



# Solicitors Act 1974

## 1974 CHAPTER 47

### PART I

#### RIGHT TO PRACTISE AS SOLICITOR

##### *Unqualified persons acting as solicitors*

#### **20 Unqualified person not to act as solicitor.**

(1) No unqualified person shall—

- (a) act as a solicitor, or as such issue any writ or process, or commence, prosecute or defend any action, suit or other proceeding, in his own name or in the name of any other person, in any court of civil or criminal jurisdiction; or
- (b) act as a solicitor in any cause or matter, civil or criminal, to be heard or determined before any justice or justices or any commissioners of Her Majesty's revenue.

(2) Any person who contravenes the provisions of subsection (1)—

- (a) shall be guilty of an offence and liable on conviction on indictment to imprisonment for not more than two years or to a fine or to both; and
- (b) shall be guilty of contempt of the court in which the action, suit, cause, matter or proceeding in relation to which he so acts is brought or taken and may be punished accordingly; . . . <sup>F1</sup>
- (c) . . . . . <sup>F1</sup>

#### **Textual Amendments**

**F1** S. 20(2)(c) and the word “and” immediately preceding it repealed by [Courts and Legal Services Act 1990](#) (c. 41, SIF 76:1), s. 125(7), [Sch. 20](#)

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

- C1** S. 20 modified (22.5.2000) by [S.I. 2000/1119](#), regs. 1, 37(1), [Sch. 3 Pt. 2](#)
- C2** S. 20 amended by [S.I. 1978/1910](#), art. 18(1), [Sch. Pt. II](#)

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*Changes to legislation: There are currently no known outstanding effects for the Solicitors Act 1974, Cross Heading: Unqualified persons acting as solicitors. (See end of Document for details)*

- C3** S. 20 excluded (1.1.1992) by Administration of Justice Act 1985 (c. 61, SIF 34), s. 9(3); S.I. 1991/2683, art. 2 and excluded by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), ss. 11(3), 27(10), 28(6), 59(1)

## 21 Unqualified person not to pretend to be a solicitor.

Any unqualified person who wilfully pretends to be, or takes or uses any name, title, addition or description implying that he is, qualified or recognised by law as qualified to act as a solicitor shall be guilty of an offence and liable on summary conviction to [<sup>F2</sup>a fine not exceeding the fourth level on the standard scale]

### Textual Amendments

- F2** 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)

- C4** 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.

- (1) Subject to [<sup>F3</sup>subsections (2) and (2A)], any unqualified person who directly or indirectly—
- (a) draws or prepares any instrument of transfer or charge for the purposes of the [<sup>F4</sup>Land Registration Act 2002], or makes any application or lodges any document for registration under that Act at the registry, or
  - (b) draws or prepares any other instrument relating to real or personal estate, or any legal proceeding,
- shall, unless he proves that the act was not done for or in expectation of any fee, gain or reward, be guilty of an offence and liable on summary conviction to a fine not exceeding [<sup>F5</sup>level 3 on the standard scale].
- (2) Subsection (1) does not apply to—
- (a) a barrister or duly certificated notary public;
  - [<sup>F6</sup>(aa) a registered trade mark agent drawing or preparing any instrument relating to any design, [<sup>F7</sup>or trade mark];
  - (ab) a registered patent agent drawing or preparing any instrument relating to any invention, design technical information, [<sup>F7</sup>or trade mark].]
  - [<sup>F8</sup>(ac) any accredited person drawing or preparing any instrument—
    - (i) which creates, or which he believes on reasonable grounds will create, a farm business tenancy (within the meaning of the Agricultural Tenancies Act 1995), or
    - (ii) which relates to an existing tenancy which is, or which he believes on reasonable grounds to be, such a tenancy;]
  - (b) any public officer drawing or preparing instruments or applications in the course of his duty;
  - (c) any person employed merely to engross any instrument, application or proceeding;

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and paragraph (b) of that subsection does not apply to a duly certificated solicitor in Scotland.

[<sup>F9</sup>(2A) Subsection (1) also does not apply to any act done by a person at the direction and under the supervision of another person if—

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

(3) For the purposes of subsection (1)(b), “instrument” [<sup>F10</sup>includes a contract for the sale or other disposition of land (except a contract to grant such a lease as is referred to in section 54(2) of the <sup>M1</sup>Law of Property Act 1925 (short leases)), but] does not include—

- (a) a will or other testamentary instrument;
- (b) an agreement not [<sup>F11</sup>intended to be executed as a deed][<sup>F12</sup>other than a contract that is included by virtue of the preceding provisions of this subsection;]
- (c) a letter or power of attorney; or
- (d) a transfer of stock containing no trust or limitation thereof.

[<sup>F13</sup>(3A) In subsection (2)—

[<sup>F14</sup>“accredited person” means any person who is—

- (a) a Full Member of the Central Association of Agricultural Valuers,
  - (b) an Associate or Fellow of the Incorporated Society of Valuers and Auctioneers, or
  - (c) an Associate or Fellow of the Royal Institution of Chartered Surveyors;]
- “registered trade mark agent” has the same meaning as in [<sup>F15</sup>the Trade Marks Act 1994]; and
- “registered patent agent” has the same meaning as in section 275(1) [<sup>F16</sup>of the Copyright, Designs and Patents Act 1988].]

[<sup>F17</sup>(4) A local weights and measures authority may institute proceedings for an offence under this section.]

#### Textual Amendments

- F3** Words substituted by Administration of Justice Act 1985 (c. 61, SIF 34), s. 6(1)(2)
- F4** Words in s. 22(1) substituted (13.10.2003) by Land Registration Act 2002 (c. 9), ss. 133, 136(2), Sch. 11 para. 12(2) (with s. 129); S.I. 2003/1725, art. 2(1)
- F5** Words substituted by virtue of Criminal Justice Act 1982 (c. 48, SIF 39:1), ss. 38, 46
- F6** S. 22(2)(aa)(ab) inserted by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), ss. 59(1), 68(2)
- F7** In s. 22(2)(aa)(ab) words substituted (31.10.1994) by 1994 c. 26, s. 106(1), Sch. 4 para. 5(2); S.I. 1994/2550, arts. 2,3
- F8** S. 22(2)(ac) inserted (1.9.1995) by 1995 c. 8, s. 35(2) (with s. 37)
- F9** S. 22(2A) inserted by Administration of Justice Act 1985 (c. 61, SIF 34), ss. 6(3), 69(5), Sch. 9 para. 5(a)
- F10** Words inserted by Administration of Justice Act 1985 (c. 61, SIF 34), ss. 6(4), 69(5), Sch. 9 para. 5(b)
- F11** Words substituted by Law of Property (Miscellaneous Provisions) Act 1989 (c. 34, SIF 98:1), s. 1, Sch. 1 para. 8
- F12** Words inserted by Administration of Justice Act 1985 (c. 61, SIF 34), ss. 6(4), 69(5), Sch. 9 para. 5(b)
- F13** S. 22(3A) inserted by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), ss. 59(1), 68(3)
- F14** In s. 22(3A) definition inserted (1.9.1995) by 1995 c. 8, s. 35(3) (with s. 37)

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- F15** In s. 22(3A) words in definition substituted (31.10.1994) by 1994 c. 26, s. 106(1), **Sch. 4 para. 5(3)** (a); S.I. 1994/2550, **arts. 2, 3**
- F16** In s. 22(3A) words in definition substituted (31.10.1994) by 1994 c. 26, s. 106(1), **Sch. 4 para. 5(3)** (b); S.I. 1994/2550, **arts. 2, 3**
- F17** S. 22(4) inserted by Administration of Justice Act 1985 (c. 61, SIF 34), **s. 6(5)**

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

- C5** S. 22 amended by S.I. 1978/1910, art. 18(1), **Sch. Pt. II**
- C6** S. 22 excluded (prosp.) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), **ss. 36(1)(5), 59(1), 124(3)** and excluded (prosp.) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), **ss. 27(10), 28(6), 59(1)**
- C7** S. 22 modified (22.5.2000) by S.I. 2000/1119, regs. 1, 37(1), **Sch. 3 Pt. 2**
- C8** S. 22(1) excluded (1.1.1992) by Administration of Justice Act 1985 (c. 61, SIF 34), **ss. 9(3)(4)**; S.I. 1991/2683, **art. 2** and excluded by Administration of Justice Act 1985 (c. 61, SIF 34), **ss. 11(4), 32(4)** (5)
- C9** S. 22(1) restricted (prosp.) by Building Societies Act 1986 (c. 53, SIF 16), **ss. 54(3)(a)(5), 124, 126(4), Sch. 21 paras. 7(1)(2), 13** (which amendment was repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **s. 1(1)**, {Sch. 1 Pt. 17 Group 2}

**Marginal Citations**

- M1** 1925 c.20. (98:1).

**[<sup>F18</sup>22A Powers of entry etc. of local weights and measures authorities.**

- (1) Any authorised officer who has reasonable cause to suspect that an offence may have been committed under section 22 may, at any reasonable time—
- (a) enter any premises which are not used solely as a dwelling;
  - (b) require any officer, agent or other competent person on the premises who is, or may be, in possession of information relevant to an investigation under section 22, to provide such information;
  - (c) require the production of any document which may be relevant to such an investigation;
  - (d) take copies, or extracts, of any such documents;
  - (e) seize and retain any document which he has reason to believe may be required as evidence in proceedings for an offence under section 22.
- (2) Any person exercising any power given by subsection (1) shall, if asked to do so, produce evidence that he is an authorised officer.
- (3) A justice of the peace may issue a warrant under this section if satisfied, on information on oath given by an authorised officer, that there is reasonable cause to believe that an offence may have been committed under section 22 and that—
- (a) entry to the premises concerned, or production of any documents which may be relevant to an investigation under section 22, has been or is likely to be refused to an authorised officer; or
  - (b) there is reasonable cause to believe that, if production of any such document were to be required by the authorised officer without a warrant having been issued under this section, the document would not be produced but would be removed from the premises or hidden, tampered with or destroyed.
- (4) A warrant issued under this section shall authorise the authorised officer accompanied, where he considers it appropriate, by a constable or any other person—

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- (a) to enter the premises specified in the information, using such force as is reasonably necessary; and
  - (b) to exercise any of the powers given to the authorised officer by subsection (1).
- (5) If a person—
- (a) intentionally obstructs an authorised officer in the exercise of any power under this section;
  - (b) intentionally fails to comply with any requirement properly imposed on him by an authorised officer in the exercise of any such power;
  - (c) fails, without reasonable excuse, to give to an authorised officer any assistance or information which he may reasonably require of him for the purpose of exercising any such power; or
  - (d) in giving to an authorised officer any information which he has been required to give to an authorised officer exercising any such power, makes any statement which he knows to be false or misleading in a material particular,
- he shall be guilty of an offence.
- (6) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (7) Nothing in this section shall be taken to require any person to answer any question put to him by an authorised officer, or to give any information to an authorised officer, if to do so might incriminate him.
- (8) In this section—
- “authorised officer” means any officer of a local weights and measures authority who is authorised by the authority to exercise the powers given by subsection (1); and
  - “document” includes information recorded in any form.
- (9) In relation to information recorded otherwise than in legible form, references in this section to its production include references to producing a copy of the information in legible form.]

#### Textual Amendments

**F18** S. 22A inserted by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 96

### [<sup>F19</sup>23 **Unqualified person not to prepare papers for probate etc.**

- (1) Subject to subsections (2) and (3), any unqualified person who, directly or indirectly, draws or prepares any papers on which to found or oppose—
- (a) a grant of probate, or
  - (b) a grant of letters of administration,
- shall, unless he proves that the act was not done for or in expectation of any fee, gain or reward, be guilty of an offence and liable on summary conviction to a fine not exceeding the first level on the standard scale.
- (2) Subsection (1) does not apply to a barrister or duly certificated notary public.

[ In subsection (2)(i) “jointly controlled body” and “subsidiary” have the meanings <sup>F20</sup>(2B) given by section 13 of the Friendly Societies Act 1992.]

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- (3) Subsection (1) also does not apply to any Act done by a person at the direction and under the supervision of another person if—
- (a) that other person was at the time his employer, a partner of his employer or a fellow employee; and
  - (b) the Act could have been done by that other person for or in expectation of any fee, gain or reward without committing an offence under this section.]

#### Textual Amendments

- F19** S. 23 substituted by [Administration of Justice Act 1985 \(c. 61, SIF 34\), s. 7](#)
- F20** S. 23(2B) inserted (1.2.1993) by [Friendly Societies Act 1992 \(c. 40\), ss. 120\(1\), Sch. 21 Pt. I para. 5\(1\)\(3\)](#) (with ss. 7(5), 93(4)); S.I. 1993/16, art. 2, [Sch. 3](#).

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

- C10** S. 23 restricted by [Administration of Justice Act 1985 \(c. 61, SIF 34\), s. 69\(5\), Sch. 9 para. 6](#)
- C11** S. 23 modified (22.5.2000) by S.I. 2000/1119, regs. 1, 37(1), [Sch. 3 Pt. 2](#)
- C12** S. 23 amended (17.5.2004) by S.I. 1978/1910, art. 18(1), Sch. Pt. 2 (as amended by [The European Communities \(Services of Lawyers\) \(Amendment\) Order 2004 \(S.I. 2004/1117\), art. 5\(2\)\(d\)](#))
- C13** S. 23(1) excluded (1.1.1992) by [Administration of Justice Act 1985 \(c. 61, SIF 34\), s. 9\(3\)\(4\)](#); S.I. 1991/2683, [art. 2](#)
- S. 23(1) excluded (7.12.2004) by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\), ss. 55\(1\), 59\(1\), 124\(3\)](#); S.I. 2004/2950, [art. 2](#)
- C14** S. 23(2) amended (1.1.1993) by S.I. 1992/3218, reg. 82(1), [Sch. 10 Pt. I para. 8\(1\)](#)
- S. 23(2) amended (1.7.1994) by S.I. 1994/1696, reg. 68, [Sch. 8 para. 4](#)

## 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 [<sup>F21</sup>a fine not exceeding the fourth level on the standard scale, and]
  - (b) in the case of an act done by a director, officer or servant of the body corporate, he also shall be guilty of an offence and liable on summary conviction to [<sup>F22</sup>a fine not exceeding the fourth level on the standard scale.]
- (2) For the avoidance of doubt it is hereby declared that in sections 20, 22 and 23 references to unqualified persons and to persons include references to bodies corporate.

#### Textual Amendments

- F21** 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
- F22** 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

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

- C15** 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
- C16** 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
- C17** S. 24(2) excluded by Administration of Justice Act 1985 (c. 61, SIF 34), s. 32(4)

**25 Costs where unqualified person acts as solicitor.**

- (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)**

- C18** S. 25 excluded by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), ss. 27(10), 28(6), 59(1)
- C19** 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))
- C20** 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 [<sup>F23M2</sup>Magistrates' Courts Act 1980], proceedings in respect of any offence under section 21, 22 or 23 may be brought at any time before the expiration of two years from the commission of the offence or six months from its first discovery by the prosecutor, whichever period expires first.

**Textual Amendments**

- F23** Words substituted by Magistrates' Courts Act 1980 (c. 43, SIF 82), s. 154, Sch. 7 para. 132

**Marginal Citations**

- M2** 1980 c. 43.

**27 Saving for persons authorised to conduct legal proceedings.**

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

**Status:**

Point in time view as at 13/10/2003.

**Changes to legislation:**

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