



# Solicitors Act 1974

## 1974 CHAPTER 47

### PART II

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

##### *Restrictions on practice as solicitor*

#### **38 Solicitor who is justice of the peace not to act in certain proceedings.**

(1) Subject to the provisions of this section, it shall not be lawful for any solicitor who is one of the justices of the peace [<sup>F1</sup>assigned to any local justice area, or for any partner of his, to act in connection with proceedings before any justice of the peace acting in that area] as solicitor or agent for the solicitor of any person concerned in those proceedings.

(2) <sup>F2</sup> .....

(3) <sup>F2</sup> .....

[<sup>F3</sup>(3A) Subsection (1) does not apply where a solicitor is a Deputy District Judge (Magistrates' Courts); but where a solicitor is acting as a Deputy District Judge (Magistrates' Courts) [<sup>F4</sup>in any local justice] area it shall not be lawful for him, or for any partner of his, to act in connection with proceedings before any justice of the peace [<sup>F5</sup>acting in] that area as solicitor or agent for the solicitor of any person concerned in those proceedings.]

<sup>F6</sup>(4) .....

#### **Textual Amendments**

**F1** Words in s. 38(1) substituted (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), ss. 109(1), 110, [Sch. 8 para. 176\(2\)](#); S.I. 2005/910, [art. 3](#)

**F2** S. 38(2)(3) repealed (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), ss. 109(1)(3), 110, [Sch. 8 para. 176\(3\)](#), [Sch. 10](#); S.I. 2005/910, [art. 3](#)

**F3** S. 38(3A) inserted (31.8.2000) by [1999 c. 22](#), s. 78, [Sch. 11 para. 23](#) (with [Sch. 14 para. 7\(2\)](#)); S.I. 2000/1920, [art. 3](#)

*Status: Point in time view as at 01/07/2009.*

*Changes to legislation: There are currently no known outstanding effects for the Solicitors Act 1974, Cross Heading: Restrictions on practice as solicitor. (See end of Document for details)*

- F4** Words in s. 38(3A) substituted (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(1), 110, **Sch. 8 para. 176(4)(a)**; S.I. 2005/910, **art. 3**
- F5** Words in s. 38(3A) substituted (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(1), 110, **Sch. 8 para. 176(4)(b)**; S.I. 2005/910, **art. 3**
- F6** S. 38(4) repealed (27.9.1999) by 1999 c. 22, ss. 106, 108(3)(f), **Sch. 15 Pt. V(1)** (with Sch. 14 paras. 7(2), 36(9))

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

- C1** S. 38 extended (with modifications) (1.7.2009) by S.I. 2000/1119, Sch. 4 para. 7(2)Table (as amended by The Legal Services Act 2007 (Registered European Lawyers) Order 2009 (S.I. 2009/1587), **art. 3(7)(c)**)
- C2** S. 38 modified (1.1.1992) by Administration of Justice Act 1985 (c.61,SIF 34), s. 9, **Sch.2 para.7**; S.I. 1991/2683, **art. 2**

**F7**<sup>39</sup> .....

**Textual Amendments**

- F7** S. 39 repealed by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), ss. 59(1), 66(1)(2), 125(7), **Sch. 20**

**40 Solicitor not to commence or defend actions while in prison.**

**F8** .....

**Textual Amendments**

- F8** S. 40 repealed (1.7.2009) by Legal Services Act 2007 (c. 29), ss. 177, 210, 211, Sch. 16 para. 40, **Sch. 23** (with ss. 29, 192, 193); S.I. 2009/1365, **art. 2(a)(i)(c)(i)**

**Status:**

Point in time view as at 01/07/2009.

**Changes to legislation:**

There are currently no known outstanding effects for the Solicitors Act 1974, Cross Heading:  
Restrictions on practice as solicitor.