Solicitors Act 1974

CHAPTER 47

SOLICITORS ACT 1974

PART I

RIGHT TO PRACTISE AS SOLICITOR

Qualifications and training

1 Qualifications for practising as solicitor.
1A Practising certificates: employed solicitors.
1B Restriction on practice as sole solicitor
2 Training regulations.

Admission

3 Admission as solicitor.
4 . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .
5 . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .

The roll

6 Keeping of the roll.
7 Entry of name and restoration of name struck off.
8 Removal or restoration of name at solicitor’s request.

Practising certificates

9 Applications for practising certificates.
10 Issue of practising certificates.
10A Register of holders of practising certificates
11 Fees payable on issue of practising certificates.
12 Discretion of Society with respect to issue of practising certificates in special cases.

12A Additional fee payable by certain solicitors on applying for practising certificates.

13 Appeals etc in connection with the issue of practising certificates.

13ZA Application to practise as sole practitioner while practising certificate in force

13ZB Fee payable on making of sole solicitor endorsement

13A Imposition of conditions while practising certificates are in force.

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

14 Commencement, expiry and replacement of practising certificates.

15 Suspension of practising certificates.

16 Duration of suspension of practising certificates.

17 Publicity in relation to suspension of practising certificates.

17A Suspension of sole solicitor endorsement

17B Duration and publicity of suspension of sole solicitor endorsement

18 Extracts from the roll or register etc as evidence.

Rights and privileges of solicitors

19 Rights of practising and rights of audience.

Unqualified persons acting as solicitors

20 Unqualified person not to act as solicitor.

21 Unqualified person not to pretend to be a solicitor.

22 Unqualified person not to prepare certain instruments.

22A Powers of entry etc. of local weights and measures authorities.

23 Unqualified person not to prepare papers for probate etc.

24 Application of penal provisions to body corporate.

25 Costs where unqualified person acts as solicitor.

26 Time limit for commencement of certain proceedings.

27 Saving for persons authorised to conduct legal proceedings.

Supplementary

28 Regulations.

29 Non-British subjects as solicitors. 12 & 13 Will. 3. c. 2.

30 Evidence as to solicitors in Scotland.

PART II

PROFESSIONAL PRACTICE, CONDUCT AND DISCIPLINE OF SOLICITORS AND CLERKS

Practice rules

31 Rules as to professional practice, conduct and discipline.

Accounts etc.

32 Accounts rules and trust accounts rules.

33 Interest on clients’ money.

33A Inspection of practice bank accounts etc.

34 Accountants’ reports.
Solicitors Act 1974 (c. 47)

Changes to legislation: Solicitors Act 1974 is up to date with all changes known to be in force on or before 28 January 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Sole solicitors

34A Employees of solicitors
34B Employees of solicitors: accounts rules etc

Intervention in solicitor’s practice, Compensation Fund and professional indemnity

35 Intervention in solicitor’s practice.
36 Compensation grants.
36A Compensation funds
37 Professional indemnity.

Inadequate professional services

37A Redress for inadequate professional services.

Restrictions on practice as solicitor

38 Solicitor who is justice of the peace not to act in certain proceedings.
39 ....................................................
40 Solicitor not to commence or defend actions while in prison.

Restrictions on employment of certain persons

41 Employment by solicitor of person struck off or suspended.
42 Failure to disclose fact of having been struck off or suspended.
43 Control of solicitors’ employees and consultants.
44 Offences in connection with orders under section 43(2).

Imposition by Council of disciplinary sanctions for inadequate professional services

44A Power of Council to impose sanctions for inadequate professional services.

Examination of files

44B Provision of information and documents by solicitors etc
44BA Power to require explanation of document or information
44BB Provision of information and documents by other persons
44BC Information offences

Costs of investigations

44C Power to charge for costs of investigations.
45 ....................................................

Disciplinary powers of the Society

44D Disciplinary powers of the Society
44E Appeals against disciplinary action under section 44D

Disciplinary proceedings before Solicitors Disciplinary Tribunal

46 Solicitors Disciplinary Tribunal.
46A Funding of the Tribunal
47 Jurisdiction and powers of Tribunal.
47A Power of Tribunal to impose sanctions for inadequate professional services.
48 Orders of Tribunal.
49 Appeals from Tribunal.
49A Appeals to the Tribunal instead of the High Court

Disciplinary proceedings before Supreme Court

50 Jurisdiction of Senior Courts over solicitors.
51 Procedure upon certain applications to High Court.
52 Power of Society to draw up order of court.
53 Production of order of court to Society.

Disciplinary proceedings—general

54 Restrictions on powers to strike names off roll.
55 Applications to require solicitor to answer allegations.

PART III

RENUMERATION OF SOLICITORS

Non–contentious business

56 Orders as to remuneration for non–contentious business.
57 Non–contentious business agreements.
58 Remuneration of a solicitor who is a mortgagee.

Contentious business

59 Contentious business agreements.
60 Effect of contentious business agreements.
61 Enforcement of contentious business agreements.
62 Contentious business agreements by certain representatives.
63 Effect on contentious business agreement of death, incapability or change of solicitor.
64 Form of bill of costs for contentious business.
65 Security for costs and termination of retainer.
66 Assessments with respect to contentious business.

Remuneration—general

67 Inclusion of disbursements in bill of costs.
68 Power of court to order solicitor to deliver bill, etc.
69 Action to recover solicitor’s costs.
70 Assessment on application of party chargeable or solicitor.
71 Assessment on application of third parties.
72 Supplementary provisions as to assessments.
73 Charging orders.
74 Special provisions as to contentious business done in county courts.
75 Saving for certain enactments.

PART IV

MISCELLANEOUS AND GENERAL

The Society

76 Non–practising solicitors eligible for membership of Society.
77 Annual subscription to Society.
Changes to legislation: Solicitors Act 1974 is up to date with all changes known to be in force on or before 28 January 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

78 Cessation and suspension of membership of Society.
79 Discharge of the Council's functions
80 Powers to act on behalf of Society.

Miscellaneous

81 Administration of oaths and taking of affidavits.
81A Fees for administering oaths and taking affidavits.
82 ...........................................
83 Power of Society to inspect file of proceedings in bankruptcy of solicitor.
84 Service of documents at solicitor’s place of business.
85 Bank accounts.
86 Bankers’ books.

Supplementary

86A Rules
87 Interpretation.
88 Saving for solicitors to public departments and City of London.
89 Consequential amendments, repeals, savings, etc.
90 Short title, commencement and extent.

SCHEDULES

SCHEDULE 1 — Intervention in Solicitor’s Practice

Part I — CIRCUMSTANCES IN WHICH SOCIETY MAY INTERVENE

1 (1) Subject to sub-paragraph (2), the powers conferred by Part...
2 On the death of a sole solicitor paragraphs 6 to...
3 The powers conferred by Part II of this Schedule shall...
4 (1) Where the powers conferred by Part II of this...

Part II — POWERS EXERCISABLE ON INTERVENTION

Money

5 (1) The High Court, on the application of the Society,...
6 (1) Without prejudice to paragraph 5, if the Society passes...
6A (1) Without prejudice to paragraph 5, if the Society passes...
6B (1) The Society may make rules governing its treatment of...
7 (1) If the Society takes possession of any sum of...
8 Without prejudice to paragraphs 5 to 7, if the High...

Documents

9 (1) The Society may give notice to the solicitor or...

Mail and other forms of communication

10 (1) The High Court, on the application of the Society,...

Trusts

11 (1) If the solicitor or his personal representative is a...
General

12 The powers in relation to sums of money, documents...
13 Subject to any order for the payment of costs that...
13A (1) The High Court, on the application of the Society,...
14 Where an offence under this Schedule committed by a body...
15 Any application to the High Court under this Schedule may...
16 The Society may do all things which are reasonably necessary...

SCHEDULE 1A — INADEQUATE PROFESSIONAL SERVICES
1 Circumstances in which Council’s powers may be exercised
2 Directions which may be given
3 Compensation
4 Taxation of costs
5 Failure to comply with direction
6 Fees
7 Costs
8 Duty of Tribunal
9 Interpretation

SCHEDULE 2 —
1 The fund shall be maintained and administered by the Society...
2 (1) Subject to sub-paragraphs (2) and (2A), every solicitor—
3 The Society may invest any money which forms part of...
4 . . . the Society may borrow for the purposes...
5 The Society may insure with authorised insurers for such purposes...
6 There shall be carried to the credit of the fund—...
7 All money from time to time forming part of the...

SCHEDULES 3 — CONSEQUENTIAL AMENDMENTS
1 . . . . . . . . .
2 . . . . . . . . .
3 . . . . . . . . .
4 In section 20(3) of the Justices of the Peace Act...
5 . . . . . . . . .
6 In section 192(2) of the County Courts Act 1959 (as...
7 . . . . . . . . .
8 In section 4(2) of the Matrimonial Causes Act 1967, for...
9 In section 223(1) of the Local Government Act 1972, for...
10 . . . . . . . . .

Schedule 4 — ENACTMENTS REPEALED
**Changes to legislation:**
Solicitors Act 1974 is up to date with all changes known to be in force on or before 28 January 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

View outstanding changes

<table>
<thead>
<tr>
<th>Changes and effects yet to be applied to:</th>
</tr>
</thead>
<tbody>
<tr>
<td>–  s. 1A(d) modified by 2007 c. 29 Sch. 22 para. 12</td>
</tr>
<tr>
<td>–  s. 3(1) words omitted by 2018 c. 33 Sch. para. 2</td>
</tr>
<tr>
<td>–  s. 24(2) excluded by 1986 c. 53 Sch. 21 para. 7(1) (This amendment not applied to legislation.gov.uk. Sch. 21 repealed (22.7.2004) by 2004 c. 14, Sch. 1 Pt. 17 Group 2)</td>
</tr>
<tr>
<td>–  s. 48(2) words substituted by 1985 c. 61 Sch. 7 para. 5</td>
</tr>
<tr>
<td>–  s. 49(3) words added by 1985 c. 61 Sch. 7 para. 6</td>
</tr>
<tr>
<td>–  s. 87(1) words omitted by S.I. 2018/1149 Sch. para. 25(a)(ii)</td>
</tr>
<tr>
<td>–  s. 87(1) words substituted by S.I. 2018/1149 Sch. para. 25(a)(i)</td>
</tr>
<tr>
<td>–  s. 87(1A)(c)(d) and word omitted by S.I. 2018/1149 Sch. para. 25(b)</td>
</tr>
</tbody>
</table>