



# Administration of Justice Act 1985

## 1985 CHAPTER 61

### PART III

#### LEGAL AID

##### *Legal aid complaints*

#### **44 Exclusion of solicitor from legal aid work**

- (1) Section 47 of the Solicitors Act 1974 (jurisdiction and powers of the Solicitors Disciplinary Tribunal) shall be amended as follows.
- (2) In subsection (2), after paragraph (b) there shall be inserted—
  - “(bb) in the circumstances referred to in subsection (2A), the exclusion of that solicitor from legal aid work (either permanently or for a specified period);”.
- (3) After that subsection there shall be inserted—
  - “(2A) An order of the Tribunal may make provision for the exclusion of a solicitor from legal aid work as mentioned in subsection (2) (bb) where the Tribunal determines that there is good reason for doing so arising out of—
    - (a) his conduct in connection with the giving of advice or assistance under Part I of the Legal Aid Act 1974;
    - (b) his conduct in connection with the provision of services for any person receiving legal aid under that Part of that Act;
    - (c) his conduct in connection with the provision of services for any legally assisted person in pursuance of Part II of that Act; or
    - (d) his conduct in connection with the provision of advice and representation pursuant to section 1 of the Legal Aid Act 1982 (duty solicitors); or
    - (e) his professional conduct generally ;

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*Status: This is the original version (as it was originally enacted).*

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and the reference in each of paragraphs (b) and (c) to the provision of services for any such person as is there mentioned includes the provision of services for any such person in the capacity of agent for that person's solicitor.

- (2B) Where the Tribunal makes any such order as is re-referred to in subsection (2A) in the case of a solicitor who is a member of a firm of solicitors, the Tribunal may, if it thinks fit, order that any other person who is for the time being a member of the firm shall be excluded (either permanently or for a specified period) from legal aid work.
- (2C) The Tribunal shall not make an order under subsection (2B) excluding any person from legal aid work unless an opportunity is given to him to show cause why the order should not be made.
- (2D) Any person excluded from legal aid work by an order under this section may make an application to the Tribunal for an order terminating his exclusion from such work.”.

(4) After subsection (5) there shall be inserted—

- “(6) In this section references to a person being excluded from legal aid work are references to his being excluded from each of the following classes of persons, namely—
- (a) those who may be selected under section 12(1) of the Legal Aid Act 1974;
  - (b) those who may be assigned to act for legally assisted persons under Part II of that Act; and
  - (c) those who may be selected to provide advice and representation pursuant to section 1 of the Legal Aid Act 1982;

and references to a legally assisted person are references to a person to whom aid is ordered to be given under section 28 of the Legal Aid Act 1974.”.