



Administration of Justice Act 1985

1985 CHAPTER 61

PART I

SOLICITORS

Incorporated practices

9 Incorporated practices.

(1) The Council may make rules—

- (a) making provision as to the management and control by solicitors [^{F1}or solicitors and one or more registered foreign lawyers] of bodies corporate carrying on businesses consisting of the provision of professional services such as are provided by individuals practising as solicitors [^{F2}or by multi-national partnerships];
- (b) prescribing the circumstances in which such bodies may be recognised by the Council as being suitable bodies to undertake the provision of any such services;
- (c) prescribing the conditions which (subject to any exceptions provided by the rules) must at all times be satisfied by bodies corporate so recognised if they are to remain so recognised; and
- (d) regulating the conduct of the affairs of such bodies.

(2) Rules made by the Council may also make provision—

- (a) for the manner and form in which applications for recognition under this section are to be made, and for the payment of fees in connection with such applications;
- (b) for regulating the names that may be used by recognised bodies;
- (c) as to the period for which any recognition granted under this section shall (subject to the provisions of this Part) remain in force;
- (d) for the revocation of any such recognition on the grounds that it was granted as a result of any error or fraud;

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Changes to legislation: There are currently no known outstanding effects for the Administration of Justice Act 1985, Section 9. (See end of Document for details)

- (e) for the keeping by the Society of a list containing the names and places of business of all bodies corporate which are for the time being recognised under this section, and for the information contained in any such list to be available for inspection;
 - (f) for rules made under any provision of the 1974 Act to have effect in relation to recognised bodies with such additions, omissions or other modifications as appear to the Council to be necessary or expedient;
 - (g)^{F3}
 - (h) for the manner of service on recognised bodies of documents authorised or required to be served on such bodies under or by virtue of this Part.
- (3) Notwithstanding section 24(2) of the 1974 Act (application of penal provisions to bodies corporate), sections 20, 22(1) and 23(1) of that Act (prohibition on unqualified person acting as solicitor, etc.) shall not apply to a recognised body; and nothing in section 24(1) of that Act shall apply in relation to such a body.
- (4) Section 22(1), or (as the case may be) section 23(1), of that Act shall not apply to any act done by an officer or employee of a recognised body if—
- (a) it was done by him at the direction and under the supervision of another person who was at the time an officer or employee of the body; and
 - (b) it could have been done by that other person for or in expectation of any fee, gain or reward without committing an offence under the said section 22 or (as the case may be) under the said section 23.
- (5) A certificate signed by an officer of the Society and stating that any body corporate is or is not, or was or was not at any time, a recognised body shall, unless the contrary is proved, be evidence of the facts stated in the certificate; and a certificate purporting to be so signed shall be taken to have been so signed unless the contrary is proved.
- (6) Schedule 2 (which makes provision with respect to the application of provisions of the 1974 Act to recognised bodies and with respect to other matters relating to such bodies) shall have effect.
- (7) Subject to the provisions of that Schedule, the Lord Chancellor may by order made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament provide for any enactment or instrument passed or made before the commencement of this section and having effect in relation to solicitors to have effect in relation to recognised bodies with such additions, omissions or other modifications as appear to the Lord Chancellor to be necessary or expedient.
- (8) In this section—
- “the 1974 Act” means the ^{M1}Solicitors Act 1974;
 - “the Council” and “the Society” have the meaning given by section 87(1) of the 1974 Act; ^{F4} . . .
 - [^{F5}“multi-national partnership” means a partnership whose members consist of one or more registered foreign lawyers and one or more solicitors;]
 - “recognised body” means a body corporate for the time being recognised under this section.
 - [^{F5}“registered foreign lawyer” means a person who is registered under section 89 of the Courts and Legal Services Act 1990]
- (9) Any rules made by the Council under this section shall be made with the concurrence of the Master of the Rolls.

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Textual Amendments

- F1** Words in s. 9(1)(a) inserted (14.10.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 37), s. 125(3), **Sch. 18 para. 54(2)(a)**; S.I. 1991/1883, art. 3, **Sch.**
- F2** Words at end of s. 9(1)(a) inserted (14.10.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 37), s. 125(3), **Sch. 18 para. 54(2)(b)**; S.I. 1991/1883, art. 3, **Sch.**
- F3** S. 9(2)(g) repealed (1.1.2000) by 1999 c. 22, s. 106, **Sch. 15 Pt.II** (with Sch. 14 para. 7(2), 36(9)); S.I. 1999/3344, art. 2(d), **Sch.1**
- F4** Word in s. 9(8) repealed (1.6.1992) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 125(7), **Sch. 20**; S.I. 1992/1221, art. 2, **Sch.**
- F5** Definitions in s. 9(8) inserted (14.10.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 37), s. 125(3), **Sch. 18 para. 54(3)**; S.I. 1991/1883, art. 3, **Sch.**

Modifications etc. (not altering text)

- C1** S. 9 definition of "recognised body" applied (14.10.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 37), s. 89(9); S.I. 1991/1883, art. 3, **Sch.**
S. 9 extended (22.5.2000) by S.I. 2000/1119, reg. 37(3), **Sch. 4 para. 1(3)(b)**

Commencement Information

- I1** S. 9 wholly in force at 1.1.1992 see s. 69(2) and S.I. 1991/2683

Marginal Citations

- M1** 1974 c. 47.

Status:

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Changes to legislation:

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