



Administration of Justice Act 1985

1985 CHAPTER 61

PART I

SOLICITORS

Practising certificates

4 Issue of practising certificates subject to conditions

(1) Section 12 of the Solicitors Act 1974 (discretion of Law Society with respect to issue of practising certificates in special cases) shall be amended as follows.

(2) In subsection (1)—

- (a) in paragraph (e), for " affecting " there shall be substituted " relating to"; and
- (b) after that paragraph there shall be inserted—

“(ee) when, having been required by section 34(1) to deliver an accountant's report to the Society, he has not delivered that report within the period allowed by section 34(2); or”.

(3) In subsection (2)—

- (a) after " (e), " there shall be inserted " (ee)"; and
- (b) after "subsection (1)" there shall be inserted " then, except in the case of any circumstances of whose existence the Society is unaware at the time the certificate is issued,".

(4) After subsection (4) there shall be inserted—

“(4A) Without prejudice to the generality of subsection (4)(b)—

- (a) conditions may be imposed under that provision for requiring the applicant to take any specified steps that will, in the opinion of the Society, be conducive to his carrying on an efficient practice as a solicitor; and

- (b) conditions may be so imposed (whether for the purpose mentioned in paragraph (a) or otherwise) notwithstanding that they may result in expenditure being incurred by the applicant.”.

5 Conditions imposed on current certificates

After section 13 of the Solicitors Act 1974 there shall be inserted—

“13A Imposition of conditions while practising certificates are in force.

- (1) Subject to the provisions of this section, the Society may in the case of any solicitor direct that his practising certificate for the time being in force (his "current certificate") shall have effect subject to such conditions as the Society may think fit.
- (2) The power to give a direction under this section in the case of any solicitor shall be exercisable by the Society at any time during the period for which his current certificate is in force if—
 - (a) in the event of an application for a practising certificate being made by him at that time, section 12 would have effect in relation to him by reason of any such circumstances as are mentioned in paragraph (d), (e), (ee), (k) or (l) of subsection (1) of that section ; or
 - (b) a receiving order in bankruptcy is in force against him; or
 - (c) he has entered into a composition with his creditors or a deed of arrangement for the benefit of his creditors.
- (3) Subject to subsection (4), the conditions specified in a direction under this section shall have effect as from the time when the solicitor concerned is notified of the Society's decision to give the direction.
- (4) The Society may, if it thinks fit, provide in a direction under this section that the conditions specified in the direction shall not have effect pending the hearing and determination of any appeal under subsection (6).
- (5) Where there is pending against any judgment or order an appeal by a solicitor which, if successful, would result in subsection (2) no longer being applicable to him, the Society shall not give a direction under this section in his case so long as the appeal is pending, unless in the opinion of the Society the proceedings on that appeal have been unduly protracted by him or are unlikely to be successful.
- (6) A solicitor in whose case a direction is given under this section may appeal to the Master of the Rolls against the decision of the Society within one month of being notified of it.
- (7) On an appeal under subsection (6), the Master of the Rolls may—
 - (a) affirm the decision of the Society ; or
 - (b) direct that the appellant's current certificate shall have effect subject to such conditions as the Master of the Rolls thinks fit; or
 - (c) by order revoke the direction; or
 - (d) make such other order as he thinks fit.
- (8) Subsection (4A) of section 12 shall apply for the purposes of subsection (1) of this section as it applies for the purposes of subsection (4)(b) of that section.”.