



Solicitors Act 1974

1974 CHAPTER 47

PART I

RIGHT TO PRACTISE AS SOLICITOR

Practising certificates

[^{F1}9 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

- F1** 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\(a\)\(i\)](#)

Status: Point in time view as at 01/10/2010.

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

Modifications etc. (not altering text)

- C1** 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)**)

[^{F2}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

- F2** 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)

- C2** 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)**)

[^{F3}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

F3 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)**)

[^{F4}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

F4 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)

C4 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)**)

C5 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.

C6 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.

C7 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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12 Discretion of Society with respect to issue of practising certificates in special cases.

F5

Textual Amendments

F5 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)

[^{F6}12A Additional fee payable by certain solicitors on applying for practising certificates.

F7]

Textual Amendments

F6 S. 12A inserted by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 88
F7 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)

[^{F8}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

- F8** 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)

- C8** 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)**)
- C9** 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)**)
- C10** 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.
- C11** 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.
- C12** 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.
- C13** 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.
- C14** 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.

[^{F9}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

F9 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)

C15 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

- 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.
- Different fees may be specified for different categories of applicant and in different circumstances.
- 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.
- In subsection (3) “practising fee” has the meaning given by that section.]

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Textual Amendments

F9 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)

C16 [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\(7\)\(a\)](#))

[^{F10}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.

[^{F11}(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 [^{F12}High Court against the decision of the Society.]

(7) On an appeal under subsection (6), the [^{F13}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 [^{F13}High Court] thinks fit; or

by order revoke the direction; or

(d) make such other order as [^{F14}it] thinks fit.

[The decision of the High Court on an appeal under subsection (6) shall be final.]
^{F15}(7A)

[^{F16}(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
^{F17}(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.

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Changes to legislation: There are currently no known outstanding effects for the Solicitors Act 1974, Cross Heading: Practising certificates. (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

- F10** S. 13A added by Administration of Justice Act 1985 (c. 61, SIF 34), s. 5
- F11** 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)
- F12** 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)
- F13** 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)
- F14** 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)
- F15** 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)
- F16** 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)
- F17** 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)

- C17** 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))
- C18** 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.
- C19** 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.
- C20** 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.
- C21** 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.

^{F18}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
 - ^{F19}(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 [^{F20}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;

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- (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 [^{F21}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 [^{F22}High Court] against the direction within one month of being notified of it.
- (8) In an appeal under subsection (7), the [^{F23}High Court] may–
- (a) affirm the suspension;
- (b) direct that the appellant's certificate [^{F24}or sole solicitor endorsement shall not be suspended, but that the appellant's certificate] shall have effect subject to such conditions as the [^{F23}High Court] thinks fit;
- (c) by order revoke the direction; or
- (d) make such other order as [^{F25}it] thinks fit.]
- [^{F26}(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

- F18** S. 13B inserted by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 94(3)
- F19** 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))
- F20** 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)
- F21** 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)
- F22** 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)
- F23** 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)
- F24** 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)
- F25** 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)
- F26** 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)

- C22** 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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- C23** 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)**)
- C24** 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.

^{F27}

Textual Amendments

- F27** 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 shall operate immediately, to suspend any practising certificate of that solicitor for the time being in force.
- [^{F28}(1A) Where the power conferred by paragraph 6(1) [^{F29}, 6A(1)] or 9(1) of Schedule 1 has been exercised in relation to a solicitor by virtue of paragraph 1(1)(a)(i), [^{F30}(aa)],(c) (so far as it applies to rules made by virtue of section [^{F31}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

- F28** S. 15(1A)–(1C) inserted by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), **s. 91(2)**
- F29** 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)**
- F30** 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)**
- F31** 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)**

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

Modifications etc. (not altering text)

- C25** 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.

[^{F32}(1) Where a practising certificate is suspended, it expires on such date as may be prescribed by regulations under section 28.]

[^{F33}(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 [^{F34}the date on which his certificate will expire],

[^{F35}(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 [^{F36}High Court, which] may—

- (a) affirm the decision; or
- (b) terminate the suspension either unconditionally or subject to such conditions as [^{F37}it] may think fit.

[^{F38}(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

F32 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)

F33 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.

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

- F34** 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)
- F35** S. 16(3)(d) inserted by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), **s. 91(3)**
- F36** 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)
- F37** 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)
- F38** 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)

- C26** 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)**)
- C27** 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^{F39} . . . 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^{F40}

Textual Amendments

- F39** 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)**
- F40** 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)

- C28** S. 17 extended (22.5.2000) by S.I. 2000/1119, regs. 1, 37(3), **Sch. 4 para. 7(1)**

[^{F41}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).

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Textual Amendments

F41 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)

C29 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.]

Textual Amendments

F41 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)

C30 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)**)

[^{F42}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—

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- (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

F42 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)

C31 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)**)

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