



Courts and Legal Services Act 1990

1990 CHAPTER 41

PART IV

SOLICITORS

92 Functions of the Solicitors Disciplinary Tribunal

(1) Section 47 of the Solicitors Act 1974 (jurisdiction and powers of the Tribunal) shall be amended as follows.

(2) The following subsections shall be substituted for subsections (1) and (2)—

“(1) Any application—

- (a) to strike the name of a solicitor off the roll;
- (b) to require a solicitor to answer allegations contained in an affidavit;
- (c) to require a former solicitor whose name has been removed from or struck off the roll to answer allegations contained in an affidavit relating to a time when he was a solicitor;
- (d) by a solicitor who has been suspended from practice for an unspecified period, by order of the Tribunal, for the termination of that suspension;
- (e) by a former solicitor whose name has been struck off the roll to have his name restored to the roll;
- (f) by a former solicitor in respect of whom a direction has been given under subsection (2)(g) to have his name restored to the roll,

shall be made to the Tribunal; but nothing in this subsection shall affect any jurisdiction over solicitors exercisable by the Master of the Rolls, or by any judge of the High Court, by virtue of section 50.

(2) Subject to subsection (3) and to section 54, on the hearing of any application or complaint made to the Tribunal under this Act, other than an application under section 43, the Tribunal shall have power to make such order as it may think fit, and any such order may in particular include provision for any of the following matters—

Status: This is the original version (as it was originally enacted).

- (a) the striking off the roll of the name of the solicitor to whom the application or complaint relates;
 - (b) the suspension of that solicitor from practice indefinitely or for a specified period;
 - (c) the payment by that solicitor or former solicitor of a penalty not exceeding £5,000, which shall be forfeit to Her Majesty;
 - (d) in the circumstances referred to in subsection (2A), the exclusion of that solicitor from legal aid work (either permanently or for a specified period);
 - (e) the termination of that solicitor’s unspecified period of suspension from practice;
 - (f) the restoration to the roll of the name of a former solicitor whose name has been struck off the roll and to whom the application relates;
 - (g) in the case of a former solicitor whose name has been removed from the roll, a direction prohibiting the restoration of his name to the roll except by order of the Tribunal;
 - (h) in the case of an application under subsection (1)(f), the restoration of the applicant’s name to the roll;
 - (i) the payment by any party of costs or a contribution towards costs of such amount as the Tribunal may consider reasonable.”
- (3) In subsection (2A) for the words “(2)(bb)” there shall be substituted “(2)(d)”.
- (4) After subsection (3) there shall be inserted—
- “(3A) Where, on the hearing of any application or complaint under this Act, the Tribunal is satisfied that more than one allegation is proved against the person to whom the application or complaint relates it may impose a separate penalty (by virtue of subsection (2)(c)) with respect to each such allegation.”
- (5) In section 48(2) of that Act (recording and publishing of orders of the Tribunal)—
- (a) for the words “(a) to (e)” there shall be substituted “(a) to (i)”;
 - (b) in paragraph (a) after the word “solicitor” there shall be inserted “or former solicitor”;
 - (c) in paragraph (b) for the words “paragraph (d) or (e) of that subsection” there shall be substituted “paragraph (e), (f), (h) or (i) of section 47(2)”.
- (6) In section 49(1)(a) of that Act (appeal from Tribunal to the Master of the Rolls) for the words “47(1)(b)” there shall be substituted “47(1)(d), (e) or (f)”.