



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 [^{F1}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) ^{F2}.....

(3) ^{F2}.....

[^{F3}(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) [^{F4}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 [^{F5}acting in] that area as solicitor or agent for the solicitor of any person concerned in those proceedings.]

^{F6}(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F2 S. 38(2)(3) repealed (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), ss. 109(1)(3), 110, [Sch. 8 para. 176\(3\)](#), [Sch. 10](#); S.I. 2005/910, [art. 3](#)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Status: Point in time view as at 01/04/2013.

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- F6** S. 38(4) repealed (27.9.1999) by 1999 c. 22, ss. 106, 108(3)(f), **Sch. 15 Pt.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**

F739

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)**

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