

Status: Point in time view as at 01/04/2013.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, Part I. (See end of Document for details)

SCHEDULES

SCHEDULE 1

INTERVENTION IN SOLICITOR’S PRACTICE

Modifications etc. (not altering text)

- C1** Sch. 1 applied (with modifications) by [S.I. 2000/1119, regs. 1, 37\(3\)](#), [Sch. 4 para. 9](#) (as amended (1.7.2009) by [The Legal Services Act 2007 \(Registered European Lawyers\) Order 2009 \(S.I. 2009/1587\)](#), [art. 3\(9\)](#))

PART I

CIRCUMSTANCES IN WHICH SOCIETY MAY INTERVENE

- 1 (1) Subject to sub-paragraph (2), the powers conferred by Part II of this Schedule shall be exercisable where—
- (a) the [^{F1}Society has] reason to suspect dishonesty on the part of—
 - (i) a solicitor, or
 - (ii) an employee of a solicitor, or
 - (iii) the personal representatives of a deceased solicitor,in connection with that solicitor’s practice [^{F2}or former practice] or in connection with any trust of which that solicitor is or formerly was a trustee [^{F3}or that employee is or was a trustee in his capacity as such an employee] ;
 - [^{F4}(aa) the Society has reason to suspect dishonesty on the part of a solicitor (“S”) in connection with—
 - (i) the business of any person of whom S is or was an employee, or of any body of which S is or was a manager, or
 - (ii) any business which is or was carried on by S as a sole trader;]
 - (b) the [^{F5}Society considers] that there has been undue delay on the part of the personal representatives of a deceased solicitor who immediately before his death was practising as a sole solicitor in connection with that solicitor’s practice or in connection with any [^{F6}trust] ;
 - (c) the [^{F7}Society is] satisfied that a solicitor has failed to comply with rules made by virtue of section [^{F8}31,] 32 or 37(2)(c);
 - (d) a solicitor has been adjudged bankrupt or has made a composition or arrangement with his creditors;
 - (e) a solicitor has been committed to prison in any civil or criminal proceedings;
 - [^{F9}(ee) the [^{F10}Society is] satisfied that a sole solicitor is incapacitated by illness [^{F11}, injury] or accident to such an extent as to be unable to attend to his practice;]

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- [^{F12}(f) a solicitor lacks capacity (within the meaning of the Mental Capacity Act 2005) to act as a solicitor and powers under sections 15 to 20 or section 48 of that Act are exercisable in relation to him;]
- (g) the name of a solicitor has been removed from or struck off the roll or a solicitor has been suspended from practice.
- [^{F13}(h) the [^{F14}Society is] satisfied that a [^{F15}. . . solicitor has abandoned his practice;
- (i) the [^{F16}Society is] satisfied that a sole solicitor is incapacitated by age to such an extent as to be unable to attend to his practice;
- (j) any power conferred by this Schedule has been exercised in relation to a sole solicitor by virtue of sub-paragraph (1)(a) and he has acted as a sole solicitor within the period of eighteen months beginning with the date on which it was so exercised;
- (k) the [^{F16}Society is] satisfied that a person has acted as a solicitor at a time when he did not have a practising certificate which was in force;
- (l) the [^{F17}Society is] satisfied that a solicitor has failed to comply with any condition, subject to which his practising certificate was granted or otherwise has effect, to the effect that he may act as a solicitor only—
- (i) in employment which is approved by the Society in connection with the imposition of that condition;
- (ii) as a member of a partnership which is so approved;
- (iii) as [^{F18}a manager] of a body recognised by the [^{F19}Society] under section 9 of the ^{M1}Administration of Justice Act 1985 and so approved; or
- (iv) in any specified combination of those ways.]
- [^{F20}(m) the Society is satisfied that it is necessary to exercise the powers conferred by Part 2 of this Schedule (or any of them) in relation to a solicitor to protect—
- (i) the interests of clients (or former or potential clients) of the solicitor or his firm, or
- (ii) the interests of the beneficiaries of any trust of which the solicitor is or was a trustee.]

[^{F21}(1A) In sub-paragraph (1) “ manager ” has the same meaning as in the Legal Services Act 2007 (see section 207 of that Act).]

(2) ^{F22}

Textual Amendments

- F1** Words in Sch. 1 para. 1(1)(a) substituted (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 177, 211, [Sch. 16 para. 77\(2\)\(a\)\(i\)](#) (with ss. 29, 192, 193); S.I. 2009/503, [art. 2\(b\)\(i\)](#) (subject to art. 4)
- F2** Words in Sch. 1 para. 1(1)(a) inserted (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 177, 211, [Sch. 16 para. 77\(2\)\(a\)\(ii\)](#) (with ss. 29, 192, 193); S.I. 2009/503, [art. 2\(b\)\(i\)](#) (subject to art. 4)
- F3** Words in Sch. 1 para. 1(1)(a) inserted (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 177, 211, [Sch. 16 para. 77\(2\)\(a\)\(iii\)](#) (with ss. 29, 192, 193); S.I. 2009/503, [art. 2\(b\)\(i\)](#) (subject to art. 4)
- F4** Sch. 1 para. 1(1)(aa) inserted (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 177, 211, [Sch. 16 para. 77\(2\)\(b\)](#) (with ss. 29, 192, 193); S.I. 2009/503, [art. 2\(b\)\(i\)](#) (subject to art. 4)
- F5** Words in Sch. 1 para. 1(1)(b) substituted (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 177, 211, [Sch. 16 para. 77\(2\)\(c\)\(i\)](#) (with ss. 29, 192, 193); S.I. 2009/503, [art. 2\(b\)\(i\)](#) (subject to art. 4)
- F6** Words in Sch. 1 para. 1(1)(b) substituted (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 177, 211, [Sch. 16 para. 77\(2\)\(c\)\(ii\)](#) (with ss. 29, 192, 193); S.I. 2009/503, [art. 2\(b\)\(i\)](#) (subject to art. 4)

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- F7** Words in Sch. 1 para. 1(1)(c) substituted (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 177, 211, [Sch. 16 para. 77\(2\)\(d\)](#) (with ss. 29, 192, 193); S.I. 2009/503, [art. 2\(b\)\(i\)](#) (subject to art. 4)
- F8** Words in Sch. 1 para. 1(1)(c) inserted (27.9.1999) by 1999 c. 22, s. 48, [Sch. 7 para. 6](#) (with Sch. 14 para. 7(2)); S.I. 1999/2657, [art. 2\(a\)](#)
- F9** Sch. 1 Pt. I para. 1(1)(ee) inserted by [Administration of Justice Act 1985 \(c. 61, SIF 34\)](#), s. 8, [Sch. 1 para. 13\(2\)](#)
- F10** Words in Sch. 1 para. 1(ee) substituted (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 177, 211, [Sch. 16 para. 77\(2\)\(e\)\(i\)](#) (with ss. 29, 192, 193); S.I. 2009/503, [art. 2\(b\)\(i\)](#) (subject to art. 4)
- F11** Word in Sch. 1 para. 1(ee) inserted (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 177, 211, [Sch. 16 para. 77\(2\)\(e\)\(ii\)](#) (with ss. 29, 192, 193); S.I. 2009/503, [art. 2\(b\)\(i\)](#) (subject to art. 4)
- F12** Sch. 1 para. 1(1)(f) substituted (1.10.2007) by [Mental Capacity Act 2005 \(c. 9\)](#), ss. 67(1), 68, [Sch. 6 para. 22\(4\)](#) (with ss. 27–29, 62); S.I. 2007/1897, [art. 2](#)
- F13** Sch. 1 Pt. I paras. 1(1)(h)–(l) added by [Courts and Legal Services Act \(c. 41, SIF 76:1\)](#), s. 91(1)
- F14** Words in Sch. 1 para. 1(1)(h) substituted (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 177, 211, [Sch. 16 para. 77\(2\)\(f\)\(i\)](#) (with ss. 29, 192, 193); S.I. 2009/503, [art. 2\(b\)\(i\)](#) (subject to art. 4)
- F15** Word in Sch. 1 para. 1(1)(h) repealed (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 177, 210, 211, [Sch. 16 para. 77\(2\)\(f\)\(ii\)](#), [Sch. 23](#) (with ss. 29, 192, 193); S.I. 2009/503, [art. 2\(b\)\(i\)](#) (subject to art. 4)
- F16** Words in Sch. 1 para. 1(1)(i)(k) substituted (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 177, 211, [Sch. 16 para. 77\(2\)\(g\)](#) (with ss. 29, 192, 193); S.I. 2009/503, [art. 2\(b\)\(i\)](#) (subject to art. 4)
- F17** Words in Sch. 1 para. 1(1)(l) substituted (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 177, 211, [Sch. 16 para. 77\(2\)\(h\)\(i\)](#) (with ss. 29, 192, 193); S.I. 2009/503, [art. 2\(b\)\(i\)](#) (subject to art. 4)
- F18** Words in Sch. 1 para. 1(1)(l)(iii) substituted (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 177, 211, [Sch. 16 para. 77\(2\)\(h\)\(ii\)](#) (with ss. 29, 192, 193); S.I. 2009/503, [art. 2\(b\)\(i\)](#) (subject to art. 4)
- F19** Words in Sch. 1 para. 1(1)(l)(iii) substituted (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 177, 211, [Sch. 16 para. 77\(2\)\(h\)\(iii\)](#) (with ss. 29, 192, 193); S.I. 2009/503, [art. 2\(b\)\(i\)](#) (subject to art. 4)
- F20** Sch. 1 para. 1(1)(m) inserted (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 177, 211, [Sch. 16 para. 77\(2\)\(i\)](#) (with ss. 29, 192, 193); S.I. 2009/503, [art. 2\(b\)\(i\)](#) (subject to art. 4)
- F21** Sch. 1 para. 1(1A) inserted (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 177, 211, [Sch. 16 para. 77\(2\)\(j\)](#) (with ss. 29, 192, 193); S.I. 2009/503, [art. 2\(b\)\(i\)](#) (subject to art. 4)
- F22** Sch. 1 para. 1(2) repealed (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 177, 210, 211, Sch. 16 para. 77(2)(k), [Sch. 23](#) (with ss. 29, 192, 193); S.I. 2009/503, [art. 2\(b\)\(i\)\(f\)\(ii\)\(bb\)](#) (subject to art. 4)

Modifications etc. (not altering text)

- C1** Sch. 1 para. 1(1) extended in part (with modifications) (1.7.2009) by [The Registered Foreign Lawyers Order 2009 \(S.I. 2009/1589\)](#), [art. 3\(2\)\(q\)](#), Sch.
- C2** Sch. 1 para. 1(1)(k) modified by S.I. 2000/1119, Sch. 4 para. 9(ac) (as substituted (1.7.2009) by [The Legal Services Act 2007 \(Registered European Lawyers\) Order 2009 \(S.I. 2009/1587\)](#), [art. 3\(9\)\(a\)](#))

Marginal Citations

- M1** 1985 c.61. (76:1).

2 On the death of a sole solicitor paragraphs 6 to 8 shall apply to the client accounts of his practice.

3 The powers conferred by Part II of this Schedule shall also be exercisable, subject to paragraphs 5(4) and [F23 10(9)], where—

[F24(a) the Society is satisfied that there has been undue delay—

- (i) on the part of a solicitor in connection with any matter in which the solicitor or his firm is or was acting on behalf of a client or with any trust, or

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- (ii) on the part of an employee of a solicitor in connection with any trust of which the employee is or was a trustee in his capacity as such an employee; and]
- (b) the Society by notice in writing invites the solicitor to give an explanation within a period of not less than 8 days specified in the notice; and
- (c) the solicitor fails within that period to give an explanation which the ^{F25}Society regards] as satisfactory; and
- (d) the Society gives notice of the failure to the solicitor and (at the same or any later time) notice that the powers conferred by Part II of this Schedule are accordingly exercisable.

Textual Amendments

- F23** Word in Sch. 1 para. 1(3) substituted (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 177, 211, [Sch. 16 para. 77\(3\)\(a\)](#) (with ss. 29, 192, 193); S.I. 2009/503, [art. 2\(b\)\(i\)](#) (subject to art. 4)
- F24** Sch. 1 para. 1(3)(a) substituted (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 177, 211, [Sch. 16 para. 77\(3\)\(b\)](#) (with ss. 29, 192, 193); S.I. 2009/503, [art. 2\(b\)\(i\)](#) (subject to art. 4)
- F25** Words in Sch. 1 para. 1(3)(c) substituted (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 177, 211, [Sch. 16 para. 77\(3\)\(c\)](#) (with ss. 29, 192, 193); S.I. 2009/503, [art. 2\(b\)\(i\)](#) (subject to art. 4)

- 4 (1) Where the powers conferred by Part II of this Schedule are exercisable in relation to a solicitor, they shall continue to be exercisable after his death or after his name has been removed from or struck off the roll.
- (2) The references to the solicitor or his firm in paragraphs 5(1), 6(2) and (3) ^{F26}[6A], 8, 9(1) ^{F27}, (5) and (6)] and ^{F28}[10(2) and (7)] include, in any case where the solicitor has died, references to his personal representatives.

Textual Amendments

- F26** Word in Sch. 1 para. 4(2) inserted (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 177, 211, [Sch. 16 para. 77\(4\)\(a\)](#) (with ss. 29, 192, 193); S.I. 2009/503, [art. 2\(b\)\(i\)](#) (subject to art. 4)
- F27** Words in Sch. 1 para. 4(2) substituted (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 177, 211, [Sch. 16 para. 77\(4\)\(b\)](#) (with ss. 29, 192, 193); S.I. 2009/503, [art. 2\(b\)\(i\)](#) (subject to art. 4)
- F28** Words in Sch. 1 para. 4(2) substituted (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 177, 211, [Sch. 16 para. 77\(4\)\(c\)](#) (with ss. 29, 192, 193); S.I. 2009/503, [art. 2\(b\)\(i\)](#) (subject to art. 4)

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