



# Solicitors Act 1974

## 1974 CHAPTER 47

### PART II

#### PROFESSIONAL PRACTICE, CONDUCT AND DISCIPLINE OF SOLICITORS AND CLERKS

##### *Restrictions on employment of certain persons*

#### **41 Employment by solicitor of person struck off or suspended.**

- (1) No solicitor shall, except in accordance with a written permission granted under this section, employ or remunerate in connection with his practice as a solicitor any person who to his knowledge is disqualified from practising as a solicitor by reason of the fact that—
- (a) his name has been struck off the roll, or
  - (b) he is suspended from practising as a solicitor, or
  - (c) his practising certificate is suspended while he is an undischarged bankrupt.

[<sup>F1</sup>(1A) No solicitor shall, except in accordance with a written permission granted under this section, employ or remunerate in connection with his practice as a solicitor any person if, to his knowledge, there is a direction in force under section 47(2)(g) in relation to that person.]

- (2) The Society may grant a permission under this section for such period and subject to such conditions as the Society thinks fit.
- (3) A solicitor aggrieved by the refusal of the Society to grant a permission under subsection (2), or by any conditions attached by the Society to the grant of any such permission, may appeal to the Master of the Rolls who may—
- (a) confirm the refusal or the conditions, as the case may be; or
  - (b) grant a permission under this section for such period and subject to such conditions as he thinks fit.

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*Status: Point in time view as at 01/02/1991. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Solicitors Act 1974, Section 41. (See end of Document for details)*

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- (4) If any solicitor acts in contravention of this section or of any conditions subject to which a permission has been granted under it, the Tribunal or, as the case may be, the High Court shall order—
- (a) that his name be struck off the roll; or
  - (b) that he be suspended from practice for such period as the Tribunal or the court thinks fit.
- (5) The Master of the Rolls may make regulations about appeals to him under subsection (3).

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**Textual Amendments**

**F1** S. 41(1A) inserted by [Courts and Legal Services Act 1990 \(c. 41, SIF 37\)](#), s. 125(3), **Sch. 18 para. 14**

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

**C1** S. 41 (except subsection (4)) extended (*prosp.*) by [Administration of Justice Act 1985 \(c. 61, SIF 34\)](#), ss. 9, 69(2), **Sch. 2 para. 9**

**Status:**

Point in time view as at 01/02/1991. This version of this provision has been superseded.

**Changes to legislation:**

There are currently no known outstanding effects for the Solicitors Act 1974, Section 41.