



# Solicitors Act 1974

## 1974 CHAPTER 47

### PART IV

#### MISCELLANEOUS AND GENERAL

##### *The Society*

#### 76 Non-practising solicitors eligible for membership of Society.

F1 .....

##### Textual Amendments

F1 S. 76 repealed (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 210, 211, Sch. 16 para. 70, Sch. 23 (with ss. 29, 192, 193); S.I. 2009/503, art. 2(b)(i)(f)(ii)(aa)

#### 77 Annual subscription to Society.

F2 .....

##### Textual Amendments

F2 S. 77 repealed (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 210, 211, Sch. 16 para. 70, Sch. 23 (with ss. 29, 192, 193); S.I. 2009/503, art. 2(b)(i)(f)(ii)(aa)

#### 78 Cessation and suspension of membership of Society.

F3 .....

*Status: Point in time view as at 01/04/2013.*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: The Society. (See end of Document for details)*

### Textual Amendments

- F3** S. 78 repealed (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 177, 210, 211, Sch. 16 para. 70, [Sch. 23](#) (with ss. 29, 192, 193); S.I. 2009/503, [art. 2\(b\)\(i\)\(f\)\(ii\)\(aa\)](#)

## [<sup>F4</sup>79] Discharge of the Council's functions

- (1) The Council may arrange for any function of the Council (including any function exercisable by the Council by virtue of section 80) to be exercised by—
  - (a) a committee of the Council,
  - (b) a sub-committee of such a committee,
  - (c) a body corporate which is established for the purpose of providing services to the Council (or any committee of the Council) and is a wholly-owned subsidiary of the Society, or
  - (d) an individual (whether or not a member of the Society's staff).
- (2) Where by virtue of subsection (1) any function may be discharged by a committee, the committee may arrange for the discharge of the function by—
  - (a) a sub-committee of that committee,
  - (b) a body corporate which is established for the purpose of providing services to the Council (or any committee of the Council) and is a wholly-owned subsidiary of the Society, or
  - (c) an individual (whether or not a member of the Society's staff).
- (3) Where, by virtue of subsection (1) or (2), any function may be discharged by a sub-committee, that sub-committee may arrange for the discharge of the function by an individual (whether or not a member of the Society's staff).
- (4) Arrangements made under this section in respect of a function may provide that the function is to be exercised in accordance with the arrangements only (and not by the delegating body).
- (5) In subsection (4) “the delegating body” means—
  - (a) in the case of arrangements under subsection (1), the Council;
  - (b) in the case of arrangements under subsection (2), the committee;
  - (c) in the case of arrangements under subsection (3), the sub-committee.
- (6) Subsections (2) and (3) have effect subject to any contrary direction given by the Council.
- (7) Where arrangements under subsection (3) relate to a function delegated by a committee under subsection (2), subsection (3) also has effect subject to any contrary direction given by that committee.
- (8) 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 function is to be discharged.
- (9) A committee or sub-committee may include or consist of individuals other than—
  - (a) members of the Council;
  - (b) members of the Society;
  - (c) solicitors.

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- (10) A sub-committee of a committee may also include or consist of individuals other than members of the committee.
- (11) The Council may make arrangements for the appointment and removal of members of any committee to be made other than by the Council.
- (12) A committee or sub-committee may regulate its own procedure, including quorum.
- (13) The validity of any proceedings of a committee or sub-committee is not affected by any vacancy among its members.
- (14) In this section “wholly-owned subsidiary” has the meaning given by section 1159 of the Companies Act 2006.
- (15) This section is subject to any provision to the contrary made by or under any enactment.]

#### Textual Amendments

- F4** S. 79 substituted (7.3.2008) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 71** (with ss. 29, 192, 193); S.I. 2008/222, **art. 2(j)(i)** (subject to art. 7(2))

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

- C1** S. 79 modified (temp) (7.3.2008) by The Legal Services Act 2007 (Commencement No.1 and Transitory Provisions) Order 2008 (S.I. 2008/222), **art. 7(2)**

## 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 [<sup>F5</sup>any other enactment (or of any instrument made under this Act or any other enactment)] may be done on behalf of the Society by the Council; and the power to delegate functions [<sup>F6</sup>conferred] by section 79 shall include power to delegate functions exercisable by the Council by virtue of this subsection.
- (2) <sup>F7</sup>.....
- (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 [<sup>F8</sup>or sub-committee] on a specified date shall be evidence that that resolution was duly passed by the Council [<sup>F9</sup>, committee or sub-committee] on that date.

#### Textual Amendments

- F5** Words in s. 80(1) substituted (7.3.2008) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 72(a)** (with ss. 29, 192, 193); S.I. 2008/222, **art. 2(j)(i)**
- F6** Word substituted by Courts and Legal Services Act 1990 (c. 41, SIF 37), s. 125(3), **Sch. 18 para. 16(2)**
- F7** S. 80(2) repealed (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 210, 211, Sch. 16 para. 72(b), **Sch. 23** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(i)(f)(ii)**
- F8** Words inserted by Courts and Legal Services Act 1990 (c. 41, SIF 37), s. 125(3), **Sch. 18 para. 16(3)(a)**
- F9** 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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