



2016 CHAPTER 14

PART 3

COMPLAINTS AGAINST SOLICITORS

*Information*

**Information and documents**

**41.**—(1) The Solicitors Complaints Committee may, by notice, require a party to a complaint—

- (a) to produce such documents, or documents of such a description, as may be specified in the notice; or
- (b) to provide such information, or information of such a description, as may be specified in the notice.

(2) A notice under subsection (1) may require the documents or information to be provided or produced—

- (a) before the end of such reasonable period as may be specified in the notice; and
- (b) in the case of information, in such manner or form as may be so specified.

(3) The Committee may require any person producing a document under this section to provide an explanation of it.

(4) If a person who is required under this section to produce a document fails to do so, the Committee may require that person to state, to the best of that person's knowledge and belief, where the document is.

(5) No person may be required under this section—

- (a) to provide any information which that person could not be compelled to provide or give in evidence in civil proceedings before the High Court; or
- (b) to produce any document which that person could not be compelled to produce in such proceedings.

### **Reporting failures to provide information or produce documents**

**42.**—(1) This section applies where the Solicitors Complaints Committee is of the opinion that a respondent has failed to comply with a requirement imposed under section 41.

(2) The Committee must give the Law Society a report which—

- (a) states that the Committee is of that opinion; and
- (b) gives details of the failure.

(3) A report under subsection (2) may require the Law Society to report to the Committee the action which has been or is to be taken by it in response to the report under that subsection and the reasons for that action being taken.

(4) The duty imposed by subsection (2) is not affected by the withdrawal or abandonment of the complaint in relation to which the requirement was imposed under section 41.

### **Enforcement of requirements to provide information or produce documents**

**43.**—(1) This section applies where the Solicitors Complaints Committee is of the opinion that a person (“the defaulter”) has failed to comply with a requirement imposed under section 41.

(2) The Committee may certify the defaulter’s failure to comply with the requirement to the court.

(3) Where the Committee certifies a failure to the court under subsection (2), the court may enquire into the case.

(4) If the court is satisfied that the defaulter has failed without reasonable excuse to comply with the requirement, it may deal with—

- (a) the defaulter; and
- (b) in the case of a recognised body, any officer of the body,

as if that person were in contempt.

(5) Subsection (6) applies where the defaulter is a solicitor.

(6) The Committee may not certify the defaulter’s failure to the court until a report by the Committee has been made as required by section 42(2) and the Committee is satisfied—

- (a) that the Law Society has been given a reasonable opportunity to take action in respect of the defaulter’s failure; and

(b) that the defaulter has continued to fail to produce the documents or provide the information to which the requirement under section 41 related.

(7) In this section “the court” means the High Court.

(8) References in subsection (4)(b) to an officer of a recognised body include references to a director, manager or secretary of that body and references to a director, in relation to a limited liability partnership, are references to a member of the limited liability partnership.

### **Reports of investigation**

**44.—**(1) The Solicitors Complaints Committee may, if it considers it appropriate to do so in any particular case, publish a report of the investigation, consideration and determination of a complaint made to it.

(2) A report under subsection (1) must not (unless the complainant consents)

- (a) mention the name of the complainant; or
- (b) include any particulars which, in the opinion of the Committee, are likely to identify the complainant.