# Solicitors Act 1974

## 1974 CHAPTER 47

## PART I

RIGHT TO PRACTISE AS SOLICITOR

*Practising certificates*

### [F1 9 Applications for practising certificates.

(1) A person whose name is on the roll may apply to the Society to be issued with a practising certificate.

F2(2) . . . . . .

(3) An application under this section must be—

(a) made in accordance with regulations under section 28, and

(b) accompanied by the appropriate fee.

(4) "The appropriate fee", in relation to an application, means—

(a) any fee payable under subsection (1) of section 11 in respect of the practising certificate applied for, and

(b) any additional fee payable under subsection (4) of that section in respect of the application.]

**Textual Amendments**

**F1** S. 9 substituted (1.7.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 9** (with ss. 29, 192, 193); S.I. 2000/1365, **art. 2(a)(i)**

**F2** S. 9(2) omitted (1.11.2015) by virtue of The Legal Services Act 2007 (The Law Society) (Modification of Functions) Order 2015 (S.I. 2015/401), art. 1(3), **Sch. 1 para. 3**

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

**C1** S. 9 extended (with modifications) (1.7.2009) by S.I. 2000/1119, Sch. 4 para. 7(1)Table (as substituted by The Legal Services Act 2007 (Registered European Lawyers) Order 2009 (S.I. 2009/1587), **art. 3(7)(a)**)

## [F3 10 Issue of practising certificates.

(1) Subject to the following provisions of this section, where an application is made in accordance with section 9, the Society must issue a practising certificate to the applicant if it is satisfied that the applicant—

(a) is not suspended from practice, and

(b) is complying with any prescribed requirements imposed on the applicant.

(2) A practising certificate issued to an applicant of a prescribed description must be issued subject to any conditions prescribed in relation to applicants of that description.

(3) In such circumstances as may be prescribed, the Society must, if it considers it is in the public interest to do so—

(a) refuse to issue a practising certificate under this section, or

(b) where it decides to issue a practising certificate, issue it subject to one or more conditions.

(4) The conditions which may be imposed include—

(a) conditions requiring the person to whom the certificate is issued to take specified steps that will, in the opinion of the Society, be conducive to the carrying on by that person of an efficient practice as a solicitor [F4]...;

(b) conditions which prohibit that person from taking any specified steps, except with the approval of the Society.

(5) In this section —

"prescribed" means prescribed by regulations under section 28;

"specified", in relation to a condition imposed on a practising certificate, means specified in the condition.]

**Textual Amendments**

**F3** S. 10 substituted (1.7.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 9** (with ss. 29, 192, 193); S.I. 2009/1365, **art. 2(a)(i)**

**F4** Words in s. 10(4)(a) omitted (1.11.2015) by virtue of The Legal Services Act 2007 (The Law Society) (Modification of Functions) Order 2015 (S.I. 2015/401), art. 1(3), **Sch. 1 para. 4**

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

**C2** S. 10 extended (with modifications) (1.7.2009) by S.I. 2009/1119, Sch. 4 para. 7(1)Table (as substituted by The Legal Services Act 2007 (Registered European Lawyers) Order 2009 (S.I. 2009/1587), **art. 3(7)(a)**)

## [F5 10A Register of holders of practising certificates

(1) The Society must keep a register of all solicitors who hold practising certificates.

(2) The register must contain—

(a) the full name of each solicitor who holds a practising certificate,

[F6](b) . . . . . .

(c) such other information as may be specified in regulations under section 28(1)(d).**]**

**Textual Amendments**

**F5** S. 10A inserted (1.7.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 10** (with ss. 29, 192, 193); S.I. 2009/1365, **art. 2(a)(i)**

**F6** S. 10A(2)(b) omitted (1.11.2015) by virtue of The Legal Services Act 2007 (The Law Society) (Modification of Functions) Order 2015 (S.I. 2015/401), art. 1(3), **Sch. 1 para. 5**

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

**C3** S. 10A extended (with modifications) (1.7.2009) by S.I. 2000/1119, Sch. 4 para. 7(1)Table (as substituted by The Legal Services Act 2007 (Registered European Lawyers) Order 2009 (S.I. 2009/1587), **art. 3(7)(a)**)

## **[F7 11 Fees payable on issue of practising certificates.**

(1) Before a practising certificate is issued, there must be paid to the Society in respect of the certificate a fee of such amount as the Society may from time to time determine.

(2) Different fees may be specified for different categories of applicant and in respect of different circumstances.

(3) Subsection (4) applies where a solicitor makes an application for a practising certificate if—

(a) the solicitor has failed to deliver an accountant's report required by rules under section 34(1) by such time or in such circumstances as may be prescribed by those rules, and

(b) a practising certificate has not been issued by the Society to the solicitor since the Society became aware of the failure.

(4) Where this subsection applies, the solicitor's application must be accompanied by an additional fee of such amount as the Society from time to time determines.**]**

**Textual Amendments**

**F7** S. 11 substituted (1.7.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 11** (with ss. 29, 192, 193); S.I. 2009/1365, **art. 2(a)(ii)** (subject to art. 3)

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

**C4** S. 11 extended (with modifications) (1.7.2009) by S.I. 2000/1119, Sch. 4 para. 7(1)Table (as substituted by The Legal Services Act 2007 (Registered European Lawyers) Order 2009 (S.I. 2009/1587), **art. 3(7)(a)**)

**C5** S. 11(2)-(4) extended (with modifications) (1.7.2009) by The Registered Foreign Lawyers Order 2009 (S.I. 2009/1589), **art. 3(2)(a)**, Sch.

**C6** S. 11(2)-(4) extended (with modifications) (1.7.2009) by The Registered Foreign Lawyers Order 2009 (S.I. 2009/1589), **art. 3(2)(a)**, Sch.

**C7** S. 11(2)-(4) extended (with modifications) (1.7.2009) by The Registered Foreign Lawyers Order 2009 (S.I. 2009/1589), **art. 3(2)(a)**, Sch.

## 12 Discretion of Society with respect to issue of practising certificates in special cases.

[F8] . . . . . .

**Textual Amendments**

**F8** S. 12 repealed (1.7.2009) by Legal Services Act 2007 (c. 29), ss. 177, 210, 211, Sch. 16 para. 12, **Sch. 23** (with ss. 29, 192, 193)); S.I. 2009/1365, **art. 2(a)(i)(c)(i)**

## [[F9]12A Additional fee payable by certain solicitors on applying for practising certificates.

[F10] . . . . . .]

**Textual Amendments**

**F9** S. 12A inserted by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), **s. 88**

**F10** S. 12A repealed (1.7.2009) by Legal Services Act 2007 (c. 29), ss. 177, 210, 211, Sch. 16 para. 13, **Sch. 23** (with ss. 29, 192, 193); S.I. 2009/1365, **art. 2(a)(i)(c)(i)** (with art. 4)

## [[F11]13 Appeals etc in connection with the issue of practising certificates.

(1) A person who makes an application under section 9 may appeal to the High Court against—

(a) a decision to refuse the application for a practising certificate,

[F12](b) . . . . . or

(c) a decision to impose a condition on a practising certificate issued in consequence of the application.

(2) A person who holds a practising certificate subject to a condition within section 10(4)(b) may appeal to the High Court against any decision by the Society to refuse to approve the taking of any step for the purposes of that condition.

(3) The Society may make rules which provide, as respects any application under section 9 that is neither granted nor refused by the Society within such period as may be specified in the rules, for enabling an appeal to be brought under this section in relation to the application as if it had been refused by the Society.

(4) On an appeal under subsection (1), the High Court may—

(a) affirm the decision of the Society,

[F13](b) . . . . . .

(c) direct the Society to issue a certificate to the applicant free from conditions or subject to such conditions as the High Court may think fit,

(d) direct the Society not to issue a certificate,

(e) if a certificate has been issued, by order suspend it,

[F14](f) . . . . . or

(g) make such other order as the High Court thinks fit.

(5) On an appeal under subsection (2), the High Court may—

(a) affirm the decision of the Society,

(b) direct the Society to approve the taking of one or more steps for the purposes of a condition within section 10(4)(b), or

(c) make such other order as the High Court thinks fit.

(6) In relation to an appeal under this section the High Court may make such order as it thinks fit as to payment of costs.

(7) The decision of the High Court on an appeal under subsection (1) or (2) shall be final.]

**Textual Amendments**

**F11** S. 13 substituted (1.7.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 14** (with ss. 29, 192, 193); S.I. 2009/1365, **art. 2(a)(iii)** (subject to art. 4)

**F12** S. 13(1)(b) omitted (1.11.2015) by virtue of The Legal Services Act 2007 (The Law Society) (Modification of Functions) Order 2015 (S.I. 2015/401), art. 1(3), **Sch. 1 para. 6(a)**

**F13** S. 13(4)(b) omitted (1.11.2015) by virtue of The Legal Services Act 2007 (The Law Society) (Modification of Functions) Order 2015 (S.I. 2015/401), art. 1(3), **Sch. 1 para. 6(b)(i)**

**F14** S. 13(4)(f) omitted (1.11.2015) by virtue of The Legal Services Act 2007 (The Law Society) (Modification of Functions) Order 2015 (S.I. 2015/401), art. 1(3), **Sch. 1 para. 6(b)(ii)**

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

**C8** S. 13 excluded (1.7.2009) by S.I. 2000/1119, Sch. 4 para. 7(1A) (as inserted by The Legal Services Act 2007 (Registered European Lawyers) Order 2009 (S.I. 2009/1587), **art. 3(7)(b)**)

**C9** S. 13 extended (with modifications) (1.7.2009) by S.I. 2000/1119, Sch. 4 para. 7(1)Table (as substituted by The Legal Services Act 2007 (Registered European Lawyers) Order 2009 (S.I. 2009/1587), **art. 3(7)(a)**)

**C10** S. 13(2) extended (with modifications) (1.7.2009) by The Registered Foreign Lawyers Order 2009 (S.I. 2009/1589), **art. 3(2)(b)**, Sch.

**C11** S. 13(3) extended (with modifications) (1.7.2009) by The Registered Foreign Lawyers Order 2009 (S.I. 2009/1589), **art. 3(2)(b)**, Sch.

**C12** S. 13(5) extended (with modifications) (1.7.2009) by The Registered Foreign Lawyers Order 2009 (S.I. 2009/1589), **art. 3(2)(b)**, Sch.

**C13** S. 13(6) extended (with modifications) (1.7.2009) by The Registered Foreign Lawyers Order 2009 (S.I. 2009/1589), **art. 3(2)(b)**, Sch.

**C14** S. 13(7) extended (with modifications) (1.7.2009) by The Registered Foreign Lawyers Order 2009 (S.I. 2009/1589), **art. 3(2)(b)**, Sch.

### [F16][F15]13ZA Application to practise as sole practitioner while practising certificate in force

. . . . . .

**Textual Amendments**

**F15** Ss. 13ZA, 13ZB inserted (1.7.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 16** (with ss. 29, 192, 193); S.I. 2009/1365, **art. 2(a)(iii)** (subject to art. 4)

**F16** S. 13ZA omitted (1.11.2015) by virtue of The Legal Services Act 2007 (The Law Society) (Modification of Functions) Order 2015 (S.I. 2015/401), art. 1(3), **Sch. 1 para. 7**

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

**C15** S. 13ZA extended (with modifications) (1.7.2009) by S.I. 2000/1119, Sch. 4 para. 7(1)Table (as substituted by The Legal Services Act 2007 (Registered European Lawyers) Order 2009 (S.I. 2009/1587), **art. 3(7)(a)**)

## [F16]13ZB]Fee payable on making of sole solicitor endorsement

. . . . . .

**Textual Amendments**

**F15** Ss. 13ZA, 13ZB inserted (1.7.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 16** (with ss. 29, 192, 193); S.I. 2009/1365, **art. 2(a)(iii)** (subject to art. 4)

**F16** S. 13ZA omitted (1.11.2015) by virtue of The Legal Services Act 2007 (The Law Society) (Modification of Functions) Order 2015 (S.I. 2015/401), art. 1(3), **Sch. 1 para. 7**

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

**C16** S. 13ZB extended (with modifications) (1.7.2009) by S.I. 2000/1119, Sch. 4 para. 7(1)Table (as substituted by The Legal Services Act 2007 (Registered European Lawyers) Order 2009 (S.I. 2009/1587), **art. 3(7)(a)**)

## [[F17]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.

[[F18](2) The power conferred by subsection (1) is exercisable in relation to a solicitor at any time during the period for which the solicitor's current certificate is in force if—

[F19](a) . . . . . .

(b) it appears to the Society that the case is of a prescribed description.

(3) "Prescribed" means prescribed by regulations under section 28.]

(6) A solicitor in whose case a direction is given under this section may appeal to the [[F20]High Court against the decision of the Society.]

(7) On an appeal under subsection (6), the [[F21]High Court] 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 [[F21]High Court] thinks fit; or

by order revoke the direction; or

(d) make such other order as [[F22]it] thinks fit.

[F23](7A) [ The decision of the High Court on an appeal under subsection (6) shall be final.]

[[F24](8) Subsections (4) and (5) of section 10 apply for the purposes of subsection (1) of this section as they apply for the purposes of that section.]

**[** F25(9) A solicitor who holds a practising certificate subject to a condition imposed under subsection (1) which prohibits that solicitor from taking any steps specified in the condition, except with the approval of the Society, may appeal to the High Court against any decision by the Society to refuse to approve the taking of any step for the purposes of that condition.

(10) On an appeal under subsection (9), the High Court may—

(a) affirm the decision of the Society,

(b) direct the Society to approve the taking of one or more steps for the purposes of the condition, or

(c) make such other order as the High Court thinks fit.

(11) The decision of the High Court on an appeal under subsection (9) shall be final.

(12) In relation to an appeal under this section the High Court may make such order as it thinks fit as to payment of costs.**]**

**Textual Amendments**

**F17** S. 13A added by Administration of Justice Act 1985 (c. 61, SIF 34), **s. 5**

**F18** S. 13A(2)(3) substituted (1.7.2009) for s. 13A(2)-(5) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 16(2)** (with ss. 29, 192, 193); S.I. 2009/1365, **art. 2(a)(iii)** (subject to art. 4)

**F19** S. 13A(2)(a) omitted (1.11.2015) by virtue of The Legal Services Act 2007 (The Law Society) (Modification of Functions) Order 2015 (S.I. 2015/401), art. 1(3), **Sch. 1 para. 8**

**F20** Words in s. 13A(6) substituted (1.7.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 16(3)** (with ss. 29, 192, 193); S.I. 2009/1365, **art. 2(a)(iii)** (subject to art. 4)

**F21** Words in s. 13A(7) substituted (1.7.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 16(4)(a)** (with ss. 29, 192, 193); S.I. 2009/1365, **art. 2(a)(iii)** (subject to art. 4)

**F22** Word in s. 13A(7) substituted (1.7.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 16(4)(b)** (with ss. 29, 192, 193); S.I. 2009/1365, **art. 2(a)(iii)** (subject to art. 4)

**F23** S. 13A(7A) inserted (1.7.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 16(5)** (with ss. 29, 192, 193); S.I. 2009/1365, **art. 2(a)(iii)** (subject to art. 4)

**F24** S. 13A(8) substituted (1.7.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 16(6)** (with ss. 29, 192, 193); S.I. 2009/1365, **art. 2(a)(iii)** (subject to art. 4)

**F25** S. 13A(9)-(12) inserted (1.7.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 16(7)** (with ss. 29, 192, 193); S.I. 2009/1365, **art. 2(a)(iii)** (subject to art. 4)

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

**C17** S. 13A extended (with modifications) (1.7.2009) by S.I. 2009/1119 Sch. 4 para. 7(1) Table (as substituted by The Legal Services Act 2007 (Registered European Lawyers) Order 2009 (S.I. 2009/1587), **art. 3(7)(a)**)

**C18** S. 13A(9) extended (with modifications) (1.7.2009) by The Registered Foreign Lawyers Order 2009 (S.I. 2009/1589), **art. 3(2)(c)**, Sch.

**C19** S. 13A(10) extended (with modifications) (1.7.2009) by The Registered Foreign Lawyers Order 2009 (S.I. 2009/1589), **art. 3(2)(c)**, Sch.

**C20** S. 13A(11) extended (with modifications) (1.7.2009) by The Registered Foreign Lawyers Order 2009 (S.I. 2009/1589), **art. 3(2)(c)**, Sch.

**C21** S. 13A(12) extended (with modifications) (1.7.2009) by The Registered Foreign Lawyers Order 2009 (S.I. 2009/1589), **art. 3(2)(c)**, Sch.

### [F26 13B Suspension of practising certificates where solicitors convicted of fraud or serious crime.

(1) Where—

(a) a solicitor has been convicted of–

(i) an offence involving dishonesty or deception; or

[F27 (ii) an indictable offence; and]

(b) the Society has made an application to the Tribunal under section 47 with respect to him,

the Society may direct that any practising certificate F28... of his which is for the time being in force be suspended.

(2) Any such suspension shall be for such period, not exceeding six months, as the Society shall specify in the direction.

(3) If, before the specified period expires–

(a) the Tribunal determines the Society's application;

(b) the conviction is quashed or set aside; or

(c) the Society withdraws its application to the Tribunal,

the suspension shall cease to have effect.

(4) Where the specified period comes to an end without any of the events mentioned in subsection (3) having occurred, the Society may direct that the suspension be continued for such period, not exceeding six months, as it shall specify in the direction.

(5) A suspension under this section may only be extended once under subsection (4).

(6) Nothing in this section is to be taken as in any way affecting the Tribunal's power to suspend a solicitor from practice F29... .

(7) A solicitor in whose case a direction is given under subsection (1) or (4) may appeal to the [F30 High Court] against the direction within one month of being notified of it.

(8) In an appeal under subsection (7), the [F31 High Court] may–

(a) affirm the suspension;

(b) direct that the appellant's certificate [F32 shall not be suspended but] shall have effect subject to such conditions as the [F31 High Court] thinks fit;

(c) by order revoke the direction; or

(d) make such other order as [F33 it] thinks fit.]

[F34 (9) In relation to an appeal under subsection (7) the High Court may make such order as it thinks fit as to payment of costs.

(10) The decision of the High Court on an appeal under subsection (7) shall be final.]

**Textual Amendments**

**F26** S. 13B inserted by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), **s. 94(3)**

**F27** S. 13B(1)(a)(ii) substituted (1.1.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 111, 178, **Sch. 7 para. 42(3)**; S.I. 2005/3495, **art. 2(1)** (subject to art. 2(2))

**F28** Words in s. 13B(1) omitted (1.11.2015) by virtue of The Legal Services Act 2007 (The Law Society) (Modification of Functions) Order 2015 (S.I. 2015/401), art. 1(3), **Sch. 1 para. 9(a)**

**F29** Words in s. 13B(6) omitted (1.11.2015) by virtue of The Legal Services Act 2007 (The Law Society) (Modification of Functions) Order 2015 (S.I. 2015/401), art. 1(3), **Sch. 1 para. 9(b)**

**F30** Words in s. 13B(7) substituted (1.7.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 17(c)** (with ss. 29, 192, 193); S.I 2009/1365, {art. 2(a)(iii)} (subject to art. 4)

**F31** Words in s. 13B(8) substituted (1.7.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 17(d)(i)** (with ss. 29, 192, 193); S.I 2009/1365, {art. 2(a)(iii)} (subject to art. 4)

**F32** Words in s. 13B(8)(b) substituted (1.11.2015) by The Legal Services Act 2007 (The Law Society) (Modification of Functions) Order 2015 (S.I. 2015/401), art. 1(3), **Sch. 1 para. 9(c)**

**F33** Word in s. 13B(8)(d) substituted (1.7.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 17(d)(iii)** (with ss. 29, 192, 193); S.I 2009/1365, {art. 2(a)(iii)} (subject to art. 4)

**F34** S. 13B(9)(10) inserted (1.7.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 17(e)** (with ss. 29, 192, 193); S.I. 2009/1365, **art. 2(a)(iii)** (subject to art. 4)

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

**C22** S. 13B extended (with modifications) (1.7.2009) by The Registered Foreign Lawyers Order 2009 (S.I. 2009/1589), **art. 3(2)(d)**, Sch.

**C23** S. 13B extended (22.5.2000) by S.I. 2000/1119, regs. 1, 37(3), Sch. 4 para. 7(1) (as substituted (1.7.2009) by The Legal Services Act 2007 (Registered European Lawyers) Order 2009 (S.I. 2009/1587), **art. 3(7)(a)**)

**C24** S. 13B(7) excluded (1.7.2009) by S.I. 2000/1119, Sch. 4 para. 7(1A) (as inserted by The Legal Services Act 2007 (Registered European Lawyers) Order 2009 (S.I. 2009/1587), **art. 3(7)(b)**)

## 14 Commencement, expiry and replacement of practising certificates.

[F35] . . . . . .

**Textual Amendments**

**F35** S. 14 repealed (1.7.2009) by Legal Services Act 2007 (c. 29), ss. 177, 210, 211, Sch. 16 para. 18, **Sch. 23** (with ss. 29, 192, 193); S.I. 2009/1365, **art. 2(a)(i)(c)(i)**

## 15 Suspension of practising certificates.

(1) The making by the Tribunal or by the court of an order suspending a solicitor from practice shall operate, and an adjudication in bankruptcy of a solicitor**[**[F36]or the making of a debt relief order (under Part 7A of the Insolvency Act 1986) in respect of a solicitor**]** shall operate immediately, to suspend any practising certificate of that solicitor for the time being in force.

**[**[F37](1A) Where the power conferred by paragraph 6(1) **[**[F38], 6A(1)**]** or 9(1) of Schedule 1 has been exercised in relation to a solicitor by virtue of paragraph 1(1)(a)(i), **[**[F39](aa),**]**(c) (so far as it applies to rules made by virtue of section **[**[F40]31 or**]** 32) or (e) of that Schedule, the exercise of that power shall operate immediately to suspend any practising certificate of that solicitor for the time being in force.

(1B) Subsection (1A) does not apply if, at the time when the power referred to there is exercised, the Society directs that subsection (1A) is not to apply in relation to the solicitor concerned.

(1C) If, at the time when the power referred to in subsection (1A) is exercised, the Society gives a direction to that effect, the solicitor concerned may continue to act in relation to any matter specified in the direction as if his practising certificate had not been suspended by virtue of subsection (1A), but subject to such conditions (if any) as the Society sees fit to impose.**]**

(2) For the purposes of this Act, a practising certificate shall be deemed not to be in force at any time while it is suspended.

**Textual Amendments**

**F36** Words in s. 15(1) inserted (1.10.2012) by The Tribunals, Courts and Enforcement Act 2007 (Consequential Amendments) Order 2012 (S.I. 2012/2404), art. 1, **Sch. 2 para. 8(2)** (with art. 5)

**F37** S. 15(1A)–(1C) inserted by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), **s. 91(2)**

**F38** Words in s. 15(1A) inserted (1.7.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 19(a)** (with ss. 29, 192, 193); S.I. 2009/1365, **art. 2(a)(i)**

**F39** Words in s. 15(1A) inserted (1.7.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 19(b)** (with ss. 29, 192, 193); S.I. 2009/1365, **art. 2(a)(i)**

**F40** Words in s. 15(1A) inserted (1.7.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 19(c)** (with ss. 29, 192, 193); S.I. 2009/1365, **art. 2(a)(i)**

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

**C25** S. 15 extended (with modifications) (1.7.2009) by S.I. 2000/1119, Sch. 4 para. 7(1)Table (as substituted by The Legal Services Act 2007 (Registered European Lawyers) Order 2009 (S.I. 2009/1587), **art. 3(7)(a)**)

## 16 Duration of suspension of practising certificates.

**[**[F41](1) Where a practising certificate is suspended, it expires on such date as may be prescribed by regulations under section 28.**]**

**[**[F42](1) Where, on the replacement date for a practising certificate, the certificate is suspended it shall expire on that date.**]**

(2) The suspension of a practising certificate by virtue of section 15(1) by reason of an adjudication in bankrupty shall terminate if the adjudication is annulled and an office copy of the order annulling the adjudication is served on the Society.

**[**[F43](2A) The suspension of a practising certificate by virtue of section 15(1) by reason of the making of a debt relief order shall terminate—

(a) if the debt relief order is revoked on the ground mentioned in section 251L(2)(c) or (d) of the Insolvency Act 1986 and a copy of the notice provided to the debtor under **[**[F44]Rule 9.18 of the Insolvency (England and Wales) Rules 2016**]** is served on the Society or the debt relief order is revoked by the court under section 251M(6)(e) of that Act and a copy of the court order is served on the Society;

(b) if the debt relief order is revoked and a period of one year has elapsed beginning with the effective date of that order. **]**

(3) Where a solicitor's practising certificate is suspended—

(a) by an order under section 13(4); or

(b) by virtue of section 15(1) by reason of his adjudication in bankruptcy**[**[F45]or the making of a debt relief order (under Part 7A of the Insolvency Act 1986) in respect of him**]**; or

(c) by virtue of section 15(1) by reason of his suspension from practice and the period of his suspension from practice expires before **[**[F46]the date on which his certificate will expire**]**,

**[**[F47](d) by virtue of section 15(1A)**]**

the solicitor may at any time before the certificate expires (and, in the case of adjudication in bankruptcy, while the adjudication remains unannulled) apply to the Society to terminate the suspension.

(4) On an application under subsection (3), the Society may in its discretion—

(a) by order terminate the suspension either unconditionally or subject to such conditions as the Society may think fit; or

(b) refuse the application.

(5) If on an application by a solicitor under subsection (3) the Society refuses the application or terminates the suspension subject to conditions, the solicitor may appeal against the decision of the Society to the **[**[F48]High Court, which**]** may—

(a) affirm the decision; or

(b) terminate the suspension either unconditionally or subject to such conditions as **[**[F49]it**]** may think fit.

**[**[F50](6) In relation to an appeal under subsection (5) the High Court may make such order as it thinks fit as to payment of costs.

(7) The decision of the High Court on an appeal under subsection (5) shall be final.**]**

**Textual Amendments**

**F41** S. 16(1) substituted (1.7.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 20(2)** (with ss. 29, 192, 193); S.I 2009/1365, {art. 2(a)(iii)} (subject to art. 4)

**F42** S. 16(1) substituted (1.7.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 37), s. 125(3), **Sch. 18 para. 10(2)**; S.I. 1991/1364, art. 2, **Sch.**

**F43** S. 16(2A) inserted (1.10.2012) by The Tribunals, Courts and Enforcement Act 2007 (Consequential Amendments) Order 2012 (S.I. 2012/2404), art. 1, **Sch. 2 para. 8(3)(a)** (with art. 5)

**F44** Words in s. 16(2A)(a) substituted (6.4.2017) by The Insolvency (England and Wales) Rules 2016 (Consequential Amendments and Savings) Rules 2017 (S.I. 2017/369), rule 1, **Sch. 1 para. 1**

**F45** Words in s. 16(3)(b) inserted (1.10.2012) by The Tribunals, Courts and Enforcement Act 2007 (Consequential Amendments) Order 2012 (S.I. 2012/2404), art. 1, **Sch. 2 para. 8(3)(b)** (with art. 5)

**F46** Words in s. 16(3)(c) substituted (1.7.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 20(3)** (with ss. 29, 192, 193); S.I. 2009/1365, **art. 2(a)(iii)** (subject to art. 4)

**F47** S. 16(3)(d) inserted by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), **s. 91(3)**

**F48** Words in s. 16(5) substituted (1.7.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 20(4)(a)** (with ss. 29, 192, 193); S.I 2009/1365, {art. 2(a)(iii)} (subject to art. 4)

**F49** Word in s. 16(5)(b) substituted (1.7.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 20(4)(b)** (with ss. 29, 192, 193); art. 2(a)(iii) (subejct to art. 4)

**F50** S. 16(6)(7) inserted (1.7.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 20(5)** (with ss. 29, 192, 193); S.I 2009/1365, {art. 2(a)(iii)} (subject to art. 4)

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

**C26** S. 16 extended (22.5.2000) by S.I. 2000/1119, regs.1, 37(3), Sch. 4 para. 7(1) (as substituted (1.7.2009) by The Legal Services Act 2007 (Registered European Lawyers) Order 2009 (S.I. 2009/1587), **art. 3(7)(a)**)

**C27** S. 16(3) extended in part (with modifications) (1.7.2009) by The Registered Foreign Lawyers Order 2009 (S.I. 2009/1589), **art. 3(2)(e)**, Sch.

## 17 Publicity in relation to suspension of practising certificates.

(1) Where a solicitor's practising certificate is suspended by an order under section 13(4), or by virtue of section 15(1) by reason of his adjudication in bankruptcy, the Society shall forthwith cause notice of that suspension to be published [F51]. . . and a note of it to be entered against the name of the solicitor on the roll.

(2) Where any such suspension of a practising certificate as is mentioned in subsection (1) is terminated under section 16(2), (4) or (5), the Society shall forthwith cause a note of that termination to be entered against the name of the solicitor on the roll and, if so requested in writing by the solicitor, a notice of it to be published [F52]. . . .

**Textual Amendments**

**F51** Words in s. 17(1) repealed (7.3.2008) by Legal Services Act 2007 (c. 29), ss. 177, 210, 211, Sch. 16 para. 21, **Sch. 23** (with ss. 29, 192, 193); S.I. 2008/222, **art. 2(j)(i)(n)(i)**

**F52** Words in s. 17(2) repealed (7.3.2008) by Legal Services Act 2007 (c. 29), ss. 177, 210, 211, Sch. 16 para. 21, **Sch. 23** (with ss. 29, 192, 193); S.I. 2008/222, **art. 2(j)(i)(n)(i)**

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

**C28** S. 17 extended (22.5.2000) by S.I. 2000/1119, regs. 1, 37(3), **Sch. 4 para. 7(1)**

## [F54][F53]17A Suspension of sole solicitor endorsement

. . . . . .

**Textual Amendments**

**F53** Ss. 17A, 17B inserted (1.7.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 22** (with ss. 29, 192, 193); S.I. 2009/1365, **art. 2(a)(i)**

**F54** S. 17B omitted (1.11.2015) by virtue of The Legal Services Act 2007 (The Law Society) (Modification of Functions) Order 2015 (S.I. 2015/401), art. 1(3), **Sch. 1 para. 10**

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

**C29** S. 17A extended (with modifications) (1.7.2009) by S.I. 2000/1119, Sch. 4 para. 7(1)Table (as substituted by The Legal Services Act 2007 (Registered European Lawyers) Order 2009 (S.I. 2009/1587), **art. 3(7)(a)**)

## [F54]17B] Duration and publicity of suspension of sole solicitor endorsement

. . . . . .

**Textual Amendments**

**F53** Ss. 17A, 17B inserted (1.7.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 22** (with ss. 29, 192, 193); S.I. 2009/1365, **art. 2(a)(i)**

**F54** S. 17B omitted (1.11.2015) by virtue of The Legal Services Act 2007 (The Law Society) (Modification of Functions) Order 2015 (S.I. 2015/401), art. 1(3), **Sch. 1 para. 10**

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

**C30** S. 17B extended (with modifications) (1.7.2009) by S.I. 2000/1119, Sch. 4 para. 7(1)Table (as substituted by The Legal Services Act 2007 (Registered European Lawyers) Order 2009 (S.I. 2009/1587), **art. 3(7)(a)**)

## [F55 18 Extracts from the roll or register etc as evidence.

(1) An extract from the roll, or an extract from the register kept under section 10A, which is certified as correct by the Society is evidence of the matters mentioned in it.

(2) A certificate from the Society stating that—

(a) a person's name is or was on the roll, or

(b) a person is or was registered in the register kept under section 10A,

is evidence of the matters stated.**]**

**Textual Amendments**

**F55** S. 18 substituted (1.7.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 23** (with ss. 29, 192, 193); S.I. 2009/1365, **art. 2(a)(i)**

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

**C31** S. 18 extended (with modifications) (1.7.2009) by S.I. 2000/1119, Sch. 4 para. 7(1)Table (as substituted by The Legal Services Act 2007 (Registered European Lawyers) Order 2009 (S.I. 2009/1587), **art. 3(7)(a)**)

**Changes to legislation:**
There are currently no known outstanding effects for the Solicitors Act 1974, Cross Heading: Practising certificates.