

Status: Point in time view as at 01/04/2013.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: Documents. (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 II

POWERS EXERCISABLE ON INTERVENTION

Documents

- 9 (1) The Society may give notice to the solicitor or his firm requiring the production or delivery to any person appointed by the Society at a time and place to be fixed by the Society—
- (a) where the powers conferred by this Part of this Schedule are exercisable by virtue of paragraph 1, of all documents in the possession [^{F1}or under the control] of the solicitor or his firm in connection with his practice [^{F2}or former practice or with any trust of which the solicitor is or was a trustee]; and
 - (b) where they are exercisable by virtue of paragraph 3, of all documents in the possession [^{F3}or under the control] of the solicitor or his firm in connection with the trust or other matters [^{F4}of which the Society is satisfied](whether or not they relate also to other matters).
- (2) The person appointed by the Society may take possession of any such documents on behalf of the Society.
- (3) Except in a case where an application has been made to the High Court under sub-paragraph (4), if any person having possession [^{F5}or control] of any such documents refuses, neglects or otherwise fails to comply with a requirement under sub-paragraph (1), he shall be guilty of an offence and liable on summary conviction to a fine not exceeding [^{F6}level 3 on the standard scale].
- (4) The High Court, on the application of the Society, may order a person required to produce or deliver documents under sub-paragraph (1) to produce or deliver them to any person appointed by the Society at such time and place as may be specified in the order, and authorise him to take possession of them on behalf of the Society.

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- (5) If on an application by the Society the High Court is satisfied that there is reason to suspect that documents in relation to which the powers conferred by sub-paragraph (1) are exercisable have come into the possession [^{F7}or under the control] of some person other than the solicitor or his firm, the court may order that person to produce or deliver the documents to any person appointed by the Society at such time and place as may be specified in the order and authorise him to take possession of them on behalf of the Society.
- [^{F8}(5A) In the case of a document which consists of information which is stored in electronic form, a requirement imposed by a notice under sub-paragraph (1) or an order under sub-paragraph (4) or (5), is a requirement to produce or deliver the information in a form in which it is legible or from which it can readily be produced in a legible form.]
- (6) On making an order under this paragraph, or at any later time, the court, on the application of the Society, may authorise a person appointed by the Society to enter any premises (using such force as is reasonably necessary) to search for and take possession of
- [^{F9}(a)] any documents to which the order relates.
- [^{F10}(b) any property—
- (i) in the possession of or under the control of the solicitor or his firm, or
- (ii) in the case of an order under sub-paragraph (5), which was in the possession or under the control of such a person and has come into the possession or under the control of the person in respect of whom the order is made,
- which the Society reasonably requires for the purpose of accessing information contained in such documents,
- and to use property obtained under paragraph (b) for that purpose.]
- (7) The Society, on taking possession of any documents [^{F11}or other property] under this paragraph, shall serve upon the solicitor or personal representatives and upon any other person from whom they were received on the Society’s behalf or from whose premises they were taken a notice that possession has been taken on the date specified in the notice.
- (8) Subject to sub-paragraph (9) a person upon whom a notice under sub-paragraph (7) is served, on giving not less than 48 hours’ notice to the Society and (if the notice gives the name of the solicitor instructed by the Society) to that solicitor, may apply to the High Court for an order directing the Society to deliver the documents [^{F12}or other property] to such person as the applicant may require.
- (9) A notice under sub-paragraph (8) shall be given within 8 days of the service of the Society’s notice under sub-paragraph (7).
- (10) Without prejudice to the foregoing provisions of this Schedule, the Society may apply to the High Court for an order as to the disposal or destruction of any documents [^{F13}or other property] in its possession by virtue of this paragraph or paragraph 10.
- (11) On an application under sub-paragraph (8) or (10), the Court may make such order as it thinks fit.
- (12) Except so far as its right to do so may be restricted by an order on an application under sub-paragraph (8) or (10), the Society may take copies of or extracts from any documents in its possession by virtue of this paragraph or paragraph 10 and

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require any person to whom it is proposed that such documents shall be delivered, as a condition precedent to delivery, to give a reasonable undertaking to supply copies or extracts to the Society.

Textual Amendments

- F1 Words in Sch. 1 para. 9(1)(a) inserted (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 177, 211, [Sch. 16 para. 77\(9\)\(a\)\(i\)](#) (with ss. 29, 192, 193); S.I. 2009/503, [art. 2\(b\)\(i\)](#) (subject to art. 4)
- F2 Words in Sch. 1 para. 9(1)(a) substituted (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 177, 211, [Sch. 16 para. 77\(9\)\(a\)\(ii\)](#) (with ss. 29, 192, 193); S.I. 2009/503, [art. 2\(b\)\(i\)](#) (subject to art. 4)
- F3 Words in Sch. 1 para. 9(1)(b) inserted (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 177, 211, [Sch. 16 para. 77\(9\)\(b\)\(i\)](#) (with ss. 29, 192, 193); S.I. 2009/503, [art. 2\(b\)\(i\)](#) (subject to art. 4)
- F4 Words in Sch. 1 para. 9(1)(b) substituted (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 177, 211, [Sch. 16 para. 77\(9\)\(b\)\(ii\)](#) (with ss. 29, 192, 193); S.I. 2009/503, [art. 2\(b\)\(i\)](#) (subject to art. 4)
- F5 Words in Sch. 1 para. 9(3) inserted (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 177, 211, [Sch. 16 para. 77\(9\)\(c\)](#) (with ss. 29, 192, 193); S.I. 2009/503, [art. 2\(b\)\(i\)](#) (subject to art. 4)
- F6 Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), ss. 38, 46
- F7 Words in Sch. 1 para. 9(5) inserted (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 177, 211, [Sch. 16 para. 77\(9\)\(d\)](#) (with ss. 29, 192, 193); S.I. 2009/503, [art. 2\(b\)\(i\)](#) (subject to art. 4)
- F8 Sch. 1 para. 9(5A) inserted (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 177, 211, [Sch. 16 para. 77\(9\)\(e\)](#) (with ss. 29, 192, 193); S.I. 2009/503, [art. 2\(b\)\(i\)](#) (subject to art. 4)
- F9 Words in Sch. 1 para. 9(6) renumbered (31.3.2009) as Sch. 1 para. 9(6)(a) by virtue of [Legal Services Act 2007 \(c. 29\)](#), ss. 177, 211, [Sch. 16 para. 77\(9\)\(f\)](#) (with ss. 29, 192, 193); S.I. 2009/503, [art. 2\(b\)\(i\)](#) (subject to art. 4)
- F10 Sch. 1 para. 9(6)(b) inserted (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 177, 211, [Sch. 16 para. 77\(9\)\(g\)](#) (with ss. 29, 192, 193); S.I. 2009/503, [art. 2\(b\)\(i\)](#) (subject to art. 4)
- F11 Words in Sch. 1 para. 9(7) inserted (31.3.2009) by [Legal Services Act 2007 \(c. 26\)](#), ss. 177, 211, [Sch. 16 para. 77\(9\)\(h\)](#) (with ss. 29, 192, 193); S.I. 2009/503, [art. 2\(b\)\(i\)](#) (subject to art. 4)
- F12 Words in Sch. 1 para. 9(8) inserted (31.3.2009) by [Legal Services Act 2007 \(c. 26\)](#), ss. 177, 211, [Sch. 16 para. 77\(9\)\(i\)](#) (with ss. 29, 192, 193); S.I. 2009/503, [art. 2\(b\)\(i\)](#) (subject to art. 4)
- F13 Words in Sch. 1 para. 9(10) inserted (31.3.2009) by [Legal Services Act 2007 \(c. 26\)](#), ss. 177, 211, [Sch. 16 para. 77\(9\)\(j\)](#) (with ss. 29, 192, 193); S.I. 2009/503, [art. 2\(b\)\(i\)](#) (subject to art. 4)

Modifications etc. (not altering text)

- C1 Sch. 1 Pt. II paras. 5-16 extended (1.1.1992) by [Administration of Justice Act 1985 \(c. 61, SIF 34\)](#), s. 9, [Sch. 2 paras. 32-35](#); S.I. 1991/2683, [art. 2](#) (which extending provisions were amended (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 177, 211, [Sch. 16 paras. 119-123](#) (with ss. 29, 192, 193); S.I. 2009/503, [art. 2\(b\)\(ii\)](#) (subject to art. 4))
- C2 Sch. 1 Pt. II paras. 5-16 extended (with modifications) (14.10.1991) by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\)](#), s. 89, [Sch. 14 Pt. II para. 5](#); S.I. 1991/1883, [art. 3](#), [Sch.](#)
- C3 Sch. 1 Pt. II para. 9(2) extended (1.1.1992) by [Administration of Justice Act 1985 \(c. 61, SIF 34\)](#), s. 9, [Sch. 2 para. 14\(2\)](#); S.I. 1991/2683, [art. 2](#)
- C4 Sch. 1 Pt. II para. 9(3)-(12) extended (1.1.1992) by [Administration of Justice Act 1985 \(c. 61, SIF 34\)](#), s. 9, [Sch. 2 para. 14\(2\)](#); S.I. 1991/2683, [art. 2](#)

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