***Status:*** *Point in time view as at 31/03/2009.*
***Changes to legislation:*** *There are currently no known outstanding effects for the Solicitors Act 1974, SCHEDULE 1. (See end of Document for details)*

# SCHEDULES

## SCHEDULE 1

Section 35.

### INTERVENTION IN SOLICITOR'S PRACTICE

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

**C1** Sch. 1 applied (with modifications) by S.I. 2000/1119, regs. 1, 37(3), Sch. 4 para. 9 (as amended (1.7.2009) by The Legal Services Act 2007 (Registered European Lawyers) Order 2009 (S.I. 2009/1587), **art. 3(9)**)

## PART I

### CIRCUMSTANCES IN WHICH SOCIETY MAY INTERVENE

1 (1) Subject to sub–paragraph (2), the powers conferred by Part II of this Schedule shall be exercisable where—

(a) the **[**[F1]Society has**]** reason to suspect dishonesty on the part of—

(i) a solicitor, or

(ii) an employee of a solicitor, or

(iii) the personal representatives of a deceased solicitor,

in connection with that solicitor's practice **[**[F2]or former practice**]** or in connection with any trust of which that solicitor is or formerly was a trustee **[**[F3]or that employee is or was a trustee in his capacity as such an employee**]** ;

**[**[F4](aa) the Society has reason to suspect dishonesty on the part of a solicitor ("S) in connection with—

(i) the business of any person of whom S is or was an employee, or of any body of which S is or was a manager, or

(ii) any business which is or was carried on by S as a sole trader;**]**

(b) the **[**[F5]Society considers**]** that there has been undue delay on the part of the personal representatives of a deceased solicitor who immediately before his death was practising as a sole solicitor in connection with that solicitor's practice or in connection with any **[**[F6]trust**]** ;

(c) the **[**[F7]Society is**]** satisfied that a solicitor has failed to comply with rules made by virtue of section **[**[F8]31,**]** 32 or 37(2)(c);

(d) a solicitor has been adjudged bankrupt or has made a composition or arrangement with his creditors;

(e) a solicitor has been committed to prison in any civil or criminal proceedings;

**[**[F9](ee) the **[**[F10]Society is**]** satisfied that a sole solicitor is incapacitated by illness **[**[F11], injury**]** or accident to such an extent as to be unable to attend to his practice;**]**

[F12(f) a solicitor lacks capacity (within the meaning of the Mental Capacity Act 2005) to act as a solicitor and powers under sections 15 to 20 or section 48 of that Act are exercisable in relation to him;]

(g) the name of a solicitor has been removed from or struck off the roll or a solicitor has been suspended from practice.

[F13(h) the [F14Society is] satisfied that a F15. . . solicitor has abandoned his practice;

(i) the [F16Society is] satisfied that a sole solicitor is incapacitated by age to such an extent as to be unable to attend to his practice;

(j) any power conferred by this Schedule has been exercised in relation to a sole solicitor by virtue of sub–paragraph (1)(a) and he has acted as a sole solicitor within the period of eighteen months beginning with the date on which it was so exercised;

(k) the [F16Society is] satisfied that a person has acted as a solicitor at a time when he did not have a practising certificate which was in force;

(l) the [F17Society is] satisfied that a solicitor has failed to comply with any condition, subject to which his practising certificate was granted or otherwise has effect, to the effect that he may act as a solicitor only—

(i) in employment which is approved by the Society in connection with the imposition of that condition;

(ii) as a member of a partnership which is so approved;

(iii) as [F18a manager] of a body recognised by the [F19Society] under section 9 of the M1Administration of Justice Act 1985 and so approved; or

(iv) in any specified combination of those ways.]

[F20(m) the Society is satisfied that it is necessary to exercise the powers conferred by Part 2 of this Schedule (or any of them) in relation to a solicitor to protect—

(i) the interests of clients (or former or potential clients) of the solicitor or his firm, or

(ii) the interests of the beneficiaries of any trust of which the solicitor is or was a trustee.]

[F21(1A) In sub-paragraph (1) "manager" has the same meaning as in the Legal Services Act 2007 (see section 207 of that Act).]

(2) F22. . . . . .

**Textual Amendments**

**F1** Words in Sch. 1 para. 1(1)(a) substituted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 77(2)(a)(i)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(i)** (subject to art. 4)

**F2** Words in Sch. 1 para. 1(1)(a) inserted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 77(2)(a)(ii)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(i)** (subject to art. 4)

**F3** Words in Sch. 1 para. 1(1)(a) inserted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 77(2)(a)(iii)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(i)** (subject to art. 4)

**F4** Sch. 1 para. 1(1)(aa) inserted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 77(2)(b)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(i)** (subject to art. 4)

**F5** Words in Sch. 1 para. 1(1)(b) substituted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 77(2)(c)(i)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(i)** (subject to art. 4)

**F6** Words in Sch. 1 para. 1(1)(b) substituted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 77(2)(c)(ii)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(i)** (subject to art. 4)

**F7** Words in Sch. 1 para. 1(1)(c) substituted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 77(2)(d)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(i)** (subject to art. 4)

**F8** Words in Sch. 1 para. 1(1)(c) inserted (27.9.1999) by 1999 c. 22, s. 48, **Sch. 7 para. 6** (with Sch. 14 para. 7(2)); S.I. 1999/2657, **art. 2(a)**

**F9** Sch. 1 Pt. I para. 1(1)(ee) inserted by Administration of Justice Act 1985 (c. 61, SIF 34), s. 8, **Sch. 1 para. 13(2)**

**F10** Words in Sch. 1 para. 1(ee) substituted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 77(2)(e)(i)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(i)** (subject to art. 4)

**F11** Word in Sch. 1 para. 1(ee) inserted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 77(2)(e)(ii)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(i)** (subject to art. 4)

**F12** Sch. 1 para. 1(1)(f) substituted (1.10.2007) by Mental Capacity Act 2005 (c. 9), ss. 67(1), 68, **Sch. 6 para. 22(4)** (with ss. 27-29, 62); S.I. 2007/1897, **art. 2**

**F13** Sch. 1 Pt. I paras. 1(1)(h)–(l) added by Courts and Legal Services Act (c. 41, SIF 76:1), s. 91(1)

**F14** Words in Sch. 1 para. 1(1)(h) substituted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 77(2)(f)(i)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(i)** (subject to art. 4)

**F15** Word in Sch. 1 para. 1(1)(h) repealed (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 210, 211, Sch. 16 para. 77(2)(f)(ii), **Sch. 23** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(i)** (subject to art. 4)

**F16** Words in Sch. 1 para. 1(1)(i)(k) substituted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 77(2)(g)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(i)** (subject to art. 4)

**F17** Words in Sch. 1 para. 1(1)(l) substituted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 77(2)(h)(i)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(i)** (subject to art. 4)

**F18** Words in Sch. 1 para. 1(1)(l)(iii) substituted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 77(2)(h)(ii)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(i)** (subject to art. 4)

**F19** Words in Sch. 1 para. 1(1)(l)(iii) substituted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 77(2)(h)(iii)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(i)** (subject to art. 4)

**F20** Sch. 1 para. 1(1)(m) inserted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 77(2)(i)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(i)** (subject to art. 4)

**F21** Sch. 1 para. 1(1A) inserted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 77(2)(j)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(i)** (subject to art. 4)

**F22** Sch. 1 para. 1(2) repealed (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 210, 211, Sch. 16 para. 77(2)(k), **Sch. 23** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(i)(f)(ii)(bb)** (subject to art. 4)

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

**C2** Sch. 1 para. 1(1) extended in part (with modifications) (1.7.2009) by The Registered Foreign Lawyers Order 2009 (S.I. 2009/1589), **art. 3(2)(q)**, Sch.

**C3** Sch. 1 para. 1(1)(k) modified by S.I. 2000/1119, Sch. 4 para. 9(ac) (as substituted (1.7.2009) by The Legal Services Act 2007 (Registered European Lawyers) Order 2009 (S.I. 2009/1587), **art. 3(9)(a)**)

**Marginal Citations**

**M1** 1985 c.61. (*76:1*).

2 On the death of a sole solicitor paragraphs 6 to 8 shall apply to the client accounts of his practice.

3 The powers conferred by Part II of this Schedule shall also be exercisable, subject to paragraphs 5(4) and **[**[F23]10(9)**]**, where—

**[**[F24](a) the Society is satisfied that there has been undue delay—

(i) on the part of a solicitor in connection with any matter in which the solicitor or his firm is or was acting on behalf of a client or with any trust, or

(ii) on the part of an employee of a solicitor in connection with any trust of which the employee is or was a trustee in his capacity as such an employee; and**]**

(b) the Society by notice in writing invites the solicitor to give an explanation within a period of not less than 8 days specified in the notice; and

(c) the solicitor fails within that period to give an explanation which the **[**[F25]Society regards**]** as satisfactory; and

(d) the Society gives notice of the failure to the solicitor and (at the same or any later time) notice that the powers conferred by Part II of this Schedule are accordingly exercisable.

**Textual Amendments**

**F23** Word in Sch. 1 para. 1(3) substituted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 77(3)(a)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(i)** (subject to art. 4)

**F24** Sch. 1 para. 1(3)(a) substituted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 77(3)(b)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(i)** (subject to art. 4)

**F25** Words in Sch. 1 para. 1(3)(c) substituted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 77(3)(c)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(i)** (subject to art. 4)

4 (1) Where the powers conferred by Part II of this Schedule are exercisable in relation to a solicitor, they shall continue to be exercisable after his death or after his name has been removed from or struck off the roll.

(2) The references to the solicitor or his firm in paragraphs 5(1), 6(2) and (3) **[**[F26], 6A**]**, 8, 9(1) **[**[F27], (5) and (6)**]** and **[**[F28]10(2) and (7)**]** include, in any case where the solicitor has died, references to his personal representatives.

**Textual Amendments**

**F26** Word in Sch. 1 para. 4(2) inserted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 77(4)(a)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(i)** (subject to art. 4)

**F27** Words in Sch. 1 para. 4(2) substituted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 77(4)(b)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(i)** (subject to art. 4)

**F28** Words in Sch. 1 para. 4(2) substituted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 77(4)(c)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(i)** (subject to art. 4)

## PART II

### POWERS EXERCISABLE ON INTERVENTION

*Money*

5 (1) The High Court, on the application of the Society, may order that no payment shall be made without the leave of the court by any person (whether or not named in the order) of any money held by him (in whatever manner and whether it was received before or after the making of the order) on behalf of the solicitor or his firm.

(2) No order under this paragraph shall take effect in relation to any person to whom it applies unless the Society has served a copy of the order on him (whether or not

he is named in it) and, in the case of a bank **[**[F29]or other financial institution**]**, has indicated at which of its branches the Society believes that the money to which the order relates is held.

(3) A person shall not be treated as having disobeyed an order under this paragraph by making a payment of money if he satisfies the court that he exercised due diligence to ascertain whether it was money to which the order related but nevertheless failed to ascertain that the order related to it.

(4) This paragraph does not apply where the powers conferred by this Part of this Schedule are exercisable by virtue of paragraph 3.

**Textual Amendments**

**F29** Words inserted by Administration of Justice Act 1985 (c. 61, SIF 34), s. 8, **Sch. 1 para. 13(3)**

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

**C4** Sch. 1 Pt. II paras. 5-16 extended (1.1.1992) by Administration of Justice Act 1985 (c. 61, SIF 34), s. 9, Sch. 2 paras. 32-35; S.I. 1991/2683, art. 2 (which extending provisions were amended (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 paras. 119**-123 (with ss. 29, 192, 193)); S.I. 2009/503, **art. 2(b)(i)** (subject to art. 4)

**C5** Sch. 1 Pt. II paras. 5;16 extended (with modifications) (14.10.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 89, **Sch. 14 Pt. II para. 5**; S.I. 1991/1883, art. 3, **Sch.**

6 (1) Without prejudice to paragraph 5, if the **[**[F30]Society passes**]** a resolution to the effect that any sums of money to which this paragraph applies, and the right to recover or receive them, shall vest in the Society, all such sums shall vest accordingly (whether they were received by the person holding them before or after the **[**[F31]Society's**]** resolution) and shall be held by the Society on trust to exercise in relation to them the powers conferred by this Part of this Schedule and subject thereto **[**[F32]and to rules under paragraph 6B**]** upon trust for the persons beneficially entitled to them.

(2) This paragraph applies—

(a) where the powers conferred by this paragraph are exercisable by virtue of paragraph 1, to all sums of money held by or on behalf of the solicitor or his firm in connection with

**[**[F33](i) his practice or former practice,

(ii) any trust of which he is or formerly was a trustee, or

(iii) any trust of which a person who is or was an employee of the solicitor is or was a trustee in the person's capacity as such an employee;**]**

(b) where they are exercisable by virtue of paragraph 2, to all sums of money in any client account; and

(c) where they are exercisable by virtue of paragraph 3, to all sums of money held by or on behalf of the solicitor or his firm in connection with the trust or other matter **[**[F34]in connection with which the Society is satisfied there has been undue delay as mentioned in sub-paragraph (a) of that paragraph**]**.

(3) The Society shall serve on the solicitor or his firm and on any other person having possession of sums of money to which this paragraph applies a certified copy of the Council's resolution and a notice prohibiting the payment out of any such sums of money.

(4) Within **[**[F35]8**]** days of the service of a notice under sub–paragraph (3), the person on whom it was served, on giving not less than 48 hours' notice in writing to the Society and (if the notice gives the name of the solicitor instructed by the Society) to that solicitor, may apply to the High Court for an order directing the Society to withdraw the notice.

(5) If the court makes such an order, it shall have power also to make such other order with respect to the matter as it may think fit.

(6) If any person on whom a notice has been served under sub–paragraph (3) pays out sums of money at a time when such payment is prohibited by the notice, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding **[**[F36]level 3 on the standard scale**]**.

**Textual Amendments**

**F30** Words in Sch. 1 para. 6(1) substituted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 77(5)(a)(i)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(i)** (subject to art. 4)

**F31** Word in Sch. 1 para. 6(1) substituted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 77(5)(a)(ii)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(i)** (subject to art. 4)

**F32** Words in Sch. 1 para. 6(1) inserted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 77(5)(a)(iii)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(i)** (subject to art. 4)

**F33** Words in Sch. 1 para. 6(2)(a) substituted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 77(5)(b)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(i)** (subject to art. 4)

**F34** Words in Sch. 1 para. 6(2)(c) substituted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 77(5)(c)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(i)** (subject to art. 4)

**F35** Number substituted by Administration of Justice Act 1985 (c. 61, SIF 34), s. 8, **Sch. 1 para. 13(4)**

**F36** Words substituted by virtue of Criminal Justice Act 1982 (c. 48, SIF 39:1), **ss. 38**, 46

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

**C6** Sch. 1 Pt. II paras. 5-16 extended (1.1.1992) by Administration of Justice Act 1985 (c. 61, SIF 34), s. 9, Sch. 2 paras. 32-35; S.I. 1991/2683, art. 2 (which extending provisions were amended (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 paras. 119**-123 (with ss. 29, 192, 193)); S.I. 2009/503, **art. 2(b)(ii)**

**C7** Sch. 1 Pt. II paras. 5–16 extended (with modifications) (14.10.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 89, **Sch. 14 Pt. II para. 5**; S.I. 1991/1883, art. 3, **Sch.**

**[**[F37]6A (1) Without prejudice to paragraph 5, if the Society passes a resolution to the effect that any rights to which this paragraph applies shall vest in the Society, those rights shall vest accordingly.

(2) This paragraph applies to any right to recover or receive debts due to the solicitor or his firm in connection with his practice or former practice.

(3) Any sums recovered by the Society by virtue of the exercise of rights vested under sub-paragraph (1) shall vest in the Society and shall be held by it on trust to exercise in relation to them the powers conferred by this Part of this Schedule and, subject to those powers and to rules under paragraph 6B, upon trust for the persons beneficially entitled to them.

(4) The Society shall serve on the solicitor or his firm, and any person who owes a debt to which the order applies, a certified copy of the Society's resolution.

**Textual Amendments**

**F37** Sch. 1 paras. 6A, 6B inserted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 77(6)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(i)** (subject to art. 4)

6B (1) The Society may make rules governing its treatment of sums vested in it under paragraph 6 or 6A(3).

(2) The rules may in particular make provision in respect of cases where the Society, having taken such steps to do so as are reasonable in all the circumstances of the case, is unable to trace the person or persons beneficially entitled to any sum vested in the Society under paragraph 6 or 6A(3) (including provision which requires amounts to be paid into or out of compensation funds (within the meaning of section 36A)).**]**

**Textual Amendments**

**F37** Sch. 1 paras. 6A, 6B inserted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 77(6)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(i)** (subject to art. 4)

7 (1) If the Society takes possession of any sum of money to which paragraph 6 **[**[F38]or 6A(3)**]** applies, the Society shall pay it into a special account in the name of the Society or of a person nominated on behalf of the Society, **[**[F39]or into a client account of a solicitor nominated on behalf of the society, and any such person or solicitor**]**shall hold that sum on trust to permit the Society to exercise in relation to it the powers conferred by this Part of this Schedule and subject thereto **[**[F40]and to rules under paragraph 6B**]** on trust for the persons beneficially entitled to it.

(2) A bank **[**[F41]or other financial institution**]**at which a special account is kept shall be under no obligation to ascertain whether it is being dealt with properly.

**Textual Amendments**

**F38** Words in Sch. 1 para. 7(1) inserted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 77(7)(a)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(i)** (subject to art. 4)

**F39** Words substituted by Administration of Justice Act 1985 (c. 61, SIF 34), s. 8, **Sch. 1 para. 13(5)**(*a*)

**F40** Words in Sch. 1 para. 7(1) inserted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 77(7)(b)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(i)** (subject to art. 4)

**F41** Words inserted by Administration of Justice Act 1985 (c. 61, SIF 34), s. 8, **Sch. 1 para. 13(5)**(*b*)

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

**C8** Sch. 1 Pt. II paras. 5-16 extended (1.1.1992) by Administration of Justice Act 1985 (c. 61, SIF 34), s. 9, Sch. 2 paras. 32-35; S.I. 1991/2683, art. 2 (which extending provisions were amended (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 paras. 119**-123 (with ss. 29, 192, 193)); S.I. 2009/503, **art. 2(b)(ii)**

**C9** Sch. 1 Pt. II paras. 5–16 extended (with modifications) (14.10.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 89, **Sch. 14 Pt. II para. 5**; S.I. 1991/1883, art. 3, **Sch.**

8 Without prejudice to paragraphs 5 to 7, if the High Court is satisfied, on an application by the Society, that there is reason to suspect that any person holds money on behalf of the solicitor or his firm, the court may require that person to give the Society information as to any such money and the accounts in which it is held.

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

**C10** Sch. 1 Pt. II paras. 5-16 extended (1.1.1992) by Administration of Justice Act 1985 (c. 61, SIF 34), s. 9, Sch. 2 paras. 32-35; S.I. 1991/2683, art. 2 (which extending provisions were amended (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 paras. 119**-123 (with ss. 29, 192, 193)); S.I. 2009/503, **art. 2(b)(ii)**

**C11** Sch. 1 Pt. II paras. 5–16 extended (with modifications) (14.10.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 89, **Sch. 14 Pt.II para. 5**; S.I. 1991/1883, art. 3, **Sch.**

*Documents*

9 (1) The Society may give notice to the solicitor or his firm requiring the production or delivery to any person appointed by the Society at a time and place to be fixed by the Society—

(a) where the powers conferred by this Part of this Schedule are exercisable by virtue of paragraph 1, of all documents in the possession **[**[F42]or under the control**]** of the solicitor or his firm in connection with his practice **[**[F43]or former practice or with any trust of which the solicitor is or was a trustee**]**; and

(b) where they are exercisable by virtue of paragraph 3, of all documents in the possession **[**[F44]or under the control**]** of the solicitor or his firm in connection with the trust or other matters **[**[F45]of which the Society is satisfied**]**(whether or not they relate also to other matters).

(2) The person appointed by the Society may take possession of any such documents on behalf of the Society.

(3) Except in a case where an application has been made to the High Court under sub–paragraph (4), if any person having possession **[**[F46]or control**]** of any such documents refuses, neglects or otherwise fails to comply with a requirement under sub–paragraph (1), he shall be guilty of an offence and liable on summary conviction to a fine not exceeding **[**[F47]level 3 on the standard scale**]**.

(4) The High Court, on the application of the Society, may order a person required to produce or deliver documents under sub–paragraph (1) to produce or deliver them to any person appointed by the Society at such time and place as may be specified in the order, and authorise him to take possession of them on behalf of the Society.

(5) If on an application by the Society the High Court is satisfied that there is reason to suspect that documents in relation to which the powers conferred by sub–paragraph (1) are exercisable have come into the possession **[**[F48]or under the control**]** of some person other than the solicitor or his firm, the court may order that person to produce or deliver the documents to any person appointed by the Society at such time and place as may be specified in the order and authorise him to take possession of them on behalf of the Society.

**[**[F49](5A) In the case of a document which consists of information which is stored in electronic form, a requirement imposed by a notice under sub-paragraph (1) or an order under sub-paragraph (4) or (5), is a requirement to produce or deliver the information in a form in which it is legible or from which it can readily be produced in a legible form.**]**

(6) On making an order under this paragraph, or at any later time, the court, on the application of the Society, may authorise a person appointed by the Society to enter any premises (using such force as is reasonably necessary) to search for and take possession of

**[**[F50](a)**]** any documents to which the order relates.

**[**[F51](b) any property—

(i) in the possession of or under the control of the solicitor or his firm, or

(ii) in the case of an order under sub-paragraph (5), which was in the possession or under the control of such a person and has come into the possession or under the control of the person in respect of whom the order is made,

which the Society reasonably requires for the purpose of accessing information contained in such documents,

and to use property obtained under paragraph (b) for that purpose.**]**

(7) The Society, on taking possession of any documents **[**[F52]or other property**]** under this paragraph, shall serve upon the solicitor or personal representatives and upon any other person from whom they were received on the Society's behalf or from whose premises they were taken a notice that possession has been taken on the date specified in the notice.

(8) Subject to sub–paragraph (9) a person upon whom a notice under sub–paragraph (7) is served, on giving not less than 48 hours' notice to the Society and (if the notice gives the name of the solicitor instructed by the Society) to that solicitor, may apply to the High Court for an order directing the Society to deliver the documents **[**[F53]or other property**]** to such person as the applicant may require.

(9) A notice under sub–paragraph (8) shall be given within 8 days of the service of the Society's notice under sub–paragraph (7).

(10) Without prejudice to the foregoing provisions of this Schedule, the Society may apply to the High Court for an order as to the disposal or destruction of any documents **[**[F54]or other property**]** in its possession by virtue of this paragraph or paragraph 10.

(11) On an application under sub–paragraph (8) or (10), the Court may make such order as it thinks fit.

(12) Except so far as its right to do so may be restricted by an order on an application under sub–paragraph (8) or (10), the Society may take copies of or extracts from any documents in its possession by virtue of this paragraph or paragraph 10 and require any person to whom it is proposed that such documents shall be delivered, as a condition precedent to delivery, to give a reasonable undertaking to supply copies or extracts to the Society.

**Textual Amendments**

**F42** Words in Sch. 1 para. 9(1)(a) inserted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 77(9)(a)(i)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(i)** (subject to art. 4)

**F43** Words in Sch. 1 para. 9(1)(a) substituted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 77(9)(a)(ii)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(i)** (subject to art. 4)

**F44** Words in Sch. 1 para. 9(1)(b) inserted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 77(9)(b)(i)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(i)** (subject to art. 4)

**F45** Words in Sch. 1 para. 9(1)(b) substituted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 77(9)(b)(ii)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(i)** (subject to art. 4)

**F46** Words in Sch. 1 para. 9(3) inserted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 77(9)(c)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(i)** (subject to art. 4)

**F47** Words substituted by virtue of Criminal Justice Act 1982 (c. 48, SIF 39:1), **ss. 38**, 46

**F48** Words in Sch. 1 para. 9(5) inserted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 77(9)(d)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(i)** (subject to art. 4)

**F49** Sch. 1 para. 9(5A) inserted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 77(9)(e)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(i)** (subject to art. 4)

**F50** Words in Sch. 1 para. 9(6) renumbered (31.3.2009) as Sch. 1 para. 9(6)(a) by virtue of Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 77(9)(f)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(i)** (subject to art. 4)

**F51** Sch. 1 para. 9(6)(b) inserted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 77(9)(g)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(i)** (subject to art. 4)

**F52** Words in Sch. 1 para. 9(7) inserted (31.3.2009) by Legal Services Act 2007 (c. 26), ss. 177, 211, **Sch. 16 para. 77(9)(h)** (with ss. 29,192, 193); S.I. 2009/503, **art. 2(b)(i)** (subject to art. 4)

**F53** Words in Sch. 1 para. 9(8) inserted (31.3.2009) by Legal Services Act 2007 (c. 26), ss. 177, 211, **Sch. 16 para. 77(9)(i)** (with ss. 29,192, 193); S.I. 2009/503, **art. 2(b)(i)** (subject to art. 4)

**F54** Words in Sch. 1 para. 9(10) inserted (31.3.2009) by Legal Services Act 2007 (c. 26), ss. 177, 211, **Sch. 16 para. 77(9)(j)** (with ss. 29,192, 193); S.I. 2009/503, **art. 2(b)(i)** (subject to art. 4)

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

**C12** Sch. 1 Pt. II paras. 5-16 extended (1.1.1992) by Administration of Justice Act 1985 (c. 61, SIF 34), s. 9, Sch. 2 paras. 32-35; S.I. 1991/2683, art. 2 (which extending provisions were amended (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 paras. 119**-123 (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(ii)** (subject to art. 4))

**C13** Sch. 1 Pt. II paras. 5–16 extended (with modifications) (14.10.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 89, **Sch. 14 Pt. II para. 5**; S.I. 1991/1883, art. 3, **Sch.**

**C14** Sch. 1 Pt. II para. 9(2) extended (1.1.1992) by Administration of Justice Act 1985 (c. 61, SIF 34), s. 9, **Sch. 2 para. 14(2)**; S.I. 1991/2683, **art. 2**

**C15** Sch. 1 Pt. II para. 9(3)–(12) extended (1.1.1992) by Administration of Justice Act 1985 (c. 61, SIF 34), s. 9, **Sch. 2 para. 14(2)**; S.I. 1991/2683, **art. 2**

## *[F55 Mail and other forms of communication]*

**Textual Amendments**

**F55** Sch. 1 para. 10 and cross-heading substituted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 77(10)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(i)** (subject to art. 4)

[F56 10 (1) The High Court, on the application of the Society, may from time to time make a communications redirection order.

(2) A communications redirection order is an order that specified communications to the solicitor or his firm are to be directed, in accordance with the order, to the Society or any person appointed by the Society.

(3) For the purposes of this paragraph—

(a) "specified communications" means communications of such description as are specified in the order;

(b) the descriptions of communications which may be so specified include—

(i) communications in the form of a postal packet;
(ii) electronic communications;
(iii) communications by telephone.

(4) A communications redirection order has effect for such time not exceeding 18 months as is specified in the order.

(5) Where a communications redirection order has effect, the Society or the person appointed by the Society may take possession or receipt of the communications redirected in accordance with the order.

(6) Where a communications redirection order is made, the Society must pay to—
(a) in the case of an order relating to postal packets, the postal operator concerned, and
(b) in any other case, the person specified in the order,
the like charges (if any) as would have been payable for the redirection of the communications to which the order relates if the addressee had permanently ceased to occupy or use the premises or other destination of the communications and had applied to the postal operator or the specified person (as the case may be) to redirect the communications to him as mentioned in the order.

(7) The High Court may, on the application of the Society, authorise the Society, or a person appointed by it, to take such steps as may be specified in the order in relation to any website purporting to be or have been maintained by or on behalf of the solicitor or his firm if the High Court is satisfied that the taking of those steps is necessary to protect the public interest or the interests of clients (or potential or former clients) of the solicitor or his firm.

(8) In this paragraph "postal operator" and "postal packet" have the meaning given by section 125(1) of the Postal Services Act 2000.

(9) This paragraph does not apply where the powers conferred by this Part of this Schedule are exercisable by virtue of paragraph 3.**]**

**Textual Amendments**

**F56** Sch. 1 para. 10 and cross-heading substituted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 77(10)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(i)** (subject to art. 4)

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

**C16** Sch. 1 Pt. II paras. 5-16 extended (1.1.1992) by Administration of Justice Act 1985 (c. 61, SIF 34), s. 9, Sch. 2 paras. 32-35; S.I. 1991/2683, art. 2 (which extending provisions were amended (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 paras. 119**-123 (with ss. 29, 192, 193)); S.I. 2009/503, **art. 2(b)(i)**

**C17** Sch. 1 Pt. II paras. 5–16 extended (with modifications) (14.10.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 89, **Sch. 14 Pt. II para. 5**; S.I. 1991/1883, art. 3, **Sch.**

*Trusts*

11 (1) If the solicitor or his personal representative is a trustee of a **[**[F57]trust**]** , the Society may apply to the High Court for an order for the appointment of a new trustee in substitution for him.

(2) The [M2]Trustee Act 1925 shall have effect in relation to an appointment of a new trustee under this paragraph as it has effect in relation to an appointment under section 41 of that Act.

**Textual Amendments**

**F57** Words in Sch. 1 para. 11(1) substituted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 77(11)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(i)** (subject to art. 4)

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

**C18** Sch. 1 Pt. II paras. 5-16 extended (1.1.1992) by Administration of Justice Act 1985 (c. 61, SIF 34), s. 9, Sch. 2 paras. 32-35; S.I. 1991/2683, art. 2 (which extending provisions were amended (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 paras. 119**-123 (with ss. 29, 192, 193)); S.I. 2009/503, **art. 2(b)(ii)**

**C19** Sch. 1 Pt. II paras. 5–16 extended (with modifications) (14.10.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 89, **Sch. 14 Pt. II para. 5**; S.I. 1991/1883, art. 3, **Sch.**

**Marginal Citations**

**M2** 1925 c. 19.

*General*

12 The powers in relation to sums of money **[**[F58], documents and other property**]** conferred by this Part of this Schedule shall be exercisable notwithstanding any lien on them or right to their possession.

**Textual Amendments**

**F58** Words in Sch. 1 para. 12 substituted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 77(12)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(i)** (subject to art. 4)

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

**C20** Sch. 1 Pt. II paras. 5-16 extended (1.1.1992) by Administration of Justice Act 1985 (c. 61, SIF 34), s. 9, Sch. 2 paras. 32-35; S.I. 1991/2683, art. 2 (which extending provisions were amended (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 paras. 119**-123 (with ss. 29, 192, 193)); S.I. 2009/503, **art. 2(b)(ii)**

**C21** Sch. 1 Pt. II paras. 5–16 extended (with modifications) (14.10.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 89, **Sch. 14 Pt.II para. 5**; S.I. 1991/1883, art. 3, **Sch.**

**C22** Sch. 1 Pt. II paras. 12–16 extended (1.1.199) by Administration of Justice Act 1985 (c. 61, SIF 34), s. 9, **Sch. 2 para. 14(2)**; S.I. 1991/2683, **art. 2**

13 Subject to any order for the payment of costs that may be made on an application to the court under this Schedule, any costs incurred by the Society for the purposes of this Schedule, including, without prejudice to the generality of this paragraph, the costs of any person exercising powers under this Part of this Schedule on behalf of the Society, shall be paid by the Solicitor or his personal representatives and shall be recoverable from him or them as a debt owing to the Society.

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

**C23** Sch. 1 Pt. II paras. 5-16 extended (1.1.1992) by Administration of Justice Act 1985 (c. 61, SIF 34), s. 9, Sch. 2 paras. 32-35; S.I. 1991/2683, art. 2 (as amended (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 paras. 119**-123 (with ss. 29, 192, 193)); S.I. 2009/503, **art. 2(b)(ii)**

**C24** Sch. 1 Pt. II paras. 5–16 extended (with modifications) (14.10.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 89, **Sch. 14 Pt. II para. 5**; S.I. 1991/1883, art. 3, **Sch.**

**C25** Sch. 1 Pt. II paras. 12–16 extended (1.1.1992) by Administration of Justice Act 1985 (c. 61, SIF 34), s. 9, **Sch. 2 para. 14(2)**; S.I. 1991/2683, **art. 2**

**[F59** 13A (1) The High Court, on the application of the Society, may order a former partner of the solicitor to pay a specified proportion of the costs mentioned in paragraph 13.

(2) The High Court may make an order under this paragraph only if it is satisfied that the conduct (or any part of the conduct) by reason of which the powers conferred by this Part were exercisable in relation to the solicitor was conduct carried on with the consent or connivance of, or was attributable to any neglect on the part of, the former partner.

(3) In this paragraph "specified" means specified in the order made by the High Court.**]**

**Textual Amendments**

**F59** Sch. 1 para. 13A inserted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 77(13)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(i)** (subject to art. 4)

14 Where an offence under this Schedule committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

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

**C26** Sch. 1 Pt. II paras. 5-16 extended (1.1.1992) by Administration of Justice Act 1985 (c. 61, SIF 34), s. 9, Sch. 2 paras. 32-35; S.I. 1991/2683, art. 2 (which extending provisions were amended (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 paras. 119**-123 (with ss. 29, 192, 193)); S.I. 2009/503, **art. 2(b)(ii)**

**C27** Sch. 1 Pt. II paras. 5–16 extended (with modifications) (14.10.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 89, **Sch. 14 Pt. II para. 5**; S.I. 1991/1883, art. 3, **Sch.**

**C28** Sch. 1 Pt. II paras. 12–16 extended (1.1.1992) by Administration of Justice Act 1985 (c. 61, SIF 34), s. 9, **Sch. 2 para. 14(2)**; S.I. 1991/2683, **art. 2**

15 Any application to the High Court under this Schedule may be disposed of in chambers.

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

**C29** Sch. 1 Pt. II paras. 5-16 extended (1.1.1992) by Administration of Justice Act 1985 (c. 61, SIF 34), s. 9, Sch. 2 paras. 32-35; S.I. 1991/2683, art. 2 (which extending provisions were amended (31.3.2009)

by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 paras. 119**-123 (with ss. 29, 192, 193)); S.I. 2009/503, **art. 2(b)(ii)**

**C30** Sch. 1 Pt. II paras. 5–16 extended (with modifications) (14.10.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 89, **Sch. 14 Pt. II para. 5**; S.I. 1991/1883, art. 3, **Sch.**

**C31** Sch. 1 Pt. II paras. 12–16 extended (1.1.1992) by Administration of Justice Act 1985 (c. 61, SIF 34), s. 9, **Sch. 2 para. 14(2)**; S.I. 1991/2683, **art. 2**

16 The Society may do all things which are reasonably necessary for the purpose of facilitating the exercise of its powers under this Schedule.

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

**C32** Sch. 1 Pt. II paras. 5-16 extended (1.1.1992) by Administration of Justice Act 1985 (c. 61, SIF 34), s. 9, Sch. 2 paras. 32-35; S.I. 1991/2683, art. 2 (which extending provisions were amended (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 paras. 119**-123 (with ss. 29, 192, 193)); S.I. 2009/503, **art. 2(b)(ii)**)

**C33** Sch. 1 Pt. II paras. 5–16 extended (with modifications) (14.10.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 89, **Sch. 14 Pt. II para. 5**; S.I. 1991/1883, art. 3, **Sch.**

**C34** Sch. 1 Pt. II paras. 12–16 extended (1.1.1992) by Administration of Justice Act 1985 (c. 61, SIF 34), s. 9, **Sch. 2 para. 14(2)**; S.I. 1991/2683, **art. 2**

**Status:**
Point in time view as at 31/03/2009.

**Changes to legislation:**
There are currently no known outstanding effects for the Solicitors Act 1974, SCHEDULE 1.