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## SCHEDULES

### SCHEDULE 14

#### FOREIGN LAWYERS: PARTNERSHIPS AND RECOGNISED BODIES

##### PART II

##### REGISTERED FOREIGN LAWYERS: SUPPLEMENTARY PROVISIONS

###### *Intervention in practices*

- 5 (1) In this paragraph “the intervention powers” means the powers conferred by Part II of Schedule 1 to the Act of 1974 (intervention in solicitors’ practices) as modified by this Schedule or under section 89.
- (2) Subject to sub-paragraphs (3) and (4), the intervention powers shall be exercisable in relation to a person who is or has been a registered foreign lawyer and the practice of the multi-national partnership of which he is or was a member as they are exercisable in relation to a solicitor and his practice.
- (3) The intervention powers are only exercisable where—
- (a) the [F1Society has] reason to suspect dishonesty on the part of the registered foreign lawyer, or on the part of an employee of the multi-national partnership, in connection with—
    - (i) the practice of that partnership; or
    - (ii) any trust of which the registered foreign lawyer is or was a trustee<sup>F2</sup> . . . ;
  - (b) in the case of a registered foreign lawyer who has died, the [F1Society has] reason to suspect dishonesty on the part of his personal representative, in connection with—
    - (i) the practice of the multi-national partnership; or
    - (ii) any trust of which the registered foreign lawyer was a trustee<sup>F2</sup> . . . ;
  - [F3(ba)] the Society has reason to suspect dishonesty on the part of the registered foreign lawyer (“L”) in connection with—
    - (i) the business of any person of whom L is or was an employee, or of any body of which L is or was a manager, or
    - (ii) any business which is or was carried on by L as a sole trader;]
    - (c) the [F4Society is] satisfied that the registered foreign lawyer has failed to comply with rules made under section 32 or 37(2)(c) of the Act of 1974;
    - (d) a bankruptcy order (as defined in paragraph 10(3)) has been made against him or he has made a composition or arrangement with his creditors;
    - (e) he has been committed to prison in any civil or criminal proceedings;
    - [F5(ea)] the Society is satisfied that he has abandoned his practice;]

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- [<sup>F6</sup>(f) he lacks capacity (within the meaning of the Mental Capacity Act 2005) to act as a registered foreign lawyer and powers under sections 15 to 20 or section 48 are exercisable in relation to him;]
  - (g) his name has been struck off the register or his registration has been suspended or cancelled;
  - (h) he has purported to act as a member of a multi-national partnership at a time when he was not registered;
  - (i) the [<sup>F7</sup>Society is] satisfied that he has failed to comply with any condition, subject to which he is registered, to the effect that—
    - (i) he may only be a member of a partnership which is approved by the Society; or
    - (ii) he may only be [<sup>F8</sup>a manager] of a recognised body which is so approved; or
    - (iii) he may only be such a member or such [<sup>F8</sup>a manager].
  - [<sup>F9</sup>(j) the Society is satisfied that it is necessary to exercise the intervention powers (or any of them) in relation to the registered foreign lawyer to protect—
    - (i) the interests of clients (or former or potential clients) of the registered foreign lawyer or the multi-national partnership, or
    - (ii) the interests of the beneficiaries of any trust of which the registered foreign lawyer is or was a trustee.]
- (4) <sup>F10</sup> .....
- (5) The intervention powers (other than those conferred by paragraphs 5 and 10 of Part II of Schedule 1 to the Act of 1974) shall also be exercisable where—
- (a) [<sup>F11</sup>the Society is satisfied] that there has been undue delay on the part of a registered foreign lawyer in connection with—
    - (i) any matter in which he, or the multi-national partnership of which he is or was a member, was instructed on behalf of a client; or
    - (ii) any [<sup>F12</sup>trust] ;
  - (b) the Society by notice invites the registered foreign lawyer to give an explanation within a period (of not less than 8 days) specified in the notice;
  - (c) the registered foreign lawyer fails within that period to give an explanation which the [<sup>F13</sup>Society regards] as satisfactory; and
  - (d) the Society gives notice of the failure to the registered foreign lawyer and notice that the intervention powers are accordingly exercisable.
- (6) Where the intervention powers are exercisable in relation to a registered foreign lawyer, they shall continue to be exercisable—
- (a) at any time when his registration is suspended;
  - (b) after his name has been struck off the register or his registration has been cancelled; or
  - (c) after his death.
- (7) Part II of Schedule 1 to the Act of 1974 shall have effect in relation to the intervention powers exercisable by virtue of this Schedule, subject to—
- (a) any express modifications made under section 89; and
  - (b) any modifications necessary in the light of this paragraph.

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- (8) For the purposes of this paragraph, Part II of Schedule 1 to the Act of 1974 shall be read with paragraph 4(2) of Part I of that Schedule.
- (9) The notices required to be given by this paragraph must be in writing but need not be given at the same time.
- [<sup>F14</sup>(10) In this paragraph “manager”, in relation to a recognised body, has the same meaning as in the Legal Services Act 2007 (see section 207 of that Act).]

#### Textual Amendments

- F1** Words in **Sch. 14 para. 5(3)(a)(b)** substituted (31.3.2009) by **Legal Services Act 2007 (c. 29), ss. 177, 211, Sch. 16 para. 131(a)(i)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(iii)**
- F2** Words in **Sch. 14 para. 5(3)(a)(b)** repealed (31.3.2009) by **Legal Services Act 2007 (c. 29), ss. 177, 210, 211, Sch. 16 para. 131(a)(ii), Sch. 23** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(iii)(f)(vi)(dd)**
- F3** **Sch. 14 para. 5(3)(ba)** inserted (31.3.2009) by **Legal Services Act 2007 (c. 29), ss. 177, 211, Sch. 16 para. 131(b)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(iii)**
- F4** Words in **Sch. 14 para. 5(3)(c)** substituted (31.3.2009) by **Legal Services Act 2007 (c. 29), ss. 177, 211, Sch. 16 para. 131(c)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(iii)**
- F5** **Sch. 14 para. 5(3)(ea)** inserted (31.3.2009) by **Legal Services Act 2007 (c. 29), ss. 177, 211, Sch. 16 para. 131(d)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(iii)**
- F6** **Sch. 14 para. 5(3)(f)** substituted (1.10.2007) by **Mental Capacity Act 2005 (c. 9), ss. 67(1), 68(1), Sch. 6 para. 35(3)** (with ss. 27-29, 62); S.I. 2007/1897, **art. 2(1)(d)**
- F7** Words in **Sch. 14 para. 5(3)(i)** substituted (31.3.2009) by **Legal Services Act 2007 (c. 29), ss. 177, 211, Sch. 16 para. 131(e)(i)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(iii)**
- F8** Words in **Sch. 14 para. 5(3)(i)** substituted (31.3.2009) by **Legal Services Act 2007 (c. 29), ss. 177, 211, Sch. 16 para. 131(e)(ii)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(iii)**
- F9** **Sch. 14 para. 5(3)(j)** inserted (31.3.2009) by **Legal Services Act 2007 (c. 29), ss. 177, 211, Sch. 16 para. 131(f)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(iii)**
- F10** **Sch. 14 para. 5(4)** repealed (31.3.2009) by **Legal Services Act 2007 (c. 29), ss. 177, 210, 211, Sch. 16 para. 131(g), Sch. 23** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(iii)(f)(vi)(dd)**
- F11** Words in **Sch. 14 para. 5(5)(a)** substituted (31.3.2009) by **Legal Services Act 2007 (c. 29), ss. 177, 211, Sch. 16 para. 131(h)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(iii)**
- F12** Word in **Sch. 14 para. 5(5)(a)(ii)** substituted (31.3.2009) by **Legal Services Act 2007 (c. 29), ss. 177, 211, Sch. 16 para. 131(i)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(iii)**
- F13** Words in **Sch. 14 para. 5(5)(c)** substituted (31.3.2009) by **Legal Services Act 2007 (c. 29), ss. 177, 211, Sch. 16 para. 131(j)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(iii)**
- F14** **Sch. 14 para. 5(10)** inserted (31.3.2009) by **Legal Services Act 2007 (c. 29), ss. 177, 211, Sch. 16 para. 131(k)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(iii)**

#### Commencement Information

- I1** **Sch. 14 para. 5** wholly in force at 14.10.1991 see s. 124(3) and S.I. 1991/1883, art. 3, **Sch.**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 58A(2)(fe) inserted by [2021 c. 17 s. 53](#)