



Solicitors Act 1974

1974 CHAPTER 47

PART IV

MISCELLANEOUS AND GENERAL

The Society

76 Non-practising solicitors eligible for membership of Society.

- (1) Notwithstanding anything in the Charter, the Council may appoint and elect to be a member of the Society any person whose name is for the time being on the roll, whether or not he has held a practising certificate.
- (2) Where a person is appointed and elected under subsection (1), he shall, on payment of the annual subscription payable by him under section 77,—
 - (a) become a member of the Society;
 - (b) be subject to any byelaw or regulation for the time being affecting members of the Society; and
 - (c) while he remains a member of the Society, be eligible for election as a member of the Council.

77 Annual subscription to Society.

- (1) The amount of the annual subscription payable by members of the Society shall be fixed from time to time by the Council.
- (2) In fixing the amount of the annual subscription, the Council shall be at liberty—
 - (a) to divide members into classes;
 - (b) to provide that different amounts shall be paid by different classes and shall extend over different periods; and
 - (c) generally to regulate, and from time to time vary, as they think fit, the amounts payable by members or by different classes of members.

Status: Point in time view as at 01/04/1991.

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

78 Cessation and suspension of membership of Society.

- (1) If the name of a solicitor who is a member of the Society is removed from or struck off the roll that solicitor shall thereupon cease to be a member of the Society.
- (2) A member of the Society who is suspended from practising as a solicitor shall not be entitled during the period of his suspension to any of the rights or privileges of membership of the Society.
- (3) Subject to subsection (4), the Council may suspend any member of the Society—
 - (a) from using the hall and library and any of the rooms belonging to the Society; and
 - (b) from exercising all other rights and privileges of a member,
 during such period as they may think fit for any cause which, in their opinion, renders such suspension necessary or expedient but is not of a nature to justify the making of a complaint to the Tribunal by or on behalf of the Society.
- (4) A member shall not be suspended under subsection (3) unless—
 - (a) at least sixteen members of the Council are present at the meeting at which it is resolved to suspend him; and
 - (b) at least twelve of those members consent to his suspension.
- (5) Any member of the Society who has been suspended under subsection (3) may, on giving the notice required by any byelaw or regulation of the Society, appeal against the suspension to the next available general meeting of members of the Society, and that meeting may confirm, rescind or vary the period of the suspension in any manner they think fit.

Modifications etc. (not altering text)

C1 S. 78(1)(2) extended (22.5.2000) by S.I. 2000/1119, regs. 1, 37(3), Sch. 4 para. 10

[^{F1}79 Committees and Sub-Committees of the Council.

- (1) Subject to any provision to the contrary made by or under any enactment, the Council may arrange for any of its functions (other than reserved functions) to be discharged by—
 - (a) a committee of the Council;
 - (b) a sub-committee of such a committee; or
 - (c) an individual (whether or not a member of the Society's staff).
- (2) Where, by virtue of subsection (1)(a), any of the Council's functions may be discharged by a committee, the committee may arrange for the discharge of any of those functions by—
 - (a) a sub-committee of that committee; or
 - (b) an individual (whether or not a member of the Society's staff).
- (3) Where, by virtue of subsection (1) or (2), any of the Council's functions may be discharged by a sub-committee, the sub-committee may arrange for the discharge of any of those functions by a member of the Society's staff.
- (4) Subsections (2) and (3) shall have effect subject to any contrary direction given by the Council.

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- (5) Subject to any direction given by the Council under subsection (4), subsection (3) shall have effect subject to any contrary direction given by the committee concerned.
- (6) Any power given by subsection (1), (2) or (3) may be exercised so as to impose restrictions or conditions on the body or individual by whom the functions concerned are to be discharged.
- (7) A committee of the Council, and any sub-committee of such a committee, discharging functions delegated under this section may include persons other than—
 - (a) members of the Council;
 - (b) members of the Society;
 - (c) solicitors.
- (8) The majority of the members of any such committee or sub-committee may be persons who may be included by virtue of subsection (7).
- (9) The number and term of office of the members of such a committee and the number of those members necessary to form a quorum, shall be fixed by the Council.
- (10) Subject to any restriction or condition imposed by the Council, the number and term of office of the members of such a sub-committee and the number of those members necessary to form a quorum, shall be fixed by the committee concerned.
- (11) The validity of any proceedings of such a committee or sub-committee shall not be affected by any casual vacancy among its members.
- (12) In this section “reserved functions” means—
 - (a) the function of making rules or regulations under section 2, 31, 32, 34, 36, or 37 or under section 9 of the ^{M1}Administration of Justice Act 1985 (incorporated practices);
 - (b) the function of setting fees or financial contributions under paragraph 2(1) of Schedule 2 or section 8(2) or under paragraph 6 of Schedule 2 to the Administration of Justice Act 1985.]

Textual Amendments

F1 S. 79 substituted by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\)](#), s. 97

Marginal Citations

M1 1985 c.61 (76:1).

80 Powers to act on behalf of Society.

- (1) Anything authorised or required to be done by the Society under or in pursuance of this Act or of any instrument made under it may be done on behalf of the Society by the Council; and the power to delegate functions [^{F2}conferred] by section 79 shall include power to delegate functions exercisable by the Council by virtue of this subsection.
- (2) Any document issued by the Society or the Council for any purpose whatsoever may be signed on behalf of the Society or the Council, as the case may be, by the Secretary of the Society or by such other officer of the Society, or by the person holding such office in the Society, as may from time to time be prescribed either generally or specially by resolution of the Council.

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- (3) In any proceedings a document purporting to be certified by the Secretary of the Society as a copy of a resolution passed by the Council or a committee of the Council [^{F3}or sub-committee] on a specified date shall be evidence that that resolution was duly passed by the Council [^{F4}, committee or sub-committee] on that date.

Textual Amendments

- F2** Word substituted by [Courts and Legal Services Act 1990 \(c. 41, SIF 37\)](#), s. 125(3), **Sch. 18 para. 16(2)**
- F3** Words inserted by [Courts and Legal Services Act 1990 \(c. 41, SIF 37\)](#), s. 125(3), **Sch. 18 para. 16(3)(a)**
- F4** Words substituted by [Courts and Legal Services Act 1990 \(c. 41, SIF 37\)](#), s. 125(3), **Sch. 18 para. 16(3)(b)**

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