



Solicitors Act 1974

1974 CHAPTER 47

PART II

PROFESSIONAL PRACTICE, CONDUCT AND DISCIPLINE OF SOLICITORS AND CLERKS

Restrictions on employment of certain persons

43 Control of employment of certain clerks.

- (1) Where a person who is or was a clerk to a solicitor but is not himself a solicitor—
- (a) has been convicted of a criminal offence which discloses such dishonesty that in the opinion of the Society it would be undesirable for him to be employed by a solicitor in connection with his practice; or
 - (b) has, in the opinion of the Society, occasioned or been a party to, with or without the connivance of the solicitor to whom he is or was clerk, an act or default in relation to that solicitor's practice [^{F1}which involved conduct on his part of such a nature that in the opinion of the Society it would be undesirable for him to be employed by a solicitor in connection with his practice,]

an application may be made to the Tribunal with respect to that person by or on behalf of the Society.

- (2) The Tribunal, on the hearing of any application under subsection (1), may make an order that as from such date as may be specified in the order no solicitor shall, except in accordance with permission in writing granted by the Society for such period and subject to such conditions as the Society may think fit to specify in the permission, employ or remunerate, in connection with his practice as a solicitor, the person with respect to whom the application is made.
- (3) An order made by the Tribunal under subsection (2) may, on the application of the Society or of the person with respect to whom the application for the order was made, be revoked by a subsequent order of the Tribunal; and where in the opinion of the Tribunal no prima facie case is shown in favour of an application for revocation, the Tribunal may refuse the application without hearing the applicant.

Status: Point in time view as at 01/02/1991. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Solicitors Act 1974, Section 43. (See end of Document for details)

- (4) The Tribunal, on the hearing of any application under this section, may make an order as to the payment of costs by any party to the application.
- (5) Orders made under this section and filed with the Society may be inspected by any solicitor during office hours without payment but shall not be open to the inspection of any person other than a solicitor.
- (6) F2
- (7) For the purposes of this section an order under Part I of the ^{M1}Powers of Criminal Courts Act 1973 placing a person on probation or discharging him absolutely or conditionally shall, notwithstanding anything in section 13 of that Act, be deemed to be a conviction of the offence for which the order was made.

Textual Amendments

- F1** S. 43(1)(b): words substituted by Administration of Justice Act 1985 (c. 61, SIF 34), s. 8, **Sch. 1 para. 10(a)**
- F2** S. 43(6) repealed by Administration of Justice Act 1985 (c. 61, SIF 34), ss. 8, 67(2), **Sch. 1 para. 10(b)**, Sch. 8 Pt. III

Modifications etc. (not altering text)

- C1** S. 43 extended (*prosp.*) with modifications by Administration of Justice Act 1985 (c. 61, SIF 34), ss. 9, 69(2), **Sch. 2 para. 11(2)(3)**

Marginal Citations

- M1** 1973 c. 62.

Status:

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Changes to legislation:

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