

1985 No. 226

LEGAL PROFESSION

The Solicitors (Disciplinary Proceedings) Rules 1985

Made - - - - - 19th February 1985

Coming into Operation 1st April 1985

ARRANGEMENT OF RULES

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The Disciplinary Tribunal constituted under the Solicitors Act 1974(a) with the concurrence of the Master of the Rolls, in exercise of the powers conferred on them by section 46 of the said Act and of all other powers them enabling hereby make the following Rules:—

1. (a) These Rules may be cited as the Solicitors (Disciplinary Proceedings) Rules 1985 and shall come into force on the 1st day of April 1985 whereupon the Solicitors (Disciplinary Proceedings) Rules 1975(b) shall cease to have effect.
- (b) (i) In these Rules "solicitor's clerk" means a person who is or was employed or remunerated by a solicitor or by a firm of solicitors as a clerk and is not himself a solicitor, "the Clerk" means the Clerk to the Tribunal or any deputy or person appointed by the Tribunal temporarily to perform the duties of that office, and an "application" includes a complaint to the Tribunal made by virtue of the provisions of the Solicitors Act 1974.
- (ii) Other expressions in these Rules have the meanings assigned to them in the Solicitors Act 1974.
- (iii) The Interpretation Act 1978(c) applies to these Rules in the same manner as it applies to an Act of Parliament.

(a) 1974 c. 47.
 (b) S.I. 1975/727.
 (c) 1978 c. 30.

PART I

CONSTITUTION OF THE TRIBUNAL

2. The Tribunal shall elect a solicitor member of the Tribunal to be its President.

3. The President shall appoint a solicitor member to act as Chairman for the hearing and determination by the Tribunal of any application in accordance with the provisions of Part V of these Rules; provided that in the absence of such appointment a solicitor member of the Tribunal shall act as its Chairman.

PART II

APPLICATIONS AGAINST SOLICITORS AND IN RESPECT OF SOLICITORS' CLERKS

4. (a) An application to the Tribunal to strike the name of a solicitor off the Roll of Solicitors, or to require a solicitor to answer allegations contained in an affidavit, shall be in writing signed by the applicant in the form numbered 1 in the Schedule hereto.
- (b) An application to the Tribunal to make an Order under Section 43(2) of the Solicitors Act 1974 shall be in writing signed by the applicant in the form numbered 2 in the Schedule hereto.
- (c) In either case the application shall be supported by an affidavit by the applicant in the form set out in the Schedule hereto numbered 3 or as near thereto as the circumstances may permit, stating the matters of fact on which he relies in support of his application.
- (d) Where the application is made by the Society the application may be signed and the affidavit sworn on behalf of the Society by the Secretary or by such other person as may from time to time be instructed to do so by or on behalf of the Council.

5. Before fixing a day for the hearing the Tribunal may require the applicant to supply such further information and documents relating to the application as they think fit and may require the applicant to supply such further copies of his affidavit and of the exhibits thereto as the Tribunal may consider requisite.

6. In the case of an application against a solicitor where, in the opinion of the Tribunal, no prima facie case is shown in favour of the application, the Tribunal may dismiss the application without requiring the solicitor to answer the allegations, and without hearing the applicant. If required so to do either by the applicant or the solicitor, the Tribunal shall make a formal Order dismissing such application.

7. In the case of an application in respect of a solicitor's clerk the parties to the proceedings shall be:

- (i) the applicant;
- (ii) the solicitor's clerk, and

- (iii) if the Tribunal so direct, every solicitor by whom the solicitor's clerk was employed either at the time of the commission of any such offence as is mentioned in section 43(1) of the Solicitor's Act 1974, of which it is alleged by the applicant that the solicitor's clerk has been convicted, or at the time of any such act or default as is mentioned in section 43(1)(b) of the said Act to which it is alleged that the solicitor's clerk has been party.

8. In the case of an application against a solicitor in which, in the opinion of the Tribunal, a prima facie case is shown in favour of the application, and in the case of every application in respect of a solicitor's clerk, the Tribunal shall fix a day for the hearing, and the Clerk shall serve notice thereof on each party to the proceedings and shall serve on each party, other than the applicant, a copy of the application and affidavit. There shall be at least 42 days between the service of any such notice and the day fixed therein for the hearing.

9. The notice shall be in such one of the forms set out in the Schedule hereto and numbered 4, 5, 6 and 7, as shall be appropriate and shall require the party to whom it is addressed to furnish to the Clerk and to every other party at least 14 days before the day fixed for the hearing, unless the Tribunal direct otherwise, a list of all documents on which he intends to rely.

10. Any party may inspect the documents included in the list furnished by any other party. A copy of any document mentioned in the list furnished by any party shall, on application and on payment of the proper charges therefor by the party requiring it, be furnished to that party by the other within three days after the receipt of such application.

PART III

APPLICATIONS AT THE INSTANCE OF A FORMER SOLICITOR HIMSELF

11. An application by a former solicitor whose name has been struck off the Roll to have his name restored to the Roll shall be made by way of affidavit in the form set out in the Schedule hereto and numbered 8. The affidavit shall be sent to the Clerk and a copy thereof to the Society.

12. The Tribunal may grant an application made pursuant to Rule 11 without requiring the attendance of the applicant. In any other case the Tribunal shall fix a day for the hearing and the Clerk shall serve notice thereof on the applicant and the Society at least 56 days before the day fixed for the hearing.

13. The notice shall be in such one of the forms set out in the Schedule hereto and numbered 9 and 10 as shall be appropriate.

14. The Tribunal may if they think fit require the applicant or the Society to give notice of the application and of the day fixed for the hearing by advertisement or otherwise as they may direct.

15. If any person desires to object to the application, he shall give notice in writing to the applicant, the Society and the Clerk at least seven days before the day fixed for the hearing, specifying the grounds of his objection.

16. If the objector appears on the day fixed for the hearing, and if the Tribunal are of opinion, after hearing the parties or either of them (if they think fit so to do), that the notice discloses a prima facie case for inquiry of which they do not dispose on that day, they shall adjourn the hearing and shall give directions relating to the adjourned hearing, including directions as to the party on whom the burden of proof shall lie.

17. The Rules contained in Parts II and V of these Rules shall apply mutatis mutandis to the hearing of any application under this Part of these Rules.

18. In respect of any application by a solicitor to procure his name to be restored to the Roll the Tribunal shall order either that the name of the solicitor be restored to the Roll or that the application be refused and in either case may make such Order as to the costs as they think fit.

PART IV

APPLICATIONS IN RESPECT OF A FORMER SOLICITOR'S CLERK

19. An application that an Order under section 43(2) of the Solicitors Act 1974 shall be revoked, shall be made by way of affidavit in the form set out in the Schedule hereto and numbered 11.

20. The parties to the proceedings shall be:

- (i) The person with respect to whom the Order under section 43(2) of the Solicitors Act 1974 was made which it is sought to revoke; and
- (ii) The Society;

and the affidavit shall be sent to the Clerk and a copy thereof to the other party to the proceedings.

21. The Tribunal may grant the application without requiring the attendance of the parties. In any other case the Tribunal shall fix a day for the hearing and the Clerk shall serve notice thereof on the parties to the proceedings at least 56 days before the day fixed for the hearing. The notice shall be in the form set out in Schedule hereto and numbered 12.

22. The Rules contained in Part II and V of these Rules shall apply mutatis mutandis to the hearing of any application under this Part of these Rules.

23. In respect of any application made under this Part of these Rules the Tribunal shall order either that the previous Order be revoked or that the

application be refused, and in either case they may make such Order as to the costs as they think fit.

PART V

GENERAL

24. (a) Subject to paragraph (b) of this Rule the Tribunal shall hear all applications in private.
- (b) Any party applying that a hearing shall be in public shall notify the Clerk, and the other party or parties to the proceedings, at least 21 days before the date fixed for the hearing and unless at least 10 days before that date any other party to the proceedings objects thereto the hearing shall be in public. In the event of an objection the Tribunal shall, at the hearing, determine in private whether the hearing is to be in public.
- (c) Notwithstanding paragraph (b) of this Rule if it appears to the Tribunal that any person would suffer undue prejudice from a public hearing or that for any other reason the circumstances and nature of the case make a public hearing undesirable the Tribunal may direct that the public shall be excluded either from the whole or any part of a hearing.
25. If any party fails to appear at the hearing the Tribunal may, upon proof of service on such party of the notice of hearing, proceed to hear and determine the application in his absence.
26. Any party who has failed to appear at the hearing may, within one calendar month from the date of the filing of the Order of the Tribunal with the Society, and upon giving notice to every other party and to the Clerk, apply to the Tribunal for a re-hearing. The Tribunal, if satisfied that it is just that the case should be re-heard, may grant the application upon such terms as to costs or otherwise as they think fit. Upon such re-hearing the Tribunal may amend, vary, add to, or reverse their Findings, or Order, pronounced upon such previous hearing.
27. (a) The Tribunal may, in their discretion, either as to the whole case or as to any particular fact or facts, proceed and act upon evidence given by affidavit.
- (b) Every affidavit upon which any party proposes to rely shall be filed with the Clerk and served upon the opposing party not less than 21 days before the date set down for the hearing of the application, together with a notice in the form numbered 15 in the Schedule hereto.
- (c) Any party on whom such a notice has been served who requires the attendance at the hearing of a deponent to any affidavit shall, not less than 10 days before such date, require in writing the other party to produce the deponent witness at the hearing.
- (d) In the event of any party not requiring the attendance of a deponent

witness in accordance with the provisions of these Rules the Tribunal may accept such affidavit in evidence.

- (e) If a deponent witness who has been required to attend in accordance with the provisions of these Rules does not attend the hearing the onus shall be on the party seeking to rely on the affidavit evidence of that witness to show why the affidavit should be accepted in evidence.

28. The Tribunal may at any stage of proceedings against a solicitor refer the case to the Council and may adjourn the application pending the consideration thereof by the Council in case the Council should see fit to lodge a further application against the solicitor or to undertake on behalf of the original applicant the prosecution of his application.

29. Unless the Tribunal direct otherwise no application shall be withdrawn after it has been sent to the Clerk.

30. The Tribunal may of their own motion, or upon the application of any party, adjourn or postpone the hearing upon such terms as the Tribunal may think fit.

31. In the case of an application in respect of a solicitor's clerk the Tribunal may on the application of any party or on their own motion order that any such application shall be heard before, together with, or after the hearing of an application to require a solicitor by whom the clerk is or was employed to answer allegations contained in an affidavit.

32. If upon the hearing it shall appear to the Tribunal that the allegations in the affidavit require to be amended, or added to, the Tribunal may permit such amendment, or addition, or if in the opinion of the Tribunal such amendment, or addition, shall be such as to take any party by surprise, or prejudice the conduct of his case, the Tribunal shall grant an adjournment of the hearing, upon such terms as to costs, or otherwise, as the Tribunal shall think fit.

33. If at the conclusion of the hearing of any application the Tribunal propose to find any of the allegations made against the respondent to have been substantiated, they shall so inform the respondent and the Clerk shall then refer the Tribunal and the respondent to any previous Disciplinary Proceedings in which any allegation has been substantiated against him so that the respondent may then have the opportunity to speak in mitigation and, where appropriate, in respect of costs.

34. Upon the hearing or determination of any application the Tribunal may, in the case of an application against a solicitor, without finding any charge of unbecoming conduct proved against the solicitor, or, in the case of an application in respect of a solicitor's clerk, without making any Order under section 43(2) of the Solicitors Act 1974 nevertheless order any party to pay the

costs of the proceedings if having regard to his conduct and to all the circumstances of the case the Tribunal shall think fit.

35. Upon the conclusion of the hearing or determination of any application the Tribunal may announce their Order while still sitting in which case the Order shall be filed immediately with the Society; or they may reserve judgement. In either case they shall pronounce their Order in public at a later date, notice whereof shall be given to the parties by the Clerk and the Clerk shall, on the day of pronouncement, file with the Society the Findings and if not already filed, the Order, and shall supply a copy thereof to each party to the proceedings and to any other person present at the pronouncement who requests one.

36. (a) The Tribunal shall have power, upon the application of a party against or with respect to whom they have made an Order, to suspend the filing thereof with the Society.
- (b) Where the filing of an Order is suspended under this Rule, the Order shall not take effect until it is filed with the Society, and if the Order is an Order that a solicitor be suspended from practice, the period of suspension shall be deemed to commence on the date of the filing of the Order with the Society or on such later date (if any) as may have been specified in the Order.

37. Shorthand notes of proceedings may be taken by a person appointed by the Tribunal. If the Tribunal so direct, a transcript shall be made thereof and any party who appeared at the proceedings shall be entitled to inspect such transcript. The shorthand writer shall, if required, supply to the Tribunal and to any person entitled to be heard upon an appeal against an Order of the Tribunal, and to the Society, but to no other person, a copy of the transcript of such notes on payment of his charges. If no shorthand notes be taken the Chairman of the Tribunal shall take a note of the proceedings, and the provisions of this Rule as to inspection and taking of copies shall apply to such note accordingly.

38. Service of any notice or document may be effected under these Rules by registered "A.R." letter or by Recorded Delivery letter addressed, in the case of a solicitor, to his last known place of business appearing in the Register (commonly known as the Practising Roll kept by the Society) or to his last known place of abode and in every other case, to the last known place of business or abode of the person to be served and such service shall be deemed to have been effected on the day when the letter is despatched.

39. (a) Subject to the provisions of these Rules the Tribunal may regulate its own procedure.
- (b) The Tribunal may dispense with any requirements of these Rules respecting notices, affidavit documents, service or time in any case where it appears to the Tribunal to be just so to do.

40. All affidavits shall be filed and kept by the Clerk. The Tribunal may order that any books, papers, or other exhibits produced or used at a hearing, shall be retained by the Clerk until the time within which an appeal may be entered has expired, and, if notice of appeal is given, until the appeal is heard or otherwise disposed of.

41. The Civil Evidence Act 1968(a) and the Evidence and Powers of Attorney Act 1940(b) shall apply in relation to proceedings before the Tribunal in the same manner as they apply in relation to civil and criminal proceedings.

42. (a) Not less than 28 days before the date fixed for the hearing of an application the applicant may require in writing the other party to indicate to the applicant within 14 days of the receipt of such requirement which of any facts set out in the affidavit submitted in support of the application are in dispute. Failure to reply to such a notice shall be material only in relation to the question of costs.
- (b) Any party may by notice in writing at any time not later than nine days before the day fixed for the hearing call upon any other to admit any document saving all just exceptions and if such other party desires to challenge the authenticity of the document he shall within six days after service of such notice give notice that he does not admit the document and requires it to be proved at the hearing.
- (c) If such other party refuses or neglects to give notice of non-admission within the time prescribed in the last preceding paragraph, he shall be deemed to have admitted the document unless otherwise ordered by the Tribunal.
- (d) Where a party gives notice of non-admission within the time prescribed by the second paragraph of this Rule and the document is proved at the hearing, the costs of proving the document shall be paid by the party who has challenged the document, whatever the Order of the Tribunal may be, unless in their Findings the Tribunal shall find that there were reasonable grounds for not admitting the authenticity of the document.
- (e) Where a party proves a document without having given notice to admit under the second paragraph of this Rule no costs of proving the document shall be allowed on taxation, unless otherwise directed by the Tribunal, except where the omission to give notice to admit is in the opinion of the Taxing Master a saving of expense.

43. A subpoena issued under section 46(11) of the Solicitors Act 1974 shall be in such one of the forms set out in the Schedule hereto and numbered 13 and 14 as shall be appropriate.

(a) 1968 c. 64.
(b) 1940 c. 28.

SCHEDULE

FORM 1

FORM OF APPLICATION AGAINST A SOLICITOR

To the Clerk to the Disciplinary Tribunal constituted under
the Solicitors Act 1974

In the Matter of C.D.(1) a Solicitor,
and In the Matter of the Solicitors Act 1974.

I, the undersigned A.B. hereby make application that C.D.(1) of (2)
, Solicitor, may be required to answer the allegations contained in the affidavit
which accompanies this application and that such order may be made as the Tribunal
shall think right.

In witness whereof I have hereunto set my hand this day of , 19 . . .

Signature.

Address.

Profession, business or organisation

(1) The full name must be stated. Initials are not sufficient. The names may be obtained by an inspection of the Roll of Solicitors at The Law Society, Chancery Lane, London, W.C.2., during usual office hours.

(2) Last known place or places of business of the solicitor.

FORM 2

FORM OF APPLICATION IN RESPECT OF A SOLICITOR'S CLERK

To the Clerk to the Disciplinary Tribunal constituted under
the Solicitors Act 1974

In the Matter of E.F., a Solicitor's Clerk,
and
In the Matter of the Solicitors Act 1974.

I, the undersigned A.B., of , hereby make application on behalf of The Law
Society that an order be made by the Tribunal directing that as from a date to be
specified in such order no solicitor shall except in accordance with permission in writing
granted by The Law 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 the practice as a solicitor, E.F. of , a person who is or was a clerk to a
solicitor, or that such other order may be made as the Tribunal shall think right.

In witness whereof I have hereunto set my hand this day of 19 . . .

Signature

FORM 3

FORM OF AFFIDAVIT BY APPLICANT

In the Matter of C.D., a Solicitor,
and
In the Matter of the Solicitors Act 1974

I, *A.B., of _____, make oath and say as follows:—

1. †C.D., of _____, solicitor of the Supreme Court of Judicature in England, has been employed by me in a professional capacity for the last ten years (or as the case may be).

2. [Here state the facts concisely in numbered paragraphs, and show deponent's means of knowledge.]

Sworn, etc.

*Insert full name, address and description.

†Insert full name and last known place of business.

FORM 4

FORM OF NOTICE TO APPLICANT BY THE CLERK TO THE DISCIPLINARY TRIBUNAL

In the Matter of C.D., a Solicitor, [or] a Solicitor's clerk,
and
In the Matter of the Solicitors Act 1974.

To A.B., of _____

The _____ day of _____, 19____, is the day fixed by the Disciplinary Tribunal constituted under the Solicitors Act 1974 for the hearing of your application in the matter of C.D., a Solicitor [or] a person who is or was a clerk to a solicitor.

The Tribunal will sit at the Court Room, No. 60 Carey Street, Chancery Lane, London, W.C.2, at _____ o'clock in the _____ noon.

*[The parties to the application are as follows:— _____.]

You are required by the Solicitors (Disciplinary Proceedings) Rules 1985 to furnish to every party to the application and to the Clerk to the Disciplinary Tribunal at the Court Room, No. 60 Carey Street, Chancery Lane, London, W.C.2, at least fourteen days before the said _____ day of _____, 19____, a list of all the documents on which you propose to rely.

Any party may inspect the documents included in the list furnished by the other, and a copy of any document mentioned in the list of any party must, on application and on payment by the party requiring it of the proper charges, be furnished to that party by the other within three days after receipt of such application.

If any party shall fail to appear and the Tribunal decide to proceed in his absence, any party appearing must be prepared to prove service, in accordance with the Solicitors (Disciplinary Proceedings) Rules 1985, of the list of documents and any other notice or correspondence since the lodging of the application.

You are requested to acknowledge the receipt of this notice without delay.

Dated this _____ day of _____, 19____.

.....
Clerk to the Tribunal

*To be deleted when the application is against a solicitor.

FORM 5

FORM OF NOTICE TO SOLICITOR BY THE CLERK TO THE DISCIPLINARY
TRIBUNAL

In the Matter of C.D., a solicitor,
and
In the Matter of the Solicitors Act 1974

To C.D., of _____, Solicitor.

Application has been made by A.B., of _____, to the Disciplinary Tribunal constituted under the Solicitors Act 1974, that you may be required to answer the allegations contained in the affidavit, whereof a copy accompanies this notice, and that such order may be made as the Tribunal shall think right.

The _____ day of _____, 19____, is the day fixed by the Tribunal for the hearing of the application. The Tribunal will sit at the Court Room, No. 60 Carey Street, Chancery Lane, London, W.C.2, at _____ o'clock in the _____ noon. If you fail to appear, the Tribunal may, in accordance with the Solicitors (Disciplinary Proceedings) Rules 1985, proceed in your absence.

You are required by the said Rules to furnish to every other party to the application and to the Clerk to the Disciplinary Tribunal at the Court Room, No. 60 Carey Street, Chancery Lane, London, W.C.2, at least fourteen days before the said _____ day of _____, 19____, a list of all the documents on which you propose to rely.

Any party may inspect the documents included in the list furnished by any other, and a copy of any document mentioned in the list of any party must, on application and on payment by the party requiring it of the proper charges, be furnished to that party by the other within three days after receipt of such application.

In order to reduce the costs of the hearing, you are invited to inform the applicant and the Clerk to the Disciplinary Tribunal not less than fourteen days before the said _____ day of _____ of any facts set out in the affidavit which are not in dispute.

You are requested to acknowledge the receipt of this notice without delay.

Dated this _____ day of _____, 19____.

.....
Clerk to the Tribunal

FORM 6

FORM OF NOTICE TO SOLICITOR'S CLERK BY THE CLERK TO THE DISCIPLINARY TRIBUNAL

In the Matter of E.F., a Solicitor's Clerk,
and
In the Matter of the Solicitors Act 1974.

To E.F., of

Application has been made by A.B., of , on behalf of The Law Society to the Disciplinary Tribunal constituted under the Solicitors Act 1974, supported by an affidavit, a copy of which accompanies this notice, that an order may be made directing that as from a date to be specified in such order no solicitor shall except in accordance with permission in writing granted by The Law Society for such period and subject to such conditions as the Society may think fit to specify in the permission, employ or remunerate you in connection with his practice as a solicitor or that such order may be made as the Tribunal shall think right.

The parties to the proceedings are as follows:—

The day of , 19 , is the day fixed by the Tribunal for the hearing of the application. The Tribunal will sit at the Court Room, No. 60 Carey Street, Chancery Lane, London, W.C.2, at o'clock in the noon. If you fail to appear, the Tribunal may, in accordance with the Solicitors (Disciplinary Proceedings) Rules 1985, proceed in your absence.

You are required by the said Rules to furnish to every other party to the proceedings and to the Clerk to the Disciplinary Tribunal at the Court Room, No. 60 Carey Street, Chancery Lane, London, W.C.2, at least fourteen days before the said day of , 19 , a list of all the documents on which you propose to rely.

Any party may inspect the documents included in the list furnished by any other party, and a copy of any document mentioned in the list of any party must, on application and on payment by the party requiring it of the proper charges, be furnished to that party by the other within three days after receipt of such application.

In order to reduce the costs of the hearing, you are invited to inform the applicant and the Clerk to the Disciplinary Tribunal not less than fourteen days before the said day of of any facts set out in the affidavit which are not in dispute.

You are requested to acknowledge the receipt of this notice without delay.

Dated this day of , 19 .

.....
Clerk to the Tribunal.

FORM 7

FORM OF NOTICE BY THE CLERK TO THE DISCIPLINARY TRIBUNAL TO A
SOLICITOR MADE PARTY TO AN APPLICATION IN RESPECT OF A SOLICITOR'S
CLERK

In the Matter of E.F., a Solicitor's Clerk,
and
In the Matter of the Solicitors Act 1974

To G.H., Solicitor of

Application has been made by A.B., of _____, on behalf of The Law Society, to the Disciplinary Tribunal constituted under the Solicitors Act 1974, that an order be made by the Tribunal directing that as from a date to be specified in such order no solicitor shall except in accordance with permission in writing granted by The Law 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 said E.F., of _____, a person who is or was a clerk to a solicitor or that such other order may be made as the Tribunal shall think right.

It is alleged in the affidavit accompanying the application, a copy of which is sent herewith, that you

By virtue of Rule 7 of the Solicitors (Disciplinary Proceedings) Rules 1985, the Tribunal have directed that you be constited a party to the application. The parties to the application are as follows:—

The _____ day of _____, 19____, is the day fixed by the Tribunal for the hearing of the application. The Tribunal will sit at the Court Room, No. 60 Carey Street, Chancery Land, London, W.C.2, at _____ o'clock in the _____ noon. If you fail to appear, the Tribunal may, in accordance with the Solicitors (Disciplinary Proceedings) Rules 1985, proceed in your absence.

You are required by the said Rules to furnish to every other party to the application, and to the Clerk to the Disciplinary Tribunal at the Court Room, No. 60 Carey Street, Chancery Lane, London, W.C.2, at least fourteen days before the said _____ day of _____, 19____, a list of all the documents on which you propose to rely.

Any party may inspect the documents included in the list furnished by any other, and a copy of any document mentioned in the list of any party must, on application and on payment by the party requiring it of the proper charges, be furnished to that party by the other within three days after receipt of such application.

You are requested to acknowledge the receipt of this notice without delay.

Dated this _____ day of _____, 19____.

.....
Clerk to the Tribunal

FORM 8

FORM OF AFFIDAVIT BY AN APPLICANT BEING A FORMER SOLICITOR WHOSE
NAME WAS STRUCK OFF THE ROLL OF SOLICITORS.

In the Matter of C.D.,
and
In the Matter of the Solicitors Act 1974

I, C.D., of _____, make oath and say as follows:—

1. I was admitted a solicitor on the _____ day of _____, 19 ____.
2. On the _____ day of _____, 19 ____, my name was ordered to be struck off the Roll of Solicitors.
3. I hereby apply that my name be restored to the Roll of Solicitors.
4. The grounds for my application are:—
Sworn, etc.

FORM 9

FORM OF NOTICE BY THE CLERK TO THE DISCIPLINARY TRIBUNAL TO THE
APPLICANT, A FORMER SOLICITOR

In the Matter of C.D.,
and
In the Matter of the Solicitors Act 1974.

To C.D., of _____

The _____ day of _____, 19 ____, is the day fixed by the Disciplinary Tribunal for the hearing of your application that your name be restored to the Roll of Solicitors.

The Tribunal will sit at the Court Room, No. 60 Carey Street, Chancery Lane, London, W.C.2, at _____ o'clock in the _____ noon.

You are required by the Solicitors (Disciplinary Proceedings) Rules 1985, to furnish to The Law Society and to the Clerk to the Disciplinary Tribunal at the Court Room, No. 60 Carey Street, Chancery Lane, London, W.C.2, at least fourteen days before the said day of _____, a list of all the documents on which you propose to rely.

Any party may inspect the documents included in the list furnished by any other, and a copy of any document mentioned in the list of any party must, on application and on payment by the party requiring it of the proper charges, be furnished to that party by the other within three days after receipt of such application.

If any party shall fail to appear and the Tribunal decide to proceed in his absence, any party appearing must be prepared to prove service, in accordance with the Solicitors (Disciplinary Proceedings) Rules 1985, of the list of documents and any other notice or correspondence since the lodging of the application.

You are requested to acknowledge the receipt of this notice without delay

Dated this _____ day of _____, 19 ____.

.....
Clerk to the Tribunal

FORM 10

FORM OF NOTICE BY THE CLERK TO THE DISCIPLINARY TRIBUNAL TO THE LAW SOCIETY IN RELATION TO AN APPLICATION BY A FORMER SOLICITOR

In the Matter of C.D.,
and
In the Matter of the Solicitors Act 1974.

To: The Law Society,
Chancery Lane,
London, W.C.2.

Application has been made by C.D., of _____, that his name be restored to the Roll of Solicitors.

The _____ day of _____, 19____, is the day fixed by the Disciplinary Tribunal for the hearing of this application.

The Tribunal will sit at the Court Room, No. 60 Carey Street, Chancery Lane, London, W.C.2, at _____ o'clock in the _____ noon.

You are required by the Solicitors (Disciplinary Proceedings) Rules 1985, to furnish to the said C.D. and to the Clerk to the Disciplinary Tribunal at the Court Room, No. 60 Carey Street, Chancery Lane, London, W.C.2, at least fourteen days before the said day of _____, 19____, a list of all the documents on which you propose to rely.

Any party may inspect the documents included in the list furnished by any other, and a copy of any document mentioned in the list of any party must, on application and on payment by the party requiring it of the proper charges, be furnished to that party by the other within three days after receipt of such application.

If any party shall fail to appear and the Tribunal decide to proceed in his absence, any party appearing must be prepared to prove service, in accordance with the Solicitors (Disciplinary Proceedings) Rules 1985, of the list of documents and any other notice or correspondence since the lodging of the application.

You are requested to acknowledge the receipt of this notice without delay.

Dated this _____ day of _____, 19____.

.....
Clerk to the Tribunal

FORM 11

FORM OF AFFIDAVIT BY APPLICANT IN RELATION TO AN ORDER MADE UNDER SECTION 43 OF THE SOLICITORS ACT 1974

I, the undersigned A.B., _____ or E.F., of _____ hereby make application that the Order made on the _____ day of _____, 19____, under section 43 of the Solicitors Act 1974, in respect of E.F., be revoked.

The grounds for my application are

Sworn, etc.

FORM 12

FORM OF NOTICE BY THE CLERK TO THE DISCIPLINARY TRIBUNAL IN RELATION
TO AN APPLICATION IN RESPECT OF A FORMER SOLICITOR'S CLERK

In the Matter of E.F.,
and
In the Matter of the Solicitors Act 1974

To: The Law Society,
Chancery Lane,
London, W.C.2.

and

To: E.F.
of

Application has been made by _____, of _____, to the Disciplinary Tribunal that the Order made on the _____ day of _____, 19____, under section 43(2) of the Solicitors Act 1974, in respect of E.F. be revoked.

The _____ day of _____, 19____, is the day fixed by the Disciplinary Tribunal for the hearing of this application.

The Tribunal will sit at the Court Room, No. 60 Carey Street, Chancery Lane, London, W.C.2, at _____ o'clock in the _____ noon.

The parties to the application are as follows:—

- (i) The Law Society
- (ii) E.F.

You are required by the Solicitors (Disciplinary Proceedings) Rules 1985, to furnish to every other party to the application and to the Clerk to the Disciplinary Tribunal at the Court Room, No. 60 Carey Street, Chancery Lane, London, W.C.2, at least fourteen days before the said _____ day of _____, a list of all documents on which you propose to rely.

Any party may inspect the documents included in the list furnished by any other, and a copy of any document mentioned in the list of any party must, on application and on payment by the party requiring it of the proper charges, be furnished to that party by the other within three days after receipt of such application.

If any party shall fail to appear and the Tribunal decide to proceed in his absence, any party appearing must be prepared to prove service, in accordance with the Solicitors (Disciplinary Proceedings) Rules 1985, of the list of documents and any other notice or correspondence since the lodging of the application.

You are requested to acknowledge the receipt of this notice without delay.

Dated this _____ day of _____, 19____.

.....
Clerk to the Tribunal

FORM 13

FORM OF SUBPOENA Ad Testificandum

In the Matter of C.D., a Solicitor, [or] a Solicitor's Clerk,
and
In the Matter of the Solicitors Act 1974

ELIZABETH THE SECOND, by the Grace of God, etc.

To:

greeting.

We command you to attend before the Disciplinary Tribunal constituted under the Solicitors Act 1974 at _____ on _____ day, the _____ day of _____ at the hour of _____ in the _____ noon, and so from day to day until the application in the above matter is heard, to give evidence on behalf of _____

WITNESS

Lord High Chancellor of Great Britain, the _____ day of _____ in the year of Our Lord

FORM 14

FORM OF SUBPOENA Duces Tecum

In the Matter of C.D., a Solicitor, [or] a Solicitor's Clerk,
and
In the Matter of the Solicitors Act 1974

ELIZABETH THE SECOND, by the Grace of God, etc.

To:

greeting.

We command you to attend before the Disciplinary Tribunal constituted under the Solicitors Act 1974 at _____ on _____ day, the _____ day of _____ at the hour of _____ in the _____ noon, and so from day to day until the application in the above matter is heard, to give evidence on behalf of _____ and also to bring with you and produce at the time and place aforesaid [specify documents to be produced].

WITNESS

Lord High Chancellor of Great Britain, the _____ day of _____ in the year of Our Lord

Dated this _____

FORM 15

FORM OF NOTICE TO ACCOMPANY AFFIDAVIT EVIDENCE

In the Matter of C.D., a Solicitor, [or] a Solicitor's Clerk,
and
In the Matter of the Solicitors Act 1974

TAKE NOTICE that the applicant/respondent proposes to rely upon the affidavits copies of which are served herewith. If you wish any witness being a deponent to one of these affidavits to be required to attend the hearing you must, not less than 10 days before the date set down for the hearing of the application, notify me and the Clerk to that effect. In the event of your failure to do so the Tribunal may accept the affidavit in question in evidence.

.....
Applicant/Respondent

DATED this 19th day of February 1985.

J. F. Warren
Clerk to the Tribunal

Approved

John Donaldson
M.R.

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules regulate procedure for the making, hearing and determination of applications or complaints under the Solicitors Act 1974 to the Disciplinary Tribunal constituted under that Act.

The Rules re-enact the Solicitors (Disciplinary Proceedings) Rules 1975 with amendments. The changes of substance relate to hearings in public and affidavit evidence.

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