



Solicitors Act 1974

1974 CHAPTER 47

PART I

RIGHT TO PRACTISE AS SOLICITOR

Qualifications and training

1 Qualifications for practising as solicitor.

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”).

[^{F1}1A Practising certificates: employed solicitors.

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; ^{F2} . . .
- (c) by a body recognised ^{F3} . . . under section 9 of the Administration of Justice Act 1985 (incorporated practices).] ^{F4} or
- (d) by any other person who, for the purposes of the Legal Services Act 2007, is an authorised person in relation to an activity which is a reserved legal activity (within the meaning of that Act).]

Status: Point in time view as at 31/01/2013.

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

- F1** S. 1A inserted by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 85
- F2** Word in s. 1A(b) repealed (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 177, 210, 211, Sch. 16 para. 2(a), Sch. 23 (with ss. 29, 192, 193); S.I. 2009/3250, art. 2(i)(ii)(aa) (with art. 9)
- F3** Word in s. 1A(c) repealed (7.3.2008) by Legal Services Act 2007 (c. 29), ss. 177, 210, 211, Sch. 16 para. 2(b), Sch. 23 (with ss. 29, 192, 193); S.I. 2008/222, art. 2(j)(i)
- F4** S. 1A(d) and preceding word inserted (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 177, 211, Sch. 16 para. 2(c) (with ss. 29, 192, 193); S.I. 2009/3250, art. 2(f)(ii) (with art. 9)

Modifications etc. (not altering text)

- C1** S. 1A(d) modified (temp.) (prosp.) by Legal Services Act 2007 (c. 29), ss. 209, 211, Sch. 22 para. 12 (with ss. 29, 192, 193)

[^{F5}1B Restriction on practice as sole solicitor

- (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

- F5** 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)

- C2** 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.

- (1) The Society ^{F6} . . . 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.
- ^{F7}(2)
- (3) Training regulations—
- (a) may prescribe—
 - (i) the education and training ^{F8} . . . to be undergone by persons seeking admission as solicitors;

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- (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
 - (v) the circumstances in which ^{F9}. . . education or training under the regulations may be [^{F10}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.
- (4) ^{F11}
- (5) ^{F12}

Textual Amendments

- F6** Words in s. 2(1) repealed (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 177, 210, 211, Sch. 16 para. 4(a), **Sch. 23** (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(f)(ii)(i)**
- F7** 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.**
- F8** 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)**
- F9** 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)**
- F10** 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)**
- F11** S. 2(4) repealed (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 177, 210, 211, Sch. 16 para. 4(c), **Sch. 23** (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(f)(ii)(i)**
- F12** S. 2(5) repealed (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 177, 210, 211, Sch. 16 para. 4(c), **Sch. 23** (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(f)(ii)(i)**

Modifications etc. (not altering text)

- C3** 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.

- (1) Subject to section 4 and to section 20(3) of the Justices of the ^{M1}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

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(b) is satisfied as to his character and his suitability to be a solicitor.

(2) Any person who has obtained a certificate that the Society is satisfied as mentioned in subsection (1) may apply to the [F13Society] to be admitted as a solicitor; and if any such person so applies, the [F13Society] , F14 . . . , shall, unless cause to the contrary is shown to [F15:its] satisfaction, in writing, and in such manner and form as the [F13Society] may from time to time think fit, admit that person to be a solicitor.

F16(3)

Textual Amendments

F13 Words in s. 3(2) substituted (1.7.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 5(a)** (with ss. 29, 192, 193); S.I. 2009/1365, **art. 2(a)(i)**

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

F15 Word in s. 3(2) substituted (1.7.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 5(b)** (with ss. 29, 192, 193); S.I. 2009/1365, **art. 2(a)(i)**

F16 S. 3(3) repealed by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 125(7), **Sch. 20**

Marginal Citations

M1 1949 c. 101.

F174

Textual Amendments

F17 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**

F185

Textual Amendments

F18 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.

(1) The Society shall continue to keep a list of all solicitors of the [F19Senior Courts], called “the roll”.

(2) F20

(3) F21

(4) F22

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Textual Amendments

- F19** Words in s. 6(1) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 59, 148, [Sch. 11 para. 21\(2\)](#); S.I. 2009/1604, [art. 2\(b\)\(d\)](#)
- F20** S. 6(2) repealed (1.7.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 177, 210, 211, [Sch. 16 para. 6](#), [Sch. 23](#) (with ss. 29, 192, 193); S.I. 2009/1365, [art. 2\(a\)\(i\)\(c\)\(i\)](#)
- F21** S. 6(3) repealed (1.7.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 177, 210, 211, [Sch. 16 para. 6](#), [Sch. 23](#) (with ss. 29, 192, 193); S.I. 2009/1365, [art. 2\(a\)\(i\)\(c\)\(i\)](#)
- F22** S. 6(4) repealed (1.7.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 177, 210, 211, [Sch. 16 para. 6](#), [Sch. 23](#) (with ss. 29, 192, 193); S.I. 2009/1365, [art. 2\(a\)\(i\)\(c\)\(i\)](#)

7 Entry of name and restoration of name struck off.

On production—

- [^{F23}(a) of written evidence of admission of any person as a solicitor by the Society,]
(b) of an order for the restoration to the roll of the name of a person whose name has been struck off it, [^{F24}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 ^{F25}. . . as the [^{F26}Society] may from time to time determine, the Society shall enter the name of that person on the roll.

Textual Amendments

- F23** S. 7(a) substituted (1.7.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 177, 211, [Sch. 16 para. 7\(a\)](#) (with ss. 29, 192, 193); S.I. 2009/1365, [art. 2\(a\)\(i\)](#)
- F24** S. 7(c) added by [Courts and Legal Services Act 1990 \(c. 41, SIF 37\)](#), s. 125(3), [Sch. 18 para. 7](#)
- F25** Words repealed by [Administration of Justice Act 1985 \(c. 61, SIF 34\)](#), ss. 8, 67(2), [Sch. 1 para. 2](#), [Sch. 8 Pt. III](#)
- F26** 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.

- (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 ^{F27}. . . as the [^{F28}Society] may from time to time determine.
- [^{F29}(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 ^{M2}Solicitors (Amendment) Act 1974.
- [^{F30}(4) An appeal from any decision of the Society under subsection (2) shall lie to the [^{F31}High Court].

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[In relation to an appeal under subsection (4) the High Court may make such order as^{F32}(4A) it thinks fit as to payment of costs.

(4B) The decision of the High Court on an appeal under subsection (4) shall be final.]

(5)^{F33}

Textual Amendments

- F27** Words repealed by [Administration of Justice Act 1985 \(c. 61, SIF 34\)](#), ss. 8, 67(2), Sch. 1 para. 3, **Sch. 8 Pt. III**
- F28** 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)**
- F29** S. 8(2A) inserted by [Courts and Legal Services Act 1990 \(c. 41, SIF 37\)](#), s. 125(3), **Sch. 18 para. 8**
- F30** S. 8(4)(5) added by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\)](#), **s. 95**
- F31** Words in s. 8(4) substituted (1.7.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 177, 211, **Sch. 16 para. 8(3)** (with ss. 29, 192, 193); S.I. 2009/1365, **art. 2(a)(iii)** (with art. 4)
- F32** S. 8(4A)(4B) inserted (1.7.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 177, 211, **Sch. 16 para. 8(4)** (with ss. 29, 192, 193); S.I. 2009/1365, **art. 2(a)(iii)** (with art. 4)
- F33** S. 8(5) repealed (1.7.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 177, 210, 211, Sch. 16 para. 8(5), **Sch. 23** (with ss. 29, 192, 193); S.I. 2009/1365, **art. 2(a)(iii)** (with art. 4)

Marginal Citations

- M2** 1974 c. 26.

Practising certificates

[^{F349} **Applications for practising certificates.**

- (1) A person whose name is on the roll may apply to the Society to be issued with a practising certificate.
- (2) An application under this section may include an application for a sole solicitor endorsement.
- (3) An application under this section must be—
 - (a) made in accordance with regulations under section 28, and
 - (b) accompanied by the appropriate fee.
- (4) “The appropriate fee”, in relation to an application, means—
 - (a) any fee payable under subsection (1) of section 11 in respect of the practising certificate applied for, and
 - (b) any additional fee payable under subsection (4) of that section in respect of the application.]

Textual Amendments

- F34** S. 9 substituted (1.7.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 177, 211, **Sch. 16 para. 9** (with ss. 29, 192, 193); S.I. 2000/1365, **art. 2(a)(i)**

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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)

Modifications etc. (not altering text)

- C4** S. 9 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)**)

[^{F35}**10 Issue of practising certificates.**

- (1) Subject to the following provisions of this section, where an application is made in accordance with section 9, the Society must issue a practising certificate to the applicant if it is satisfied that the applicant—
 - (a) is not suspended from practice, and
 - (b) is complying with any prescribed requirements imposed on the applicant.
- (2) A practising certificate issued to an applicant of a prescribed description must be issued subject to any conditions prescribed in relation to applicants of that description.
- (3) In such circumstances as may be prescribed, the Society must, if it considers it is in the public interest to do so—
 - (a) refuse to issue a practising certificate under this section, or
 - (b) where it decides to issue a practising certificate, issue it subject to one or more conditions.
- (4) The conditions which may be imposed include—
 - (a) conditions requiring the person to whom the certificate is issued to take specified steps that will, in the opinion of the Society, be conducive to the carrying on by that person of an efficient practice as a solicitor (including, if the certificate has a sole solicitor endorsement, an efficient practice as a sole solicitor);
 - (b) conditions which prohibit that person from taking any specified steps, except with the approval of the Society.
- (5) In this section —

“prescribed” means prescribed by regulations under section 28;
“specified”, in relation to a condition imposed on a practising certificate, means specified in the condition.]

Textual Amendments

- F35** S. 10 substituted (1.7.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 9** (with ss. 29, 192, 193); S.I. 2009/1365, **art. 2(a)(i)**)

Modifications etc. (not altering text)

- C5** S. 10 extended (with modifications) (1.7.2009) by S.I. 2009/1119, 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)**)

[^{F36}**10A Register of holders of practising certificates**

- (1) The Society must keep a register of all solicitors who hold practising certificates.
- (2) The register must contain—

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- (a) the full name of each solicitor who holds a practising certificate,
- (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

F36 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)

C6 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)**)

[^{F37} 11 Fees payable on issue of practising certificates.

- (1) Before a practising certificate is issued, there must be paid to the Society in respect of the certificate 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 respect of different circumstances.
- (3) Subsection (4) applies where a solicitor makes an application for a practising certificate if—
 - (a) the solicitor has failed to deliver an accountant's report required by rules under section 34(1) by such time or in such circumstances as may be prescribed by those rules, and
 - (b) a practising certificate has not been issued by the Society to the solicitor since the Society became aware of the failure.
- (4) Where this subsection applies, the solicitor's application must be accompanied by an additional fee of such amount as the Society from time to time determines.]

Textual Amendments

F37 S. 11 substituted (1.7.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 11** (with ss. 29, 192, 193); S.I. 2009/1365, **art. 2(a)(ii)** (subject to art. 3)

Modifications etc. (not altering text)

- C7** S. 11 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)**)
- C8** S. 11(2)-(4) extended (with modifications) (1.7.2009) by The Registered Foreign Lawyers Order 2009 (S.I. 2009/1589), **art. 3(2)(a)**, Sch.
- C9** S. 11(2)-(4) extended (with modifications) (1.7.2009) by The Registered Foreign Lawyers Order 2009 (S.I. 2009/1589), **art. 3(2)(a)**, Sch.
- C10** S. 11(2)-(4) extended (with modifications) (1.7.2009) by The Registered Foreign Lawyers Order 2009 (S.I. 2009/1589), **art. 3(2)(a)**, Sch.

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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)

12 Discretion of Society with respect to issue of practising certificates in special cases.

F38

Textual Amendments

F38 S. 12 repealed (1.7.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 177, 210, 211, Sch. 16 para. 12, [Sch. 23](#) (with ss. 29, 192, 193); S.I. 2009/1365, [art. 2\(a\)\(i\)\(c\)\(i\)](#)

[^{F39}12A Additional fee payable by certain solicitors on applying for practising certificates.

F40]

Textual Amendments

F39 S. 12A inserted by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\)](#), s. 88
F40 S. 12A repealed (1.7.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 177, 210, 211, Sch. 16 para. 13, [Sch. 23](#) (with ss. 29, 192, 193); S.I. 2009/1365, [art. 2\(a\)\(i\)\(c\)\(i\)](#) (with art. 4)

[^{F41}13 Appeals etc in connection with the issue of practising certificates.

- (1) A person who makes an application under section 9 may appeal to the High Court against—
 - (a) a decision to refuse the application for a practising certificate,
 - (b) if the application included an application for a sole solicitor endorsement, a decision to refuse the application for the endorsement, or
 - (c) a decision to impose a condition on a practising certificate issued in consequence of the application.
- (2) A person who holds a practising certificate subject to a condition within section 10(4) (b) may appeal to the High Court against any decision by the Society to refuse to approve the taking of any step for the purposes of that condition.
- (3) The Society may make rules which provide, as respects any application under section 9 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.
- (4) On an appeal under subsection (1), the High Court may—
 - (a) affirm the decision of the Society,
 - (b) direct the Society to make a sole solicitor endorsement on the applicant's practising certificate and to issue that certificate subject to such conditions (if any) as the High Court may think fit,
 - (c) direct the Society to issue a certificate to the applicant free from conditions or subject to such conditions as the High Court may think fit,
 - (d) direct the Society not to issue a certificate,
 - (e) if a certificate has been issued, by order suspend it,
 - (f) if the certificate has been endorsed with a sole solicitor endorsement, by order suspend the endorsement, or

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- (g) make such other order as the High Court thinks fit.
- (5) On an appeal under subsection (2), the High Court may—
- (a) affirm the decision of the Society,
 - (b) direct the Society to approve the taking of one or more steps for the purposes of a condition within section 10(4)(b), or
 - (c) make such other order as the High Court thinks fit.
- (6) In relation to an appeal under this section the High Court may make such order as it thinks fit as to payment of costs.
- (7) The decision of the High Court on an appeal under subsection (1) or (2) shall be final.]

Textual Amendments

- F41** S. 13 substituted (1.7.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 177, 211, **Sch. 16 para. 14** (with ss. 29, 192, 193); S.I. 2009/1365, **art. 2(a)(iii)** (subject to art. 4)

Modifications etc. (not altering text)

- C11** S. 13 excluded (1.7.2009) by S.I. 2000/1119, Sch. 4 para. 7(1A) (as inserted by [The Legal Services Act 2007 \(Registered European Lawyers\) Order 2009 \(S.I. 2009/1587\)](#), **art. 3(7)(b)**)
- C12** S. 13 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)**)
- C13** S. 13(2) extended (with modifications) (1.7.2009) by [The Registered Foreign Lawyers Order 2009 \(S.I. 2009/1589\)](#), **art. 3(2)(b)**, Sch.
- C14** S. 13(3) extended (with modifications) (1.7.2009) by [The Registered Foreign Lawyers Order 2009 \(S.I. 2009/1589\)](#), **art. 3(2)(b)**, Sch.
- C15** S. 13(5) extended (with modifications) (1.7.2009) by [The Registered Foreign Lawyers Order 2009 \(S.I. 2009/1589\)](#), **art. 3(2)(b)**, Sch.
- C16** S. 13(6) extended (with modifications) (1.7.2009) by [The Registered Foreign Lawyers Order 2009 \(S.I. 2009/1589\)](#), **art. 3(2)(b)**, Sch.
- C17** S. 13(7) extended (with modifications) (1.7.2009) by [The Registered Foreign Lawyers Order 2009 \(S.I. 2009/1589\)](#), **art. 3(2)(b)**, Sch.

[^{F42}13ZA Application to practise as sole practitioner while practising certificate in force

- (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.

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- (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 decision to refuse the application, or
 - 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—
- affirm the decision of the Society,
 - direct the Society to grant a sole solicitor endorsement,
 - direct that the applicant's practising certificate is to have effect subject to such conditions (if any) as the High Court thinks fit, or
 - 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

F42 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)

C18 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\(7\)\(a\)](#))

13ZB Fee payable on making of sole solicitor endorsement

- (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.
- (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.]

Status: Point in time view as at 31/01/2013.

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

F42 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)

C19 [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\(7\)\(a\)](#))

[^{F43}13A Imposition of conditions while practising certificates are in force.

- (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.
- [^{F44}(2) The power conferred by subsection (1) is exercisable in relation to a solicitor at any time during the period for which the solicitor's current certificate is in force if—
- (a) under section 13ZA the Society grants a sole solicitor endorsement, or
 - (b) it appears to the Society that the case is of a prescribed description.
- (3) “Prescribed” means prescribed by regulations under section 28.]
- (6) A solicitor in whose case a direction is given under this section may appeal to the [^{F45}High Court against the decision of the Society.]
- (7) On an appeal under subsection (6), the [^{F46}High Court] 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 [^{F46}High Court] thinks fit; or
- by order revoke the direction; or
- (d) make such other order as [^{F47}it] thinks fit.
- [The decision of the High Court on an appeal under subsection (6) shall be final.]
- ^{F48}(7A)
- [^{F49}(8) Subsections (4) and (5) of section 10 apply for the purposes of subsection (1) of this section as they apply for the purposes of that section.]
- [A solicitor who holds a practising certificate subject to a condition imposed under
- ^{F50}(9) subsection (1) which prohibits that solicitor from taking any steps specified in the condition, except with the approval of the Society, may appeal to the High Court against any decision by the Society to refuse to approve the taking of any step for the purposes of that condition.
- (10) On an appeal under subsection (9), the High Court may—
- (a) affirm the decision of the Society,
 - (b) direct the Society to approve the taking of one or more steps for the purposes of the condition, or
 - (c) make such other order as the High Court thinks fit.
- (11) The decision of the High Court on an appeal under subsection (9) shall be final.

Status: Point in time view as at 31/01/2013.

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

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

Textual Amendments

- F43** S. 13A added by [Administration of Justice Act 1985 \(c. 61, SIF 34\)](#), **s. 5**
- F44** S. 13A(2)(3) substituted (1.7.2009) for s. 13A(2)-(5) by [Legal Services Act 2007 \(c. 29\)](#), ss. 177, 211, **Sch. 16 para. 16(2)** (with ss. 29, 192, 193); S.I. 2009/1365, **art. 2(a)(iii)** (subject to art. 4)
- F45** Words in s. 13A(6) substituted (1.7.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 177, 211, **Sch. 16 para. 16(3)** (with ss. 29, 192, 193); S.I. 2009/1365, **art. 2(a)(iii)** (subject to art. 4)
- F46** Words in s. 13A(7) substituted (1.7.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 177, 211, **Sch. 16 para. 16(4)(a)** (with ss. 29, 192, 193); S.I. 2009/1365, **art. 2(a)(iii)** (subject to art. 4)
- F47** Word in s. 13A(7) substituted (1.7.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 177, 211, **Sch. 16 para. 16(4)(b)** (with ss. 29, 192, 193); S.I. 2009/1365, **art. 2(a)(iii)** (subject to art. 4)
- F48** S. 13A(7A) inserted (1.7.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 177, 211, **Sch. 16 para. 16(5)** (with ss. 29, 192, 193); S.I. 2009/1365, **art. 2(a)(iii)** (subject to art. 4)
- F49** S. 13A(8) substituted (1.7.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 177, 211, **Sch. 16 para. 16(6)** (with ss. 29, 192, 193); S.I. 2009/1365, **art. 2(a)(iii)** (subject to art. 4)
- F50** S. 13A(9)-(12) inserted (1.7.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 177, 211, **Sch. 16 para. 16(7)** (with ss. 29, 192, 193); S.I. 2009/1365, **art. 2(a)(iii)** (subject to art. 4)

Modifications etc. (not altering text)

- C20** S. 13A extended (with modifications) (1.7.2009) by S.I. 2009/1119 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)**
- C21** S. 13A(9) extended (with modifications) (1.7.2009) by [The Registered Foreign Lawyers Order 2009 \(S.I. 2009/1589\)](#), **art. 3(2)(c)**, Sch.
- C22** S. 13A(10) extended (with modifications) (1.7.2009) by [The Registered Foreign Lawyers Order 2009 \(S.I. 2009/1589\)](#), **art. 3(2)(c)**, Sch.
- C23** S. 13A(11) extended (with modifications) (1.7.2009) by [The Registered Foreign Lawyers Order 2009 \(S.I. 2009/1589\)](#), **art. 3(2)(c)**, Sch.
- C24** S. 13A(12) extended (with modifications) (1.7.2009) by [The Registered Foreign Lawyers Order 2009 \(S.I. 2009/1589\)](#), **art. 3(2)(c)**, Sch.

^{F51}13B Suspension of practising certificates where solicitors convicted of fraud or serious crime.

- (1) Where—
- (a) a solicitor has been convicted of—
- (i) an offence involving dishonesty or deception; or
- ^{F52}(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 ^{F53}or sole solicitor endorsement] 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;

Status: Point in time view as at 31/01/2013.

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

- (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.
 - (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 [^{F54}or from practice as a sole solicitor] .
 - (7) A solicitor in whose case a direction is given under subsection (1) or (4) may appeal to the [^{F55}High Court] against the direction within one month of being notified of it.
 - (8) In an appeal under subsection (7), the [^{F56}High Court] may–
 - (a) affirm the suspension;
 - (b) direct that the appellant's certificate [^{F57}or sole solicitor endorsement shall not be suspended, but that the appellant's certificate] shall have effect subject to such conditions as the [^{F56}High Court] thinks fit;
 - (c) by order revoke the direction; or
 - (d) make such other order as [^{F58}:it] thinks fit.]
 - [^{F59}(9) In relation to an appeal under subsection (7) 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 subsection (7) shall be final.]

Textual Amendments

- F51** S. 13B inserted by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 94(3)
- F52** 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))
- F53** Words in s. 13B(1) inserted (1.7.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, Sch. 16 para. 17(a) (with ss. 29, 192, 193); S.I. 2009/1365, {art. 2(a)(iii)} (subject to art. 4)
- F54** Words in s. 13B(6) inserted (1.7.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, Sch. 16 para. 17(b) (with ss. 29, 192, 193); S.I. 2009/1365, {art. 2(a)(iii)} (subject to art. 4)
- F55** Words in s. 13B(7) substituted (1.7.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, Sch. 16 para. 17(c) (with ss. 29, 192, 193); S.I. 2009/1365, {art. 2(a)(iii)} (subject to art. 4)
- F56** Words in s. 13B(8) substituted (1.7.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, Sch. 16 para. 17(d)(i) (with ss. 29, 192, 193); S.I. 2009/1365, {art. 2(a)(iii)} (subject to art. 4)
- F57** Words in s. 13B(8)(b) substituted (1.7.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, Sch. 16 para. 17(d)(ii) (with ss. 29, 192, 193); S.I. 2009/1365, {art. 2(a)(iii)} (subject to art. 4)
- F58** Word in s. 13B(8)(d) substituted (1.7.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, Sch. 16 para. 17(d)(iii) (with ss. 29, 192, 193); S.I. 2009/1365, {art. 2(a)(iii)} (subject to art. 4)
- F59** S. 13B(9)(10) inserted (1.7.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, Sch. 16 para. 17(e) (with ss. 29, 192, 193); S.I. 2009/1365, art. 2(a)(iii) (subject to art. 4)

Modifications etc. (not altering text)

- C25** S. 13B extended (with modifications) (1.7.2009) by The Registered Foreign Lawyers Order 2009 (S.I. 2009/1589), art. 3(2)(d), Sch.

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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)

- C26** 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)**)
- C27** S. 13B(7) excluded (1.7.2009) by S.I. 2000/1119, Sch. 4 para. 7(1A) (as inserted by The Legal Services Act 2007 (Registered European Lawyers) Order 2009 (S.I. 2009/1587), **art. 3(7)(b)**)

14 Commencement, expiry and replacement of practising certificates.

F60

Textual Amendments

- F60** S. 14 repealed (1.7.2009) by Legal Services Act 2007 (c. 29), ss. 177, 210, 211, Sch. 16 para. 18, **Sch. 23** (with ss. 29, 192, 193); S.I. 2009/1365, **art. 2(a)(i)(c)(i)**

15 Suspension of practising certificates.

- (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^[F61] or the making of a debt relief order (under Part 7A of the Insolvency Act 1986) in respect of a solicitor] shall operate immediately, to suspend any practising certificate of that solicitor for the time being in force.

^[F62](1A) Where the power conferred by paragraph 6(1) ^[F63], 6A(1)] or 9(1) of Schedule 1 has been exercised in relation to a solicitor by virtue of paragraph 1(1)(a)(i), ^[F64](aa),](c) (so far as it applies to rules made by virtue of section ^[F65]31 or] 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 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

- F61** Words in s. 15(1) inserted (1.10.2012) by The Tribunals, Courts and Enforcement Act 2007 (Consequential Amendments) Order 2012 (S.I. 2012/2404), art. 1, **Sch. 2 para. 8(2)** (with art. 5)
- F62** S. 15(1A)–(1C) inserted by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), **s. 91(2)**
- F63** Words in s. 15(1A) inserted (1.7.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 19(a)** (with ss. 29, 192, 193); S.I. 2009/1365, **art. 2(a)(i)**
- F64** Words in s. 15(1A) inserted (1.7.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 19(b)** (with ss. 29, 192, 193); S.I. 2009/1365, **art. 2(a)(i)**

Status: Point in time view as at 31/01/2013.

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

F65 Words in s. 15(1A) inserted (1.7.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 177, 211, [Sch. 16 para. 19\(c\)](#) (with ss. 29, 192, 193); S.I. 2009/1365, [art. 2\(a\)\(i\)](#)

Modifications etc. (not altering text)

C28 S. 15 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\(7\)\(a\)](#))

16 Duration of suspension of practising certificates.

[^{F66}(1) Where a practising certificate is suspended, it expires on such date as may be prescribed by regulations under section 28.]

[^{F67}(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.

[^{F68}(2A) The suspension of a practising certificate by virtue of section 15(1) by reason of the making of a debt relief order shall terminate—

- (a) if the debt relief order is revoked on the ground mentioned in section 251L(2) (c) or (d) of the Insolvency Act 1986 and a copy of the notice provided to the debtor under Rule 5A.16 of the Insolvency Rules 1986 is served on the Society or the debt relief order is revoked by the court under section 251M(6) (e) of that Act and a copy of the court order is served on the Society;
- (b) if the debt relief order is revoked and a period of one year has elapsed beginning with the effective date of that order.]

(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 [^{F69}or the making of a debt relief order (under Part 7A of the Insolvency Act 1986) in respect of him]; 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 [^{F70}the date on which his certificate will expire],

[^{F71}(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 [^{F72}High Court, which] may—

- (a) affirm the decision; or

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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)

- (b) terminate the suspension either unconditionally or subject to such conditions as [F73:it] may think fit.

[F74(6) In relation to an appeal under subsection (5) the High Court may make such order as it thinks fit as to payment of costs.

(7) The decision of the High Court on an appeal under subsection (5) shall be final.]

Textual Amendments

- F66** S. 16(1) substituted (1.7.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 177, 211, **Sch. 16 para. 20(2)** (with ss. 29, 192, 193); S.I. 2009/1365, {art. 2(a)(iii)} (subject to art. 4)
- F67** 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.**
- F68** S. 16(2A) inserted (1.10.2012) by [The Tribunals, Courts and Enforcement Act 2007 \(Consequential Amendments\) Order 2012 \(S.I. 2012/2404\)](#), art. 1, **Sch. 2 para. 8(3)(a)** (with art. 5)
- F69** Words in s. 16(3)(b) inserted (1.10.2012) by [The Tribunals, Courts and Enforcement Act 2007 \(Consequential Amendments\) Order 2012 \(S.I. 2012/2404\)](#), art. 1, **Sch. 2 para. 8(3)(b)** (with art. 5)
- F70** Words in s. 16(3)(c) substituted (1.7.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 177, 211, **Sch. 16 para. 20(3)** (with ss. 29, 192, 193); S.I. 2009/1365, **art. 2(a)(iii)** (subject to art. 4)
- F71** S. 16(3)(d) inserted by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\)](#), **s. 91(3)**
- F72** Words in s. 16(5) substituted (1.7.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 177, 211, **Sch. 16 para. 20(4)(a)** (with ss. 29, 192, 193); S.I. 2009/1365, {art. 2(a)(iii)} (subject to art. 4)
- F73** Word in s. 16(5)(b) substituted (1.7.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 177, 211, **Sch. 16 para. 20(4)(b)** (with ss. 29, 192, 193); art. 2(a)(iii) (subject to art. 4)
- F74** S. 16(6)(7) inserted (1.7.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 177, 211, **Sch. 16 para. 20(5)** (with ss. 29, 192, 193); S.I. 2009/1365, {art. 2(a)(iii)} (subject to art. 4)

Modifications etc. (not altering text)

- C29** S. 16 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)**)
- C30** S. 16(3) extended in part (with modifications) (1.7.2009) by [The Registered Foreign Lawyers Order 2009 \(S.I. 2009/1589\)](#), **art. 3(2)(e)**, **Sch.**

17 Publicity in relation to suspension of practising certificates.

- (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 ^{F75}. . . 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 ^{F76}. . . .

Textual Amendments

- F75** 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)**

Status: Point in time view as at 31/01/2013.

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

F76 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)

C31 [S. 17](#) extended (22.5.2000) by S.I. 2000/1119, regs. 1, 37(3), [Sch. 4 para. 7\(1\)](#)

[^{F77} **17A Suspension of sole solicitor endorsement**

- (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).

Textual Amendments

F77 [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)

C32 [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\(7\)\(a\)](#))

17B Duration and publicity of suspension of sole solicitor endorsement

- (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.]

Status: Point in time view as at 31/01/2013.

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

F77 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)

C33 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)**)

[^{F78}**18** **Extracts from the roll or register etc as evidence.**

- (1) An extract from the roll, or an extract from the register kept under section 10A, which is certified as correct by the Society is evidence of the matters mentioned in it.
- (2) A certificate from the Society stating that—
 - (a) a person's name is or was on the roll, or
 - (b) a person is or was registered in the register kept under section 10A,is evidence of the matters stated.]

Textual Amendments

F78 S. 18 substituted (1.7.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 23** (with ss. 29, 192, 193); S.I. 2009/1365, **art. 2(a)(i)**

Modifications etc. (not altering text)

C34 S. 18 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)**)

Rights and privileges of solicitors

19 **Rights of practising and rights of audience.**

^{F79}

Textual Amendments

F79 S. 19 repealed (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 177, 210, 211, Sch. 16 para. 24, **Sch. 23** (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(f)(ii)(i)(ii)(cc)** (with art. 9)

Unqualified persons acting as solicitors

[^{F80}**20** **Unqualified person not to act as solicitor.**

- (1) No unqualified person is to act as a solicitor.

Status: Point in time view as at 31/01/2013.

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

- (2) Any person who contravenes subsection (1) is guilty of an offence and liable on conviction on indictment to imprisonment for not more than 2 years or to a fine, or to both.]

Textual Amendments

F80 S. 20 substituted (1.1.2010) by [Legal Services Act 2007 \(c. 29\)](#), ss. 177, 211, **Sch. 16 para. 25** (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(f)(ii)** (with art. 9)

Modifications etc. (not altering text)

C35 S. 20 modified (22.5.2000) by S.I. 2000/1119, regs. 1, 37(1), Sch. 3 Pt. 2 (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)(a)**)

C36 S. 20 excluded by [Administration of Justice Act 1985 \(c. 61\)](#), s. 9(3) (as substituted (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 177, 211, **Sch. 16 para. 81(6)** (with ss. 29, 192, 193)); S.I. 2009/503, **art. 2(b)(ii)** (subject to art. 5)

21 Unqualified person not to pretend to be a solicitor.

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 [^{F81}a fine not exceeding the fourth level on the standard scale]

Textual Amendments

F81 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)

C37 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.

F82

Textual Amendments

F82 S. 22 repealed (1.1.2010) by [Legal Services Act 2007 \(c. 29\)](#), ss. 177, 210, 211, Sch. 16 para. 26(a), **Sch. 23** (with ss. 29, 192, 193)

22A Powers of entry etc. of local weights and measures authorities.

F83

Status: Point in time view as at 31/01/2013.

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

F83 S. 22A repealed (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 177, 210, 211, Sch. para. 16(26)(a), Sch. 23 (with ss. 29, 192, 193); S.I. 2009/3250, art. 2(i)(ii)(dd) (with art. 9)

23 Unqualified person not to prepare papers for probate etc.

F84

Textual Amendments

F84 S. 23 repealed (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 177, 210, 211, Sch. 16 para. 26(b), Sch. 23 (with ss. 29, 192, 193); S.I. 2009/3250, art. 2(i)(ii)(dd) (with art. 9)

24 Application of penal provisions to body corporate.

- (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 [^{F85}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 [^{F86}a fine not exceeding the fourth level on the standard scale.]
- (2) For the avoidance of doubt it is hereby declared that in [^{F87}section 20 the reference to an unqualified person and the reference to a person both include a reference to a body corporate.]

Textual Amendments

F85 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

F86 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

F87 Words in s. 24(2) substituted (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 177, 211, Sch. 16 para. 27 (with ss. 29, 192, 193); S.I. 2009/3250, art. 2(f)(ii) (with art. 9 and subject to art. 5)

Modifications etc. (not altering text)

C38 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 (which excluding provision was substituted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, Sch. 16 para. 81(6) (with ss. 29, 192, 193); S.I. 2009/503, art. 2(b)(ii) (subject to art. 4))

C39 S. 24(2) excluded by Administration of Justice Act 1985 (c. 61, SIF 34), s. 32(4)

C40 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 (which excluding provision was substituted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, Sch. 16 para. 81(6) (with ss. 29, 192, 193); S.I. 2009/503, art. 2(b)(ii) (subject to art. 4))

Status: Point in time view as at 31/01/2013.

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

25 Costs where unqualified person acts as solicitor.

- (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)

- C41** S. 25 excluded by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), ss. 27(10), 28(6), 59(1)
- C42** 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))
- C43** 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)})

26 Time limit for commencement of certain proceedings.

Notwithstanding anything in the [^{F88M3}Magistrates' Courts Act 1980], proceedings in respect of any offence under section 21 ^{F89}. . . 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

- F88** Words substituted by Magistrates' Courts Act 1980 (c. 43, SIF 82), s. 154, Sch. 7 para. 132
- F89** Words in s. 26 repealed (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 177, 210, 211, Sch. 16 para. 28, Sch. 23 (with ss. 29, 192, 193); S.I. 2009/3250, art. 2(f)(ii)(i)(ii)(ee) (with art. 9 and subject to art. 5)

Marginal Citations

- M3** 1980 c. 43.

27 Saving for persons authorised to conduct legal proceedings.

^{F90}

Textual Amendments

- F90** S. 27 repealed (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 177, 210, 211, Sch. 16 para. 29, Sch. 23 (with ss. 29, 192, 193); S.I. 2009/3250, art. 2(f)(ii)(i)(ii)(ff) (with art. 9)

Supplementary

28 Regulations.

- (1) The [^{F91}Society] may make regulations ^{F92}. . . about the following matters, namely—

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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) admission as a solicitor;
 - (b) the keeping of the roll;
 - (c) practising certificates^{F93} ;
 - [^{F94}(ca) sole solicitor endorsements and applications for them,]
 - (d) the keeping of the register under [^{F95}section 10A] .
- (2)^{F96}
- (3)^{F96}
- [^{F97}(3A) Regulations about the keeping of the roll [^{F98}may (among other things)—
- (za) make provision about the form in which the roll is to be kept and the manner in which entries are to be made, altered and removed;]
 - (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;^{F99} . . .
 - (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
 - (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.]
 - [^{F100}(e) require the information on the roll to be made available to the public;
 - (f) specify the manner in which information is to be made so available and require it to be made so available during office hours and without charge.]
- [^{F101}(3B) Regulations about practising certificates or sole solicitor endorsements may (among other things)—
- (a) prescribe the form and manner in which applications for, or relating to, practising certificates or sole solicitor endorsements are to be made;
 - (b) prescribe information which must be included in or accompany such applications;
 - (c) make provision about time limits for dealing with such applications, and confer on a person power to extend or bring forward such a time limit in prescribed circumstances;
 - (d) prescribe the requirements which applicants for practising certificates must satisfy before they may be issued with a practising certificate;
 - (e) prescribe descriptions of applicants, and conditions in relation to them, for the purposes of section 10(2) (circumstances in which practising certificates must be issued subject to prescribed conditions);
 - (f) prescribe descriptions of applicants, and conditions in relation to them, for the purposes of section 13ZA(5) (circumstances in which a practising certificate endorsed with a sole solicitor endorsement after it was issued must be made subject to prescribed conditions);
 - (g) prescribe circumstances for the purposes of section 10(3) (circumstances in which application may be refused etc in the public interest);

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- (h) make provision about when conditions imposed on practising certificates take effect (including provision conferring power on the Society to direct that a condition is not to have effect until the conclusion of any appeal in relation to it);
 - (i) make provision for the commencement, duration, replacement, withdrawal and expiry of practising certificates or sole solicitor endorsements;
 - (j) prescribe circumstances for the purposes of section 13A(2) (circumstances in which conditions can be imposed during period of practising certificate);
 - (k) require solicitors who hold practising certificates to notify the Society of such matters as may be prescribed, at such times, or in such circumstances as may be prescribed.
- (3C) Regulations about the keeping of the register under section 10A may (among other things)—
- (a) make provision about the form in which the register is to be kept and the manner in which entries are to be made, altered and removed;
 - (b) require information of a specified kind to be included in entries in the register;
 - (c) require information (or information of a specified description) on the register to be made available to the public;
 - (d) specify the manner in which it is to be made so available and require it to be made so available during office hours and without charge.
- (3D) Regulations under this section may make provision for appeals to the High Court against decisions made by the Society under the regulations.
- (3E) In relation to an appeal under regulations made by virtue of subsection (3D), the High Court may make such order as it thinks fit as to payment of costs.
- (3F) The decision of the High Court on such an appeal shall be final.
- (3G) Regulations under this section may—
- (a) provide for a person to exercise a discretion in dealing with any matter;
 - (b) include incidental, supplementary and consequential provision;
 - (c) make transitory or transitional provision and savings;
 - (d) make provision generally or only in relation to specified cases or subject to specified exceptions;
 - (e) make different provision for different cases.]
- (4) ^{F102}
- (5) ^{F102}

Textual Amendments

- F91** Words in s. 28(1) substituted (1.7.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 30(2)(a)** (with ss. 29, 192, 193); S.I. 2009/1365, **art. 2(a)(iv)** (subject to arts. 3, 4)
- F92** Words in s. 28(1) repealed (1.7.2009) by Legal Services Act 2007 (c. 29), ss. 177, 210, 211, Sch. 16 para. 30(2)(b), **Sch. 23** (with ss. 29, 192, 193); S.I. 2009/1365, **art. 2(a)(iv)** (subject to arts. 3, 4)
- F93** Words in s. 28(1)(c) repealed (1.7.2009) by Legal Services Act 2007 (c. 29), ss. 177, 210, 211, Sch. 16 para. 30(2)(b), **Sch. 23** (with ss. 29, 192, 193); S.I. 2009/1365, **art. 2(a)(iv)** (subject to arts. 3, 4)
- F94** S. 28(1)(ca) inserted (1.7.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 30(2)(d)** (with ss. 29, 192, 193); S.I. 2009/1365, **art. 2(a)(iv)** (subject to arts. 3, 4)

Status: Point in time view as at 31/01/2013.

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

- F95** Words in s. 28(1)(d) substituted (1.7.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 30(2)(e)** (with ss. 29, 192, 193); S.I. 2009/1365, **art. 2(a)(iv)** (subject to arts. 3, 4)
- F96** S. 28(2)(3) repealed (1.7.2009) by Legal Services Act 2007 (c. 29), ss. 177, 210, 211, Sch. 16 para. 30(3), **Sch. 23** (with ss. 29, 192, 193); S.I. 2009/1365, **art. 2(a)(iv)(c)(i)** (subject to arts. 3, 4)
- F97** S. 28(3A) inserted by Administration of Justice Act 1985 (c. 61, SIF 34), s. 8, **Sch. 1 para. 8(2)**
- F98** Words in s. 28(3A) substituted (1.7.2009) by virtue of Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 30(4)(a)** (with ss. 29, 192, 193); S.I. 2009/1365, **art. 2(a)(iv)** (subject to arts. 3, 4)
- F99** Word in s. 28(3A)(b) repealed (1.7.2009) by Legal Services Act 2007 (c. 29), ss. 177, 210, 211, Sch. 16 para. 30(4)(b), **Sch. 23** (with ss. 29, 192, 193); S.I. 2009/1365, **art. 2(a)(iv)(c)(i)** (subject to arts. 3, 4)
- F100** S. 28(3A)(e)(f) inserted (1.7.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 30(4)(c)** (with ss. 29, 192, 193); S.I. 2009/1365, **art. 2(a)(iv)** (subject to arts. 3, 4)
- F101** S. 28(3B)-(3G) inserted (1.7.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 30(5)** (with ss. 29, 192, 193); S.I. 2009/1365, **art. 2(a)(iv)** (subject to arts. 3, 4)
- F102** S. 28(4)(5) repealed (1.7.2009) by Legal Services Act 2007 (c. 29), ss. 177, 210, 211, Sch. 16 para. 30(6), **Sch. 23** (with ss. 29, 192, 193); S.I. 2009/1365, **art. 2(a)(iv)(c)(i)** (subject to arts. 3, 4)

Modifications etc. (not altering text)

- C44** S. 28 extended (with modifications) (1.7.2009) by The Registered Foreign Lawyers Order 2009 (S.I. 2009/1589), **art. 4**
- C45** S. 28(1)(c)-(d) extended (with modifications) (1.7.2009) by S.I. 2000/1119, Sch. 4 para. 1(2), 7(1A)Table (as amended by The Legal Services Act 2007 (Registered European Lawyers) Order 2009 (S.I. 2009/1587), **art. 3(2)**)
- C46** S. 28(3B)-(3G) modified (1.7.2009) by S.I. 2000/1119, Sch. 4 para. 1(2A), 7(1A), Table (as inserted by The Legal Services Act 2007 (Registered European Lawyers) Order 2009 (S.I. 2009/1587), **art. 3(3)**)

29 Non-British subjects as solicitors. 12 & 13 Will. 3. c. 2.

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 [^{F103} of the Senior Courts or of the Court of Judicature].

Textual Amendments

- F103** Words in s. 29 substituted (1.10.2009) by Constitutional Reform Act 2005 (c. 4), ss. 59, 148, **Sch. 11 para. 21(4)**; S.I. 2009/1604, **art. 2(b)(d)**

30 Evidence as to solicitors in Scotland.

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:

Point in time view as at 31/01/2013.

Changes to legislation:

There are currently no known outstanding effects for the Solicitors Act 1974, Part I.