(1) or 9(1) of Schedule 1 has been exercised in relation to a solicitor by virtue of paragraph 1(1)(a)(i), (c) (so far as it applies to rules made by virtue of section 32) or (e) of that Schedule, the exercise of that power shall operate immediately to suspend any practising certificate of that solicitor for the time being in force.
- (1B) Subsection (1A) does not apply if, at the time when the power referred to there is exercised, the Society directs that subsection (1A) is not to apply in relation to the solicitor concerned.
- (1C) If, at the time when the power referred to in subsection (1A) is exercised, the Society gives a direction to that effect, the solicitor concerned may continue to act in relation to any matter specified in the direction as if his practising certificate had not been



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suspended by virtue of subsection (1A), but subject to such conditions (if any) as the Society sees fit to impose.]

- (2) For the purposes of this Act, a practising certificate shall be deemed not to be in force at any time while it is suspended.

#### Textual Amendments

**F48** S. 15(1A)–(1C) inserted by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 91(2)

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

**C9** S. 15(1)(1A)(1B)(1C) extended (22.5.2000) by S.I. 2000/1119, regs. 1, 37(3), Sch. 4 para. 7(1) (as amended (1.7.2009) by The Legal Services Act 2007 (Registered European Lawyers) Order 2009 (S.I. 2009/1587), art. 3(7)(a))

## 16 Duration of suspension of practising certificates. **E+W**

- (1) Subject to the provisions of this section, the suspension of a practising certificate shall continue until the certificate expires.

[<sup>F49</sup>(1) Where, on the replacement date for a practising certificate, the certificate is suspended it shall expire on that date.]

- (2) The suspension of a practising certificate by virtue of section 15(1) by reason of an adjudication in bankruptcy shall terminate if the adjudication is annulled and an office copy of the order annulling the adjudication is served on the Society.

- (3) Where a solicitor's practising certificate is suspended—

- (a) by an order under section 13(4); or
- (b) by virtue of section 15(1) by reason of his adjudication in bankruptcy; or
- (c) by virtue of section 15(1) by reason of his suspension from practice and the period of his suspension from practice expires before the [<sup>F50</sup>replacement date]of the certificate,

[<sup>F51</sup>(d) by virtue of section 15(1A)]

the solicitor may at any time before the certificate expires (and, in the case of adjudication in bankruptcy, while the adjudication remains unannulled) apply to the Society to terminate the suspension.

- (4) On an application under subsection (3), the Society may in its discretion—

- (a) by order terminate the suspension either unconditionally or subject to such conditions as the Society may think fit; or
- (b) refuse the application.

- (5) If on an application by a solicitor under subsection (3) the Society refuses the application or terminates the suspension subject to conditions, the solicitor may appeal against the decision of the Society to the Master of the Rolls, who may—

- (a) affirm the decision; or
- (b) terminate the suspension either unconditionally or subject to such conditions as he may think fit.

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#### Textual Amendments

- F49** S. 16(1) substituted (1.7.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 37), s. 125(3), **Sch. 18 para. 10(2)**; S.I. 1991/1364, art. 2, **Sch.**
- F50** Words in S. 16(3)(c) substituted (1.7.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 37), s. 125(3), **Sch. 18 para. 10(3)**; S.I. 1991/1364, art. 2, **Sch.**
- F51** S. 16(3)(d) inserted by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), **s. 91(3)**

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

- C10** S. 16 extended (22.5.2000) by S.I. 2000/1119, regs. 1, 37(3), **Sch. 4 para. 7(1)**

### 17 Publicity in relation to suspension of practising certificates. **E+W**

- (1) Where a solicitor's practising certificate is suspended by an order under section 13(4), or by virtue of section 15(1) by reason of his adjudication in bankruptcy, the Society shall forthwith cause notice of that suspension to be published <sup>F52</sup> . . . and a note of it to be entered against the name of the solicitor on the roll.
- (2) Where any such suspension of a practising certificate as is mentioned in subsection (1) is terminated under section 16(2), (4) or (5), the Society shall forthwith cause a note of that termination to be entered against the name of the solicitor on the roll and, if so requested in writing by the solicitor, a notice of it to be published <sup>F53</sup> . . . .

#### Textual Amendments

- F52** Words in s. 17(1) repealed (7.3.2008) by Legal Services Act 2007 (c. 29), ss. 177, 210, 211, Sch. 16 para. 21, **Sch. 23** (with ss. 29, 192, 193); S.I. 2008/222, **art. 2(j)(i)(n)(i)**
- F53** Words in s. 17(2) repealed (7.3.2008) by Legal Services Act 2007 (c. 29), ss. 177, 210, 211, Sch. 16 para. 21, **Sch. 23** (with ss. 29, 192, 193); S.I. 2008/222, **art. 2(j)(i)(n)(i)**

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

- C11** S. 17 extended (22.5.2000) by S.I. 2000/1119, regs. 1, 37(3), **Sch. 4 para. 7(1)**

VALID FROM 01/07/2009

### <sup>F54</sup> 17A Suspension of sole solicitor endorsement **E+W**

- (1) The making by the Tribunal or by the court of an order suspending a solicitor from practice as a sole solicitor shall operate to suspend any sole solicitor endorsement of that solicitor for the time being in force.
- (2) For the purposes of this Act, a sole solicitor endorsement shall be deemed not to be in force at any time while it is suspended.
- (3) Subsection (2) is subject to section 13ZA(2).

*Status: Point in time view as at 07/03/2008. This version of this part contains provisions that are not valid for this point in time.*

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

#### Textual Amendments

**F54** Ss. 17A, 17B inserted (1.7.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 22** (with ss. 29, 192, 193); S.I. 2009/1365, **art. 2(a)(i)**

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

**C12** S. 17A extended (with modifications) (1.7.2009) by S.I. 2000/1119, Sch. 4 para. 7(1)Table (as substituted by The Legal Services Act 2007 (Registered European Lawyers) Order 2009 (S.I. 2009/1587), **art. 3(7)(a)**)

VALID FROM 01/07/2009

### **17B Duration and publicity of suspension of sole solicitor endorsement** **E+W**

- (1) Where a sole solicitor endorsement is suspended, it expires on such date as may be prescribed by regulations under section 28.
- (2) Where a solicitor's sole solicitor endorsement is suspended—
  - (a) by an order under section 13(4), or
  - (b) by virtue of section 17A(1) in circumstances where the period of that suspension expires before the date on which his endorsement will expire, the solicitor may at any time before the endorsement expires apply to the Society to terminate the suspension.
- (3) Section 16(4) to (7) apply in relation to an application under subsection (2) as they apply in relation to an application under section 16(3).
- (4) Where a solicitor's sole solicitor endorsement is suspended by an order under section 13(4) or by virtue of section 17A(1), the Society shall forthwith cause notice of that suspension to be published and a note of it to be entered against the name of the solicitor on the roll.
- (5) Where any suspension is terminated by virtue of section 16(4) or (5), as applied by subsection (3) of this section, the Society shall forthwith cause a note of that termination to be entered against the name of the solicitor on the roll and, if so requested in writing by the solicitor, a notice of it to be published.]

#### Textual Amendments

**F54** Ss. 17A, 17B inserted (1.7.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 22** (with ss. 29, 192, 193); S.I. 2009/1365, **art. 2(a)(i)**

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

**C13** S. 17B extended (with modifications) (1.7.2009) by S.I. 2000/1119, Sch. 4 para. 7(1)Table (as substituted by The Legal Services Act 2007 (Registered European Lawyers) Order 2009 (S.I. 2009/1587), **art. 3(7)(a)**)

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## 18 Evidence as to holding of practising certificates. **E+W**

- (1) Any list purporting to be published by authority of the Society and to contain the names of solicitors who have obtained practising certificates for the current year before 2nd January in that year shall, until the contrary is proved, be evidence that the persons so named as solicitors holding practising certificates for the current year are solicitors holding such certificates.
- (2) The absence from any such list of the name of any person shall, until the contrary is proved, be evidence that that person is not qualified to practise as a solicitor under a certificate for the current year, but in the case of any such person an extract from the roll certified as correct by the Society shall be evidence of the facts appearing in the extract.

### *Rights and privileges of solicitors*

## 19 Rights of practising and rights of audience. **E+W**

- (1) Subject to subsection (2), every person qualified in accordance with section 1 may practise as a solicitor—
  - (a) in the Supreme Court;
  - (b) in any county court;
  - (c) in all courts and before all persons having jurisdiction in ecclesiastical matters; and
  - (d) in all matters relating to applications to obtain notarial faculties,
 and shall be entitled to all the rights and privileges, and may exercise and perform all the powers and duties, formerly appertaining to the office or profession of a proctor in the provincial, diocesan or other jurisdictions in England and Wales.
- (2) Nothing in subsection (1) shall affect the provisions of section [F55]94 of the Supreme Court Act 1981], [F56]section 13 or 60 of the County Courts Act 1984]or any other enactment in force at the commencement of this Act which restricts the right of any solicitor to practise as such in any court.
- (3) Nothing in subsection (1) or (2) shall prejudice or affect any right of practising or being heard in, before or by any court, tribunal or other body which immediately before the commencement of this Act was enjoyed by virtue of any enactment, rule, order or regulation or by custom or otherwise by persons qualified to act as solicitors.

### Textual Amendments

**F55** Words substituted by [Supreme Court Act 1981 \(c. 54, SIF 37\)](#), s. 152(1), [Sch. 5](#)

**F56** Words substituted by [County Courts Act 1984 \(c. 28, SIF 34\)](#), s. 148(1), [Sch. 2 para. 49](#)

### *Unqualified persons acting as solicitors*

## 20 Unqualified person not to act as solicitor. **E+W**

- (1) No unqualified person shall—

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

- (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; . . . <sup>F57</sup>
  - (c) . . . . . <sup>F57</sup>

**Textual Amendments**  
**F57** S. 20(2)(c) and the word “and” immediately preceding it repealed by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\), s. 125\(7\), Sch. 20](#)

**Modifications etc. (not altering text)**  
**C14** S. 20 modified (22.5.2000) by [S.I. 2000/1119, regs. 1, 37\(1\), Sch. 3 Pt. 2](#)  
**C15** S. 20 amended by [S.I. 1978/1910, art. 18\(1\), Sch. Pt. II](#)  
**C16** S. 20 excluded (1.1.1992) by [Administration of Justice Act 1985 \(c. 61, SIF 34\), s. 9\(3\)](#); [S.I. 1991/2683, art. 2](#) and excluded by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\), ss. 11\(3\), 27\(10\), 28\(6\), 59\(1\)](#)

**21 Unqualified person not to pretend to be a solicitor. E+W**

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 to act as a solicitor shall be guilty of an offence and liable on summary conviction to <sup>[F58]</sup>a fine not exceeding the fourth level on the standard scale]

**Textual Amendments**  
**F58** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\), ss. 38, 46](#) and [Administration of Justice Act 1985 \(c. 61, SIF 34\), ss. 8, 69\(5\), Sch. 1 para. 6, Sch. 9 para. 17](#)

**Modifications etc. (not altering text)**  
**C17** S. 21 amended by [Copyright, Designs and Patents Act 1988 \(c. 48, SIF 67A\), s. 278\(2\)\(3\)](#)

**22 Unqualified person not to prepare certain instruments. E+W**

- (1) Subject to <sup>[F59]</sup>subsections (2) and (2A)], any unqualified person who directly or indirectly—
- (a) draws or prepares any instrument of transfer or charge for the purposes of the <sup>[F60]</sup>Land Registration Act 2002], or makes any application or lodges any document for registration under that Act at the registry, or

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- (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 [<sup>F61</sup>level 3 on the standard scale].

(2) Subsection (1) does not apply to—

- (a) a barrister or duly certificated notary public;
- [<sup>F62</sup>(aa) a registered trade mark agent drawing or preparing any instrument relating to any design, [<sup>F63</sup>or trade mark];
- (ab) a registered patent agent drawing or preparing any instrument relating to any invention, design technical information, [<sup>F63</sup>or trade mark].]
- [<sup>F64</sup>(ac) any accredited person drawing or preparing any instrument—
- (i) which creates, or which he believes on reasonable grounds will create, a farm business tenancy (within the meaning of the Agricultural Tenancies Act 1995), or
- (ii) which relates to an existing tenancy which is, or which he believes on reasonable grounds to be, such a tenancy;]
- (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.

[<sup>F65</sup>(2A) Subsection (1) also does not apply to any act done by a person at the direction and under the supervision of another person if—

- (a) that other person was at the time his employer, a partner of his employer or a fellow employee; and
- (b) the act could have been done by that other person for or in expectation of any fee, gain or reward without committing an offence under this section.]

(3) For the purposes of subsection (1)(b), “instrument” [<sup>F66</sup>includes a contract for the sale or other disposition of land (except a contract to grant such a lease as is referred to in section 54(2) of the <sup>M3</sup>Law of Property Act 1925 (short leases)), but] does not include—

- (a) a will or other testamentary instrument;
- (b) an agreement not [<sup>F67</sup>intended to be executed as a deed][<sup>F68</sup>other than a contract that is included by virtue of the preceding provisions of this subsection;]
- (c) a letter or power of attorney; or
- (d) a transfer of stock containing no trust or limitation thereof.

[<sup>F69</sup>(3A) In subsection (2)—

[<sup>F70</sup>“accredited person” means any person who is—

- (a) a Full Member of the Central Association of Agricultural Valuers,
- (b) an Associate or Fellow of the Incorporated Society of Valuers and Auctioneers, or
- (c) an Associate or Fellow of the Royal Institution of Chartered Surveyors;]

“registered trade mark agent” has the same meaning as in [<sup>F71</sup>the Trade Marks Act 1994]; and

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“registered patent agent” has the same meaning as in section 275(1) [<sup>F72</sup>of the Copyright, Designs and Patents Act 1988].]

[<sup>F73</sup>(4) A local weights and measures authority may institute proceedings for an offence under this section.]

#### Textual Amendments

- F59** Words substituted by Administration of Justice Act 1985 (c. 61, SIF 34), s. 6(1)(2)
- F60** Words in s. 22(1) substituted (13.10.2003) by Land Registration Act 2002 (c. 9), ss. 133, 136(2), Sch. 11 para. 12(2) (with s. 129); S.I. 2003/1725, art. 2(1)
- F61** Words substituted by virtue of Criminal Justice Act 1982 (c. 48, SIF 39:1), ss. 38, 46
- F62** S. 22(2)(aa)(ab) inserted by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), ss. 59(1), 68(2)
- F63** In s. 22(2)(aa)(ab) words substituted (31.10.1994) by 1994 c. 26, s. 106(1), Sch. 4 para. 5(2); S.I. 1994/2550, arts. 2, 3
- F64** S. 22(2)(ac) inserted (1.9.1995) by 1995 c. 8, s. 35(2) (with s. 37)
- F65** S. 22(2A) inserted by Administration of Justice Act 1985 (c. 61, SIF 34), ss. 6(3), 69(5), Sch. 9 para. 5(a)
- F66** Words inserted by Administration of Justice Act 1985 (c. 61, SIF 34), ss. 6(4), 69(5), Sch. 9 para. 5(b)
- F67** Words substituted by Law of Property (Miscellaneous Provisions) Act 1989 (c. 34, SIF 98:1), s. 1, Sch. 1 para. 8
- F68** Words inserted by Administration of Justice Act 1985 (c. 61, SIF 34), ss. 6(4), 69(5), Sch. 9 para. 5(b)
- F69** S. 22(3A) inserted by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), ss. 59(1), 68(3)
- F70** In s. 22(3A) definition inserted (1.9.1995) by 1995 c. 8, s. 35(3) (with s. 37)
- F71** In s. 22(3A) words in definition substituted (31.10.1994) by 1994 c. 26, s. 106(1), Sch. 4 para. 5(3) (a); S.I. 1994/2550, arts. 2, 3
- F72** In s. 22(3A) words in definition substituted (31.10.1994) by 1994 c. 26, s. 106(1), Sch. 4 para. 5(3) (b); S.I. 1994/2550, arts. 2, 3
- F73** S. 22(4) inserted by Administration of Justice Act 1985 (c. 61, SIF 34), s. 6(5)

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

- C18** S. 22 amended by S.I. 1978/1910, art. 18(1), Sch. Pt. II
- C19** S. 22 excluded (prosp.) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), ss. 36(1)(5), 59(1), 124(3) and excluded (prosp.) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), ss. 27(10), 28(6), 59(1)
- C20** S. 22 modified (22.5.2000) by S.I. 2000/1119, regs. 1, 37(1), Sch. 3 Pt. 2
- C21** S. 22(1) excluded (1.1.1992) by Administration of Justice Act 1985 (c. 61, SIF 34), ss. 9(3)(4); S.I. 1991/2683, art. 2 and excluded by Administration of Justice Act 1985 (c. 61, SIF 34), ss. 11(4), 32(4) (5)
- C22** S. 22(1) restricted (prosp.) by Building Societies Act 1986 (c. 53, SIF 16), ss. 54(3)(a)(5), 124, 126(4), Sch. 21 paras. 7(1)(2), 13 (which amendment was repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), {Sch. 1 Pt. 17 Group 2}

#### Marginal Citations

- M3** 1925 c.20. (98:1).

#### [<sup>F74</sup>22A Powers of entry etc. of local weights and measures authorities. **E+W**

- (1) Any authorised officer who has reasonable cause to suspect that an offence may have been committed under section 22 may, at any reasonable time—
- (a) enter any premises which are not used solely as a dwelling;

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- (b) require any officer, agent or other competent person on the premises who is, or may be, in possession of information relevant to an investigation under section 22, to provide such information;
  - (c) require the production of any document which may be relevant to such an investigation;
  - (d) take copies, or extracts, of any such documents;
  - (e) seize and retain any document which he has reason to believe may be required as evidence in proceedings for an offence under section 22.
- (2) Any person exercising any power given by subsection (1) shall, if asked to do so, produce evidence that he is an authorised officer.
- (3) A justice of the peace may issue a warrant under this section if satisfied, on information on oath given by an authorised officer, that there is reasonable cause to believe that an offence may have been committed under section 22 and that—
  - (a) entry to the premises concerned, or production of any documents which may be relevant to an investigation under section 22, has been or is likely to be refused to an authorised officer; or
  - (b) there is reasonable cause to believe that, if production of any such document were to be required by the authorised officer without a warrant having been issued under this section, the document would not be produced but would be removed from the premises or hidden, tampered with or destroyed.
- (4) A warrant issued under this section shall authorise the authorised officer accompanied, where he considers it appropriate, by a constable or any other person—
  - (a) to enter the premises specified in the information, using such force as is reasonably necessary; and
  - (b) to exercise any of the powers given to the authorised officer by subsection (1).
- (5) If a person—
  - (a) intentionally obstructs an authorised officer in the exercise of any power under this section;
  - (b) intentionally fails to comply with any requirement properly imposed on him by an authorised officer in the exercise of any such power;
  - (c) fails, without reasonable excuse, to give to an authorised officer any assistance or information which he may reasonably require of him for the purpose of exercising any such power; or
  - (d) in giving to an authorised officer any information which he has been required to give to an authorised officer exercising any such power, makes any statement which he knows to be false or misleading in a material particular,he shall be guilty of an offence.
- (6) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (7) Nothing in this section shall be taken to require any person to answer any question put to him by an authorised officer, or to give any information to an authorised officer, if to do so might incriminate him.
- (8) In this section—
  - “authorised officer” means any officer of a local weights and measures authority who is authorised by the authority to exercise the powers given by subsection (1); and



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“document” includes information recorded in any form.

- (9) In relation to information recorded otherwise than in legible form, references in this section to its production include references to producing a copy of the information in legible form.]

#### Textual Amendments

**F74** S. 22A inserted by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 96

#### [<sup>F75</sup>23 Unqualified person not to prepare papers for probate etc. **E+W**

- (1) Subject to subsections (2) and (3), any unqualified person who, directly or indirectly, draws or prepares any papers on which to found or oppose—

- (a) a grant of probate, or  
(b) a grant of letters of administration,

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 the first level on the standard scale.

- (2) Subsection (1) does not apply to a barrister or duly certificated notary public.

[ In subsection (2)(i) “jointly controlled body” and “subsidiary” have the meanings <sup>F76</sup>(2B) given by section 13 of the Friendly Societies Act 1992.]

- (3) Subsection (1) also does not apply to any Act done by a person at the direction and under the supervision of another person if—

- (a) that other person was at the time his employer, a partner of his employer or a fellow employee; and  
(b) the Act could have been done by that other person for or in expectation of any fee, gain or reward without committing an offence under this section.]

#### Textual Amendments

**F75** S. 23 substituted by Administration of Justice Act 1985 (c. 61, SIF 34), s. 7

**F76** S. 23(2B) inserted (1.2.1993) by Friendly Societies Act 1992 (c. 40), ss. 120(1), Sch. 21 Pt. I para. 5(1)(3) (with ss. 7(5), 93(4)); S.I. 1993/16, art. 2, Sch. 3.

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

**C23** S. 23 restricted by Administration of Justice Act 1985 (c. 61, SIF 34), s. 69(5), Sch. 9 para. 6

**C24** S. 23 modified (22.5.2000) by S.I. 2000/1119, regs. 1, 37(1), Sch. 3 Pt. 2

**C25** S. 23 amended (17.5.2004) by S.I. 1978/1910, art. 18(1), Sch. Pt. 2 (as amended by The European Communities (Services of Lawyers) (Amendment) Order 2004 (S.I. 2004/1117), art. 5(2)(d))

**C26** S. 23(1) excluded (1.1.1992) by Administration of Justice Act 1985 (c. 61, SIF 34), s. 9(3)(4); S.I. 1991/2683, art. 2

S. 23(1) excluded (7.12.2004) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), ss. 55(1), 59(1), 124(3); S.I. 2004/2950, art. 2

**C27** S. 23(2) amended (1.1.1993) by S.I. 1992/3218, reg. 82(1), Sch. 10 Pt. I para. 8(1)

S. 23(2) amended (1.7.1994) by S.I. 1994/1696, reg. 68, Sch. 8 para. 4

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## 24 Application of penal provisions to body corporate. **E+W**

- (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 [<sup>F77</sup>a fine not exceeding the fourth level on the standard scale, 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 [<sup>F78</sup>a fine not exceeding the fourth level on the standard scale.]
- (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.

### Textual Amendments

- F77** S. 24(1)(a): words substituted by virtue of Criminal Justice Act 1982 (c. 48, SIF 39:1), **ss. 38, 46** and Administration of Justice Act 1985 (c. 61, SIF 34), ss. 8, 69(5), **Sch. 1 para. 7(a)**, Sch. 9 para. 17
- F78** S. 24(1)(b): words substituted by virtue of Criminal Justice Act 1982 (c. 48, SIF 39:1), **ss. 38, 46** and Administration of Justice Act 1985 (c. 61, SIF 34), ss. 8, 69(5), **Sch. 1 para. 7(b)**, Sch. 9 para. 17

### Modifications etc. (not altering text)

- C28** S. 24(1) excluded (1.1.1992) by Administration of Justice Act 1985 (c. 61, SIF 34), **s. 9(3)**; S.I. 1991/2683, **art. 2**
- C29** S. 24(2) excluded by (1.1.1992) by Administration of Justice Act 1985 (c. 61, SIF 34), **s. 9(3)**; S.I. 1991/2683, **art. 2**
- C30** S. 24(2) excluded by Administration of Justice Act 1985 (c. 61, SIF 34), **s. 32(4)**

## 25 Costs where unqualified person acts as solicitor. **E+W**

- (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.

### Modifications etc. (not altering text)

- C31** S. 25 excluded by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), **ss. 27(10), 28(6), 59(1)**
- C32** S. 25(1) modified (22.5.2000) by S.I. 2000/1119, reg. 37(2), Sch. 3 Pt. 3 (which amendment was omitted (1.1.2010) by virtue of The Legal Services Act 2007 (Registered European Lawyers) Order 2009 (S.I. 2009/1587), **art. 2(6)(b)**)
- C33** S. 25(1) excluded by S.I. 1978/1910, art. 18(2), **Sch. Pt. III** (as amended by The European Communities (Services of Lawyers) (Amendment) Order 2004 (S.I. 2004/1117), {art. 5(3)})

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## 26 Time limit for commencement of certain proceedings. **E+W**

Notwithstanding anything in the [<sup>F79M4</sup>Magistrates' Courts Act 1980], 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.

### Textual Amendments

**F79** Words substituted by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), s. 154, [Sch. 7 para. 132](#)

### Marginal Citations

**M4** [1980 c. 43](#).

## 27 Saving for persons authorised to conduct legal proceedings. **E+W**

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

### *Supplementary*

## 28 Regulations. **E+W**

- (1) The Master of the Rolls may make regulations, with the concurrence of the [<sup>F80</sup>Secretary of State] and the Lord Chief Justice, about the following matters, namely—
  - (a) admission as a solicitor;
  - (b) the keeping of the roll;
  - (c) practising certificates and applications for them;
  - (d) the keeping of the register under section 9.
- (2) The power conferred by subsection (1) includes power to specify—
  - (a) one or more conditions (in this Act referred to as “training conditions”) to be imposed on the issue of practising certificates to solicitors to whom training regulations apply; and
  - (b) one or more conditions (in this Act referred to as “indemnity conditions”) to be imposed on the issue of practising certificates to solicitors who are exempt from indemnity rules.
- (3) Regulations about the keeping of the roll and of the register under section 9 may provide for the manner in which entries are to be made, altered and removed.

[<sup>F81</sup>(3A) Regulations about the keeping of the roll may—

- (a) provide for the Society, at such intervals as may be specified in the regulations, to enquire of solicitors of any class so specified whether they wish to have their names retained on the roll;
- (b) require solicitors of any such class, at such intervals as aforesaid, to pay to the Society a fee in respect of the retention of their names on the roll of such amount as may be prescribed by the regulations; and
- (c) authorise the Society to remove from the roll the name of any solicitor who—
  - (i) fails to reply to any enquiry made in pursuance of paragraph (a) or to pay any fee payable by virtue of paragraph (b), or

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- (ii) replies to any such enquiry by indicating that he does not wish to have his name retained on the roll;
- (d) authorise the Society to remove from the roll the name of any solicitor who has died.]
- (4) [<sup>F82</sup>Regulations about the keeping of the roll may also] provide for rights of appeal to the Master of the Rolls in connection with the making and alteration of entries on the roll and the removal of entries from it.
- (5) The Master of the Rolls may make regulations about the procedure for any appeals to him authorised by this Part or regulations under this section.

#### Textual Amendments

**F80** Words in s. 28 substituted (19.8.2003) by [The Secretary of State for Constitutional Affairs Order 2003 \(S.I. 2003/1887\)](#), art. 9, **Sch. 2 para. 3**

**F81** S. 28(3A) inserted by [Administration of Justice Act 1985 \(c. 61, SIF 34\)](#), s. 8, **Sch. 1 para. 8(2)**

**F82** Words substituted by [Administration of Justice Act 1985 \(c. 61, SIF 34\)](#), s. 8, **Sch. 1 para. 8(3)**

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

**C34** S. 28(5) extended (22.5.2000) by [S.I. 2000/1119](#). regs. 1, 37(3), Sch. 4 para. 1(2)

### 29 Non-British subjects as solicitors. 12 & 13 Will. 3. c. 2. **E+W+N.I.**

Nothing in section 3 of the Act of Settlement (which provides among other things that aliens are incapable of enjoying certain offices or places of trust) shall be taken to disqualify a person from becoming or practising as a solicitor of the Supreme Court or of the Supreme Court of Northern Ireland.

### 30 Evidence as to solicitors in Scotland. **E+W**

For the purposes of this Part, a letter purporting to be signed by or on behalf of the registrar of solicitors in Scotland—

- (a) stating that a person specified in the letter is or is not a solicitor in Scotland shall be evidence that that person is or, as the case may be, is not a solicitor in Scotland;
- (b) stating that a person specified in the letter did not at any time during a period so specified have in force a practising certificate as a solicitor in Scotland shall be evidence that that person was not during any part of that period a duly certificated solicitor in Scotland.

**Status:**

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**Changes to legislation:**

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