

*Status: Point in time view as at 31/03/2009.*

*Changes to legislation: There are currently no known outstanding effects for the Administration of Justice Act 1985, Paragraph 10. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 2

#### [<sup>F1</sup>LEGAL SERVICES PRACTICES]: SUPPLEMENTARY PROVISIONS

##### Textual Amendments

- F1** Words in Sch. 2 heading substituted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, Sch. 16 para. 85 (with ss. 29, 192, 193); S.I. 2009/503, art. 2(b)(ii)

##### Commencement Information

- I1** Sch. 2 wholly in force at 1.1.1992 see s. 69(2) and S.I. 1991/2683, art. 2

#### *Failure to disclose fact of having been struck off or suspended*

- 10 [<sup>F1</sup>(1)] [<sup>F2</sup>Section 42(1) and (1A)] of the 1974 Act shall apply in relation to employment by a recognised body [<sup>F3</sup>(or any manager or employee of such a body)] in connection with its business as it applies in relation to employment by a solicitor in connection with his practice.
- [<sup>F4</sup>(2) It is an offence for a person (“P”) to whom sub-paragraph (3) applies—
- (a) to seek or accept from any person an interest in a recognised body, without previously informing that person (and, if different, the recognised body) that P is a person to whom that sub-paragraph applies, or
  - (b) to seek or accept a position as a manager of a recognised body, without previously informing that body that P is such a person.
- (3) This sub-paragraph applies to a person—
- (a) who is disqualified from practising as a solicitor by reason of one of the facts mentioned in section 41(1)(a), (b) or (c) of the 1974 Act (name struck off the roll, suspension etc), or
  - (b) in respect of whom there is a direction in force under section 47(2)(g) of that Act (prohibition on restoration to roll).
- (4) A person guilty of an offence under sub-paragraph (2) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (5) Subsection (2) of section 42 of the 1974 Act applies in relation to an offence under sub-paragraph (2) as it applies in relation to an offence under that section.
- (6) For the purposes of sub-paragraph (2)(a) a person seeks or accepts an interest in a recognised body if the person seeks or accepts an interest which if it were obtained by the person would result in the person having an interest in that body within the meaning of Part 5 of the Legal Services Act 2007 (see sections 72 and 109 of that Act).]

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#### Textual Amendments

- F1** Sch. 2 para. 10 renumbered (31.3.2009) as Sch. 2 para. 10(1) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 97(a)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(ii)**
- F2** Words substituted by Courts and Legal Services Act 1990 (c. 41, SIF 37), sS. 124(2)(C), 125(3), Sch. 18 para. 55
- F3** Words in Sch. 2 para. 10(1) inserted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 97(b)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(ii)**
- F4** Sch. 2 para. 10(2)-(6) inserted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 97(c)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(ii)**

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

- C1** Sch. 2 para. 10 extended (with modifications) (1.7.2009) by The Registered Foreign Lawyers Order 2009 (S.I. 2009/1589), arts. 1(1), **6(b)**
- C2** Sch. 2 para. 10(3) applied (with modification) by S.I. 2000/1119, Sch. 4 para. 24(2) (as substituted (1.7.2009) by The Legal Services Act 2007 (Registered European Lawyers) Order 2009 (S.I. 2009/1587), arts. 1(1), **3(17)**)

#### Commencement Information

- I1** Sch. 2 para. 10 wholly in force at 1.1.1992 see s. 69(2) and S.I. 1991/2683, **art. 2**

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