



2016 CHAPTER 14

PART 3

COMPLAINTS AGAINST SOLICITORS

Solicitors Complaints Committee

Procedure for complaints

36.—(1) The Solicitors Complaints Committee must make rules setting out the procedure for—

- (a) the making of complaints to the Committee; and
- (b) the investigation, consideration and determination of complaints by the Committee.

(2) Rules under subsection (1)—

- (a) must provide that a complaint is to be entertained by the Committee only if the complainant has made the complaint before the applicable time limit (determined in accordance with the rules) has expired; and
- (b) may provide that the Committee may extend that time limit in specified circumstances.

(3) Rules under subsection (1) must make provision permitting such persons as may be specified to continue a complaint made by a person who has died or is otherwise unable to act, and for that purpose may modify references to the complainant in this Part and in the rules.

(4) Rules under subsection (1) may (among other things) make provision—

- (a) for the whole or part of a complaint to be dismissed, in such circumstances as are mentioned in subsection (5);

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- (b) for the reference of a complaint, in such circumstances as may be specified and with the consent of the complainant, to another person or body with a view to the complaint being determined by that person or body instead of by the Committee;
 - (c) about the evidence which may be required or admitted and the extent to which it should be oral or written;
 - (d) subject to the provisions of sections 41 to 43, for requiring parties to the complaint to attend to give evidence, produce documents and provide information;
 - (e) for the Committee, in such circumstances as may be specified, to award expenses to persons in connection with attendance at a hearing before the Committee;
 - (f) for the Committee to award costs against the respondent in favour of the complainant;
 - (g) for the Committee to award costs against the respondent in favour of the Committee for the purpose of providing a contribution to resources deployed in dealing with the complaint;
 - (h) for the Committee to award costs against the complainant in favour of the respondent if, in the opinion of the Committee, the complainant acted so unreasonably in relation to the complaint that it is appropriate in all the circumstances of the case to make such an award;
 - (i) for the Committee to award costs against the complainant in favour of the Committee for the purpose of providing a contribution to resources deployed in dealing with the complaint if, in the opinion of the Committee, the complainant acted so unreasonably in relation to the complaint that it is appropriate in all the circumstances of the case to make such an award;
 - (j) for the purpose of facilitating the settlement of a complaint with the agreement of the parties to it;
 - (k) for specified persons or bodies to be notified of complaints made to the Committee.
- (5) The circumstances referred to in subsection (4)(a) are the following—
- (a) the Committee considers the complaint or part of the complaint to be frivolous or vexatious or totally without merit;
 - (b) the Committee considers that the complaint or part of the complaint would be better dealt with by arbitration or by legal proceedings;
 - (c) the Committee considers that there has been undue delay in the making of the complaint or part of the complaint, or in the provision of evidence to support it;

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- (d) the Committee is satisfied that the matter which is the subject of the complaint or part of the complaint has previously been dealt with by the Committee or by legal proceedings;
 - (e) the Committee considers that there are other compelling reasons why it is inappropriate for the complaint or part of the complaint to be dealt with by the Committee.
- (6) No person may be required by rules under subsection (1)—
- (a) to provide any information or give any evidence 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.
- (7) An amount due under an award made in favour of the Committee by virtue of any provision made under subsection (4)(g) or (i) shall be payable to the Law Society.
- (8) Rules under subsection (1) may authorise the Committee, on making an award of costs, to order that the amount payable under the award bears interest, from a time specified in or determined in accordance with the order, at a rate specified in or determined in accordance with the rules.
- (9) An amount payable to a person by virtue of any provision made under subsection (4)(e) to (i) is recoverable as a debt due to that person.
- (10) In subsections (2), (3) and (4), “specified” means specified in rules made under subsection (1).