



Courts and Legal Services Act 1990

1990 CHAPTER 41

PART IV **E+W**

SOLICITORS

97 **Committees and sub-committees of the Council.** **E+W**

The following section shall be substituted for section 79 of the ^{M1}Solicitors Act 1974 (committees of the Council)—

“79 Committees and sub-committees of the Council.

- (1) Subject to any provision to the contrary made by or under any enactment, the Council may arrange for any of its functions (other than reserved functions) to be discharged by—
 - (a) a committee of the Council;
 - (b) a sub-committee of such a committee; or
 - (c) an individual (whether or not a member of the Society’s staff).
- (2) Where, by virtue of subsection (1)(a), any of the Council’s functions may be discharged by a committee, the committee may arrange for the discharge of any of those functions by—
 - (a) a sub-committee of that committee; or
 - (b) an individual (whether or not a member of the Society’s staff).
- (3) Where, by virtue of subsection (1) or (2), any of the Council’s functions may be discharged by a sub-committee, the sub-committee may arrange for the discharge of any of those functions by a member of the Society’s staff.
- (4) Subsections (2) and (3) shall have effect subject to any contrary direction given by the Council.

Changes to legislation: Courts and Legal Services Act 1990, Section 97 is up to date with all changes known to be in force on or before 05 April 2024. 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

- (5) Subject to any direction given by the Council under subsection (4), subsection (3) shall have effect subject to any contrary direction given by the committee concerned.
- (6) Any power given by subsection (1), (2) or (3) may be exercised so as to impose restrictions or conditions on the body or individual by whom the functions concerned are to be discharged.
- (7) A committee of the Council, and any sub-committee of such a committee, discharging functions delegated under this section may include persons other than—
 - (a) members of the Council;
 - (b) members of the Society;
 - (c) solicitors.
- (8) The majority of the members of any such committee or sub-committee may be persons who may be included by virtue of subsection (7).
- (9) The number and term of office of the members of such a committee and the number of those members necessary to form a quorum, shall be fixed by the Council.
- (10) Subject to any restriction or condition imposed by the Council, the number and term of office of the members of such a sub-committee and the number of those members necessary to form a quorum, shall be fixed by the committee concerned.
- (11) The validity of any proceedings of such a committee or sub-committee shall not be affected by any casual vacancy among its members.
- (12) In this section “reserved functions” means—
 - (a) the function of making rules or regulations under section 2, 31, 32, 34, 36, or 37 or under section 9 of the Administration of Justice Act 1985 (incorporated practices);
 - (b) the function of setting fees or financial contributions under paragraph 2(1) of Schedule 2 or section 8(2) or under paragraph 6 of Schedule 2 to the Administration of Justice Act 1985.”

Marginal Citations

M1 1974 c. 47.

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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](#)