



# Solicitors Act 1974

## 1974 CHAPTER 47

### PART II

#### PROFESSIONAL PRACTICE, CONDUCT AND DISCIPLINE OF SOLICITORS AND CLERKS

##### *Restrictions on employment of certain persons*

#### **42 Failure to disclose fact of having been struck off or suspended.**

- (1) Any person who, while he is disqualified from practising as a solicitor by reason of the fact that—
- his name has been struck off the roll, or
  - he is suspended from practising as a solicitor, or
  - his practising certificate is suspended while he is an undischarged bankrupt,
- seeks or accepts employment by a solicitor in connection with that solicitor's practice without previously informing him that he is so disqualified shall be guilty of an offence and liable on summary conviction to a fine not exceeding [<sup>F1</sup>level 3 on the standard scale].

[<sup>F2</sup>(1A) Any person—

- with respect to whom a direction is in force under section 47(2)(g); and
- who seeks or accepts employment by a solicitor in connection with that solicitor's practice without previously informing him of the direction,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level three on the standard scale.]

- (2) Notwithstanding anything in [<sup>F3</sup>the <sup>M1</sup>Magistrates' Courts Act 1980], proceedings under this section may be commenced at any time before the expiration of six months from the first discovery of the offence by the prosecutor, but no such proceedings shall be commenced except by, or with the consent of, the Attorney General.

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*Changes to legislation: There are currently no known outstanding effects for the Solicitors Act 1974, Section 42. (See end of Document for details)*

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#### Textual Amendments

- F1** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38, 46**
- F2** [S. 42\(1A\)](#) inserted by [Courts and Legal Services Act 1990 \(c. 41, SIF 37\)](#), s. 125(3), **Sch. 18 para. 15**
- F3** Words substituted by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), s. 154, **Sch. 7 para. 132**

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

- C1** [S. 42](#) extended (with modifications) (1.7.2009) by [The Registered Foreign Lawyers Order 2009 \(S.I. 2009/1589\)](#), **art. 5(c)**
- C2** [S. 42](#) extended (22.5.2000) by [S.I. 2000/1119](#), regs. 1, 37(3), [Sch. 4 para. 7\(3\)](#) (as amended (1.7.2009) by [The Legal Services Act 2007 \(Registered European Lawyers\) Order 2009 \(S.I. 2009/1587\)](#)), **art. 3(7)(e)**
- C3** [S. 42\(1\)](#) extended (1.1.1992) by [Administration of Justice Act 1985 \(c. 61, SIF 34\)](#), s. 9, **Sch. 2 para. 10**; [S.I. 1991/2683](#), **art. 2**

#### Marginal Citations

- M1** [1980 c. 43](#).

**Changes to legislation:**

There are currently no known outstanding effects for the Solicitors Act 1974, Section 42.