



# Solicitors Act 1974

## 1974 CHAPTER 47

### PART I

#### RIGHT TO PRACTISE AS SOLICITOR

##### *Qualifications and training*

#### **1 Qualifications for practising as solicitor.**

No person shall be qualified to act as a solicitor unless—

- (a) he has been admitted as a solicitor, and
- (b) his name is on the roll, and
- (c) he has in force a certificate issued by the Society in accordance with the provisions of this Part authorising him to practise as a solicitor (in this Act referred to as a “practising certificate”).

#### **[<sup>F1</sup>1A Practising certificates: employed solicitors.**

A person who has been admitted as a solicitor and whose name is on the roll shall, if he would not otherwise be taken to be acting as a solicitor, be taken for the purposes of this Act to be so acting if he is employed in connection with the provision of any legal services—

- (a) by any person who is qualified to act as a solicitor;
- (b) by any partnership at least one member of which is so qualified; <sup>F2</sup> . . .
- (c) by a body recognised <sup>F3</sup> . . . under section 9 of the Administration of Justice Act 1985 (incorporated practices).] <sup>F4</sup> or
- (d) by any other person who, for the purposes of the Legal Services Act 2007, is an authorised person in relation to an activity which is a reserved legal activity (within the meaning of that Act).]

*Status: Point in time view as at 01/10/2012.*

*Changes to legislation: There are currently no known outstanding effects for the Solicitors Act 1974, Cross Heading: Qualifications and training. (See end of Document for details)*

**Textual Amendments**

- F1** S. 1A inserted by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 85
- F2** Word in s. 1A(b) repealed (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 177, 210, 211, Sch. 16 para. 2(a), Sch. 23 (with ss. 29, 192, 193); S.I. 2009/3250, art. 2(i)(ii)(aa) (with art. 9)
- F3** Word in s. 1A(c) repealed (7.3.2008) by Legal Services Act 2007 (c. 29), ss. 177, 210, 211, Sch. 16 para. 2(b), Sch. 23 (with ss. 29, 192, 193); S.I. 2008/222, art. 2(j)(i)
- F4** S. 1A(d) and preceding word inserted (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 177, 211, Sch. 16 para. 2(c) (with ss. 29, 192, 193); S.I. 2009/3250, art. 2(f)(ii) (with art. 9)

**Modifications etc. (not altering text)**

- C1** S. 1A(d) modified (temp.) (prosp.) by Legal Services Act 2007 (c. 29), ss. 209, 211, Sch. 22 para. 12 (with ss. 29, 192, 193)

**[<sup>F5</sup>1B Restriction on practice as sole solicitor**

- (1) Rules under section 31 (rules as to professional practice etc) must provide that a solicitor may not practise as a sole solicitor unless he has in force—
  - (a) a practising certificate, and
  - (b) an endorsement of that certificate by the Society authorising him to practise as a sole solicitor (a “sole solicitor endorsement”).
- (2) The rules may provide that, for the purposes of the rules and this Act, a solicitor is not to be regarded as practising as a sole solicitor in such circumstances as may be prescribed by the rules.
- (3) The rules must prescribe the circumstances in which a solicitor may be regarded by the Society as suitable to be authorised to practise as a sole solicitor.]

**Textual Amendments**

- F5** S. 1B inserted (1.7.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, Sch. 16 para. 3 (with ss. 29, 192, 193); S.I. 2009/1365, art. 2(a)(i)

**Modifications etc. (not altering text)**

- C2** S. 1B extended (with modifications) (1.7.2009) by S.I. 2000/1119, Sch. 4 para. 7(1)Table (as substituted by The Legal Services Act 2007 (Registered European Lawyers) Order 2009 (S.I. 2009/1587), art. 3(7)(a))

**2 Training regulations.**

- (1) The Society <sup>F6</sup>. . . may make regulations (in this Act referred to as “training regulations”) about education and training for persons seeking to be admitted or to practise as solicitors.
- <sup>F7</sup>(2) . . . . .
- (3) Training regulations—
  - (a) may prescribe—
    - (i) the education and training <sup>F8</sup>. . . to be undergone by persons seeking admission as solicitors;

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- (ii) any education or training to be undergone by persons who have been admitted as solicitors;
  - (iii) the examinations or other tests to be undergone by persons seeking admission as solicitors or who have been admitted;
  - (iv) the qualifications and reciprocal duties and responsibilities of persons undertaking to give education or training for the purposes of the regulations or undergoing such education or training; and
  - (v) the circumstances in which <sup>F9</sup>. . . education or training under the regulations may be [<sup>F10</sup>started or] terminated;
- (b) may require persons who have been admitted as solicitors to hold practising certificates while they are undergoing education or training under the regulations;
  - (c) may include provision for the charging of fees by the Society and the application of fees which the Society receives;
  - (d) may make different provision for different classes of persons and different circumstances.
- (4) <sup>F11</sup> .....
- (5) <sup>F12</sup> .....

#### Textual Amendments

- F6** Words in s. 2(1) repealed (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 177, 210, 211, Sch. 16 para. 4(a), **Sch. 23** (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(f)(ii)(i)**
- F7** S. 2(2) repealed (1.4.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 125(7), **Sch. 20**; S.I. 1991/608, art. 2, **Sch.**
- F8** Words in s. 2(3)(a)(i) repealed (7.3.2008) by Legal Services Act 2007 (c. 29), ss. 177, 210, 211, Sch. 16 para. 4(b)(i), **Sch. 23** (with ss. 29, 192, 193); S.I. 2008/222, **art. 2(j)(i)(n)(i)**
- F9** Words in s. 2(3)(a)(v) repealed (7.3.2008) by Legal Services Act 2007 (c. 29), ss. 177, 210, 211, Sch. 16 para. 4(b)(ii), **Sch. 23** (with ss. 29, 192, 193); S.I. 2008/222, **art. 2(j)(i)(n)(i)**
- F10** Words in s. 2(3)(a)(v) inserted (7.3.2008) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 4(b)(iii)** (with ss. 29, 192, 193); S.I. 2008/222, **art. 2(j)(i)**
- F11** S. 2(4) repealed (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 177, 210, 211, Sch. 16 para. 4(c), **Sch. 23** (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(f)(ii)(i)**
- F12** S. 2(5) repealed (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 177, 210, 211, Sch. 16 para. 4(c), **Sch. 23** (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(f)(ii)(i)**

#### Modifications etc. (not altering text)

- C3** S. 2 extended (22.5.2000) by S.I. 2000/1119, regs. 1, 37(3), **Sch. 4 para. 1(1)**

**Status:**

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**Changes to legislation:**

There are currently no known outstanding effects for the Solicitors Act 1974, Cross Heading: Qualifications and training.