



Solicitors Act 1974

1974 CHAPTER 47

PART IV

MISCELLANEOUS AND GENERAL

Supplementary

87 Interpretation.

(1) In this Act, except where the context otherwise requires,—

“articles” means written articles of clerkship binding a person to serve a solicitor as an articulated clerk;

^{F1}

[^{F2}“bank” means the Bank of England, a person (other than a building society) who has permission under Part 4 of the Financial Services and Markets Act 2000 to accept deposits or an EEA firm of the kind mentioned in paragraph 5(b) of Schedule 3 to that Act which has permission under paragraph 15 of that Schedule (as a result of qualifying for authorisation under paragraph 12 of that Schedule) to accept deposits;

[^{F3}“building society” means a building society within the meaning of the Building Societies Act 1986 ^{F4}]

“the Charter” means the Royal Charter dated 26th February 1845, whereby the Society was incorporated, together with the Royal Charters supplemental to it dated respectively 26th November 1872, 4th June 1903, 2nd June 1909 and 10th March 1954;

“client” includes—

- (a) in relation to contentious business, any person who as a principal or on behalf of another person retains or employs, or is about to retain or employ, a solicitor, and any person who is or may be liable to pay a solicitor’s costs;
- (b) in relation to non-contentious business, any person who, as a principal or on behalf of another, or as a trustee or executor, or in any other

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capacity, has power, express or implied, to retain or employ, and retains or employs or is about to retain or employ, a solicitor, and any person for the time being liable to pay to a solicitor for his services any costs; “client account” means an account in the title of which the word “client” is required by rules under section 32;

“contentious business” means business done, whether as solicitor or advocate, in or for the purposes of proceedings begun before a court or before an arbitrator^{F5} . . . , not being business which falls within the definition of non-contentious or common form probate business contained in [F6 section 128 of the M1 Supreme Court Act 1981];

“contentious business agreement” means an agreement made in pursuance of section 59;

“controlled trust”, in relation to a solicitor, means a trust of which he is a sole trustee or co-trustee only with one or more of his partners or employees;

“costs” includes fees, charges, disbursements, expenses and remuneration;

“the Council” means the Council of the Society elected in accordance with the provisions of the Charter and this Act;

“duly certificated notary public” means a notary public who either—

- (a) has in force a practising certificate as a solicitor issued under this Act, and duly entered in the court of faculties of the Archbishop of Canterbury in accordance with rules made by the master of faculties; or
- (b) has in force a practising certificate as a notary public issued by the said court of faculties in accordance with rules so made;

“employee” includes an articled clerk;

“indemnity conditions” has the meaning assigned to it by section 28(2)(b);

“indemnity rules” means rules under section 37;

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“local law society” means a society which is for the time being recognised by the Council as representative of solicitors in some particular part of England and Wales;

“non-contentious business” means any business done as a solicitor which is not contentious business as defined by this subsection;

[F8“officer”, in relation to a limited liability partnership, means a member of the limited liability partnership;]

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“practising certificate” has the meaning assigned to it by section 1;

[F9“replacement date”, in relation to a practising certificate, means the date prescribed under section 14(2)(a) or specified by the Society under any regulation made by virtue of section 14(4)(b);

“the roll” means the list of solicitors of the Supreme Court kept by the Society under section 6;

“Secretary” of the Society includes any deputy or person appointed temporarily to perform the duties of that office;

“the Society” means the Law Society, that is to say, the Society incorporated and regulated by the Charter;

“sole solicitor” means a solicitor who is the sole principal in a practice;

“solicitor” means solicitor of the Supreme Court;

“solicitor in Scotland” means a person enrolled or deemed to have been enrolled as a solicitor in pursuance of the M2Solicitors (Scotland) Act 1933;

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“training conditions” has the meaning assigned to it by section 28(2)(a);

“training regulations” means regulations under section 2;

“the Tribunal” means the Solicitors Disciplinary Tribunal;

“trust” includes an implied or constructive trust and a trust where the trustee has a beneficial interest in the trust property, and also includes the duties incident to the office of a personal representative, and “trustee” shall be construed accordingly;

“unqualified person” means a person who is not qualified under section 1 to act as a solicitor.

[In this Act “authorised insurer” means—

- F11(1A)
- (a) a person who has permission under Part 4 of the Financial Services and Markets Act 2000 to effect or carry out contracts of insurance of a relevant class;
 - (b) a person who carries on an insurance market activity, within the meaning of section 316(3) of that Act;
 - (c) an EEA firm of the kind mentioned in paragraph 5(d) of Schedule 3 to that Act, which has permission under paragraph 15 of that Schedule (as a result of qualifying for authorisation under paragraph 12 of that Schedule) to effect or carry out contracts of insurance of a relevant class; or
 - (d) a person who does not fall within paragraph (a), (b) or (c) and who may lawfully effect or carry out contracts of insurance of a relevant class in a member state other than the United Kingdom.

(1B) A contract of insurance is of a relevant class for the purposes of subsection (1A) if it insures against risks arising from—

- (a) accident;
- (b) credit;
- (c) legal expenses;
- (d) general liability to third parties;
- (e) sickness;
- (f) suretyship;
- (g) miscellaneous financial loss.

(1C) The definition of “bank” in subsection (1) and subsections (1A) and (1B) must be read with—

- (a) section 22 of the Financial Services and Markets Act 2000;
- (b) any relevant order under that section; and
- (c) Schedule 2 to that Act.]

(2) In this Act—

- (a) references to the removal of a solicitor’s name from the roll are references to its removal at his own request [F12 or in pursuance of regulations under section 28(3A);]
- (b) references to striking a solicitor’s name off the roll are references to striking it off [F13 as a disciplinary sanction]; and
- (c) references to removal or striking off include references to deleting an entry made by means of a computer by whatever means are appropriate.

(3) In this Act, except where otherwise indicated—

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- (a) a reference to a numbered Part, section or Schedule is a reference to the Part or section of, or the Schedule to, this Act so numbered;
 - (b) a reference in a section to a numbered subsection is a reference to the subsection of that section so numbered;
 - (c) a reference in a section, subsection or Schedule to a numbered paragraph is a reference to the paragraph of that section, subsection or Schedule so numbered; and
 - (d) a reference in a paragraph to a numbered sub-paragraph is a reference to the sub-paragraph of that paragraph so numbered.
- (4) Except where the context otherwise requires, references in this Act to any enactment shall be construed as references to that enactment as amended or applied by or under any other enactment, including this Act.]]

Textual Amendments

- F1** S. 87(1): definition of "authorised insurer" repealed (1.12.2001) by S.I. 2001/3649, **arts. 1**, 286(2)
- F2** S. 87(1): definition of "bank" substituted (1.12.2001) by S.I. 2001/3649, **arts. 1**, 286(3)
- F3** Definition of "building society" inserted by Building Societies Act 1986 (c. 53, SIF 16), **ss. 54(3)(a)** (5), 120, Sch. 18, para. 11(5)
- F4** S. 87(1): words in definition of "building society" repealed (27.9.1999) by 1999 c. 22, ss. 48, 106, Sch. 7 para. 4, **Sch. 15 Pt. II** (with Sch. 14 paras. 7(2), 36(9)); S.I. 1999/2657, art. 2(a)(d)(ii)(a), **Sch. 2 Pt. I**
- F5** Words in s. 87(1) repealed (31.1.1997) by 1996 c. 23, s. 107(2), **Sch. 4**(with s. 81(2)); S.I. 1996/3146, **art. 3**
- F6** Words substituted by Administration of Justice Act 1985 (c. 61, SIF 34), s. 8, **Sch. 1 para. 12(a)(i)**
- F7** Definitions in s. 87(1) omitted (19.11.1992) by virtue of S.I. 1992/2890, **regs. 1(1)**, 12(1).
- F8** S. 87(1): definition of "office" inserted (6.4.2001) by S.I. 2001/1090, reg. 9, **Sch. 5 para. 5**
- F9** Definition of "replacement date" inserted (1.7.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 37), s. 125(3), **Sch. 18 para. 17**; S.I. 1991/1364, art. 2, **Sch.**
- F10** Definition in s. 87(1) repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. XIV**.
- F11** S. 87(1A)-(1C) inserted (1.12.2001) by S.I. 2001/3649, **arts. 1**, 286(4)
- F12** Words inserted by Administration of Justice Act 1985 (c. 61, SIF 34), s. 8, **Sch. 1 para. 12(b)(i)**
- F13** Words substituted by Administration of Justice Act 1985 (c. 61, SIF 34), s. 8, **Sch. 8 para. 12(b)(ii)**

Modifications etc. (not altering text)

- C1** S. 87(1) amended (1.1.1993) by S.I. 1992/3218, reg. 82(1), **Sch. 10 Pt. I para. 8(2)**.
- C2** Definition of "replacement date" modified (1.7.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 37, 76:1), s. 125(6), **Sch. 19 para. 12(3)**; S.I. 1991/1364, art. 2, **Sch.**

Marginal Citations

- M1** 1981 c. 54.
- M2** 1933 c. 21.

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