



# Solicitors Act 1974

## 1974 CHAPTER 47

### PART IV

#### MISCELLANEOUS AND GENERAL

##### *Miscellaneous*

#### **81 Administration of oaths and taking of affidavits.**

- (1) Subject to the provisions of this section, every solicitor who holds a practising certificate which is in force shall have the powers conferred on a commissioner for oaths by the <sup>M1</sup>Commissioners for Oaths Acts 1889 and <sup>M2</sup>1891 and section 24 of the <sup>M3</sup>Stamp Duties Management Act 1891; and any reference to such a commissioner in an enactment or instrument (including an enactment passed or instrument made after the commencement of this Act) shall include a reference to such a solicitor unless the context otherwise requires.
- (2) A solicitor shall not exercise the powers conferred by this section in a proceeding in which he is solicitor to any of the parties, or in which he is interested.
- (3) A solicitor before whom any oath or affidavit is taken or made shall state in the jurat or attestation at which place and on what date the oath or affidavit is taken or made.
- (4) A document containing such a statement and purporting to be sealed or signed by a solicitor shall be admitted in evidence without proof of the seal or signature, and without proof that he is a solicitor or that he holds a practising certificate which is in force.

<sup>F1</sup>(5) .....

#### **Textual Amendments**

- F1** S. 81(5) repealed (*I. 4. 1991*) by *Courts and Legal Services Act 1990* (c. 41, SIF 76:1), s. 125(7), **Sch. 20**; S.I. 1991/608, art. 2, **Sch.**

*Status: Point in time view as at 01/12/1997.*

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

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

**C1** S. 81 extended (22.5.2000) by S.I. 2000/1119, regs. 1, 37(3), Sch. 4 para. 7(2) (as amended (1.7.2009) by The Legal Services Act 2007 (Registered European Lawyers) Order 2009 (S.I. 2009/1587), **art. 3(7)(c)**)

**Marginal Citations**

**M1** 1889 c. 10

**M2** 1891 c. 50

**M3** 1891 c. 38

**[<sup>F2</sup>81A Fees for administering oaths and taking affidavits.**

- (1) The Lord Chancellor may, with the concurrence of the Lord Chief Justice and the Master of the Rolls, by order prescribe the fees to be charged by—
  - (a) commissioners for oaths; and
  - (b) solicitors exercising the powers of commissioners for oaths by virtue of section 81,
 in respect of the administration of an oath or the taking of an affidavit.
- (2) Any order under this section shall be made by statutory instrument, which shall be laid before Parliament after being made.
- (3) In this section “affidavit” has the same meaning as in the Commissioners for Oaths Act 1889.]

**Textual Amendments**

**F2** S. 81A inserted by Supreme Court Act 1981 (c. 54, SIF 37), s. 152(1), **Sch. 5**

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

**C2** S. 81A extended (22.5.2000) by S.I. 2000/1119, regs. 1, 37(3), Sch. 4 para. 7(2) (as amended by The Legal Services Act 2007 (Registered European Lawyers) Order 2009 (S.I. 2009/1587), **art. 3(7)(c)**)

**<sup>F3</sup>82** .....

**Textual Amendments**

**F3** S. 82 repealed by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 125(7), **Sch. 20**

**83 Power of Society to inspect file of proceedings in bankruptcy of solicitor.**

Where proceedings in bankruptcy have been taken against any solicitor, the Society shall be entitled—

- (a) to inspect the file of those proceedings without payment of any fee; and
- (b) to be supplied with office copies of those proceedings on payment of the usual charge.

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

- C3** S. 83 extended (with modifications) (1.7.2009) by [The Registered Foreign Lawyers Order 2009 \(S.I. 2009/1589\)](#), [art. 3\(2\)\(o\)](#), Sch.
- C4** S. 83 extended (1.1.1992) by [Administration of Justice Act 1985 \(c. 61, SIF 34\)](#), s. 9, [Sch. 2 para. 30](#); [S.I. 1991/2683](#), [art. 2](#)
- S. 83 extended (22.5.2000) by [S.I. 2000/1119](#), arts. 1, 37(3), Sch. 4 para. 7(2) (as amended (1.7.2009) by [The Legal Services Act 2007 \(Registered European Lawyers\) Order 2009 \(S.I. 2009/1587\)](#), [art. 3\(7\)\(c\)](#))

**84 Service of documents at solicitor's place of business.**

- (1) For the purpose of facilitating the service of notices and other documents, every solicitor who has in force, or has applied for, a practising certificate shall give notice to the Society of any change in his place or places of business before the expiration of 14 days from the date on which the change takes effect.
- (2) Any notice or other document required or authorised by or by virtue of this Act to be served on any person may be served on him by delivering it to him, by leaving it at his proper address or by sending it by post.
- (3) Any such notice or document may be served on a practising solicitor, without prejudice to any other method of service, by sending it in a registered letter addressed to him at any place specified as his place of business, or one of his places of business, in his latest application for a practising certificate or in any subsequent notice under subsection (1).

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

- C5** S. 84 extended (with modifications) (1.7.2009) by [The Registered Foreign Lawyers Order 2009 \(S.I. 2009/1589\)](#), [art. 3\(2\)\(p\)](#), Sch.
- C6** S. 84 extended (22.5.2000) by [S.I. 2000/1119](#), regs. 1, 37(3), Sch. 4 para. 7(1) (as amended (1.7.2009) by [The Legal Services Act 2007 \(Registered European Lawyers\) Order 2009 \(S.I. 2009/1587\)](#), [art. 3\(7\)\(a\)](#))

**85 Bank accounts.**

Where a solicitor keeps an account with a bank [<sup>F4</sup>or a building society] in pursuance of rules under section 32—

- (a) the bank [<sup>F5</sup>or society] shall not incur any liability, or be under any obligation to make any inquiry, or be deemed to have any knowledge of any right of any person to any money paid or credited to the account, which it would not incur or be under or be deemed to have in the case of an account kept by a person entitled absolutely to all the money paid or credited to it; and
- (b) the bank [<sup>F5</sup>or society] shall not have any recourse or right against money standing to the credit of the account, in respect of any liability of the solicitor to the bank, other than a liability in connection with the account.

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#### Textual Amendments

- F4** Words inserted by [Building Societies Act 1986 \(c. 53, SIF 16\)](#), **ss. 54(3)(a)(5)**, 120, Sch. 18 Pt. I para. 11(4)(a)
- F5** Words inserted by [Building Societies Act 1986 \(c. 53, SIF 16\)](#), **ss. 54(3)(a)(5)**, 120, Sch. 18 Pt. I para. 11(4)(b)

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

- C7** S. 85 extended (1.1.1992) by [Administration of Justice Act 1985 \(c. 61, SIF 34\)](#), s. 9, **Sch. 2 para. 31**; S.I. 1991/2683, **art. 2**
- C8** S. 85 extended (1.1.1992) by S.I. 1991/2831, **art. 1, 2**  
S. 85 extended (22.5.2000) by S.I. 2000/1119, regs. 1, 37(3), Sch. 4 para. 7(4) (as amended (1.7.2009) by [The Legal Services Act 2007 \(Registered European Lawyers\) Order 2009 \(S.I. 2009/1587\)](#), **art. 3(7)(f)**)
- C9** S. 85 applied by [Administration of Justice Act 1985 \(c. 61\)](#), Sch. 2 para. 31A (as inserted (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 177, 211, **Sch. 16 para. 118** (with ss. 29, 192, 193)); S.I. 2009/503, **art. 2(b)(ii)**

#### <sup>F6</sup>**86 Bankers' books.**

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#### Textual Amendments

- F6** S. 86 repealed (1.12.1997) by [1997 c. 32](#), s. 46(2), **Sch. 9**; S.I. 1997/2668, art. 2(1), **Sch. Pt.I**

**Status:**

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**Changes to legislation:**

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