
STATUTORY INSTRUMENTS

2019 No. 1185

The Solicitors (Disciplinary Proceedings) Rules 2019

PART 7

MISCELLANEOUS

Sending and service of documents

44.—(1) Any document to be sent to the Tribunal or any other person or served on a party or any other person under these Rules, a practice direction or a direction given under these Rules must be—

- (a) sent by pre-paid first class post or by document exchange, or delivered by hand, to the Tribunal's or other person's office or as the case may be the address specified for the proceedings by the party (or if no such address has been specified to the last known place of business or place of residence of the person to be served); or
- (b) sent by email to the email address specified by the Tribunal or other person or specified for the proceedings by a party (or if no such address has been specified to the last known place of business or place of residence of the person to be served); or
- (c) sent or delivered by such other method as the Tribunal may direct.

(2) Subject to paragraph (3), if a party specifies an email address for the electronic delivery of documents the Tribunal and other parties will be entitled to serve (and service will be deemed to be effective) documents by electronic means to that email address, unless the party states in writing that service should not be effected by those means.

(3) If a party informs the Tribunal and every other party in writing that a particular form of communication, other than pre-paid post or delivery by hand, should not be used to send documents to that party, that form of communication must not be used.

(4) Any recipient of a document sent by electronic means may request that the sender send a hard copy of the document to the recipient. The recipient must make such a request as soon as reasonably practicable after receiving the document electronically.

(5) The Tribunal will proceed on the basis that the address, including an email address, provided by a party or its representative is and remains the address to which documents should be sent or delivered until receiving written notification to the contrary by that party or representative.

(6) If a document submitted to the Tribunal is not written in English, it must be accompanied by an English translation and a Statement from the translator confirming that the translator carried out the translation and setting out the translator's qualifications.

Commencement Information

II [Rule 44](#) in force at 25.11.2019, see [rule 1](#)

Deemed Service

45. A document sent or served within the United Kingdom in accordance with these Rules or any relevant practice direction is deemed to be served on the day shown in the following table—

<i>Method of service</i>	<i>Deemed date of service</i>
1. First class post (or other service which provides for delivery on the next business day)	The second day after it was posted, left with, delivered to or collected by the relevant service provider provided that day is a business day; or if not, the next business day after that day.
2. Document exchange	The second day after it was left with, delivered to or collected by the relevant service provider provided that day is a business day; or if not, the next business day after that day.
3. Delivering the document by hand to or leaving it at an address	If it is delivered to or left at the address on a business day before 4.30p.m., on that day; or in any other case, on the next business day after that day.
4. E-mail or other electronic method	If the e-mail or other electronic transmission is sent on a business day before 4.30p.m., on that day; or in any other case, on the next business day after the day on which it was sent.
5. Fax	If the transmission of the fax is completed on a business day before 4.30p.m., on that day; or in any other case, on the next business day after the day on which it was transmitted.
6. Personal service	If the document is served personally before 4.30p.m. on a business day, on that day; or in any other case, on the next business day after that day.

Commencement Information

I2 [Rule 45](#) in force at 25.11.2019, see [rule 1](#)

Substituted service by the applicant

46.—(1) If the applicant believes that there is no reasonable prospect of being able to effect service on a respondent using the methods set out in rule 44 it may apply to the Tribunal for a direction for substituted service. This application must be made in writing and set out—

- (a) the steps that have been taken to establish the address, place of business or email address of the respondent; and
- (b) the proposed alternative method of service.

(2) The application may be determined by the Tribunal, a panel, a single solicitor member or a clerk, who may make a direction for substituted service if it is in the interests of justice to do so.

Commencement Information

I3 Rule 46 in force at 25.11.2019, see [rule 1](#)

Calculating time

47.—(1) Subject to [rule 45](#) an act required by these Rules, a practice direction or a direction given under these Rules to be done on or by a particular day must be done by 4:30 p.m. on that day unless otherwise directed.

(2) If the time specified by these Rules, a practice direction or a direction given under these Rules for doing any act ends on a day other than a business day, the act is done in time if it is done on the next business day.

Commencement Information

I4 Rule 47 in force at 25.11.2019, see [rule 1](#)

Representatives

48.—(1) Any party may appoint a legal representative to represent that party in the proceedings.

(2) If a party appoints a legal representative, that party must send to the Tribunal and every other party written notice of the representative’s name and address, together with a copy of the notice.

(3) Anything permitted or required to be done by a party under these Rules may be done by the legal representative of that party, except signing a witness statement.

(4) A party who receives due notice of the appointment of a legal representative—

- (a) must send to the legal representative any document which, at any time after the appointment, is required to be sent to the represented party, and need not send that document to the represented party; and
- (b) may proceed on the basis that the representative is and remains authorised as such until they receive written notification to the contrary from the representative or the represented party.

(5) At a hearing a party may be accompanied by another person whose name and address has not been notified under paragraph (2) but who, with the permission of the Tribunal, may assist the party in presenting the party’s case at the hearing.

(6) Paragraphs (2) to (4) do not apply to a person who accompanies a party under paragraph (5).

(7) In this rule “legal representative” means—

- (a) a solicitor;
- (b) a barrister;
- (c) a person who, for the purposes of the 2007 Act, is an authorised person in relation to an activity which constitutes the exercise of a right of audience or the conduct of litigation within the meanings given by Schedule 2 to that Act.

Commencement Information

I5 Rule 48 in force at 25.11.2019, see [rule 1](#)

Amendments to the 2011 Appeals Rules

49. The Solicitors Disciplinary Tribunal (Appeals and Amendment) Rules 2011(1) are amended as follows—

- (a) In rule 2 (interpretation)—
 - (i) for the definition of “the 2007 rules” substitute the following definition—

““the 2019 rules” means the Solicitors (Disciplinary Proceedings) Rules 2019”;
 - (ii) In the definition of “clerk”, for “the 2007 rules” substitute “the 2019 rules”;
- (b) In rule 5(1) for the words “listed in rule 3(11) of the 2007 Rules” substitute “listed in rule 8(6) of the Solicitors (Disciplinary Proceedings) Rules 2019”;
- (c) In rule 5(2) for the words “rule 3(11) of the 2007 Rules” substitute “rule 8(6) of the Solicitors (Disciplinary Proceedings) Rules 2019”;
- (d) In rule 27(1) for “5pm” substitute “4.30p.m.”.

Commencement Information

I6 [Rule 49](#) in force at 25.11.2019, see [rule 1](#)

Revocation

50. The Solicitors (Disciplinary Proceedings) Rules 2007 are revoked.

Commencement Information

I7 [Rule 50](#) in force at 25.11.2019, see [rule 1](#)

Transitional provisions

51. These Rules do not apply to proceedings in respect of which an Application is made before the date on which these Rules come into force and those proceedings will be subject to the Solicitors (Disciplinary Proceedings) Rules 2007 as if they had not been revoked.

Commencement Information

I8 [Rule 51](#) in force at 25.11.2019, see [rule 1](#)

Changes to legislation:

There are currently no known outstanding effects for the The Solicitors (Disciplinary Proceedings) Rules 2019, PART 7.