



Solicitors Act 1974

1974 CHAPTER 47

PART I

RIGHT TO PRACTISE AS SOLICITOR

Supplementary

28 Regulations.

- (1) The [^{F1}Society] may make regulations ^{F2}. . . about the following matters, namely—
- (a) admission as a solicitor;
 - (b) the keeping of the roll;
 - (c) practising certificates ^{F3}. . . ;
 - ^{F4}[^{F5}(ca)]
 - (d) the keeping of the register under [^{F6}section 10A] .
- (2) ^{F7}.
- (3) ^{F7}.
- [^{F8}(3A) Regulations about the keeping of the roll [^{F9}may (among other things)—
- (za) make provision about the form in which the roll is to be kept and the manner in which entries are to be made, altered and removed;]
 - (a) provide for the Society, at such intervals as may be specified in the regulations, to enquire of solicitors of any class so specified whether they wish to have their names retained on the roll;
 - (b) require solicitors of any such class, at such intervals as aforesaid, to pay to the Society a fee in respect of the retention of their names on the roll of such amount as may be prescribed by the regulations;^{F10}. . .
 - (c) authorise the Society to remove from the roll the name of any solicitor who—
 - (i) fails to reply to any enquiry made in pursuance of paragraph (a) or to pay any fee payable by virtue of paragraph (b), or

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- (ii) replies to any such enquiry by indicating that he does not wish to have his name retained on the roll;
- (d) authorise the Society to remove from the roll the name of any solicitor who has died.]
- [^{F11}(e) require the information on the roll to be made available to the public;
- (f) specify the manner in which information is to be made so available and require it to be made so available during office hours and without charge.]
- [^{F12}(3B) Regulations about practising certificates ^{F13}... may (among other things)—
 - (a) prescribe the form and manner in which applications for, or relating to, practising certificates ^{F13}... are to be made;
 - (b) prescribe information which must be included in or accompany such applications;
 - (c) make provision about time limits for dealing with such applications, and confer on a person power to extend or bring forward such a time limit in prescribed circumstances;
 - (d) prescribe the requirements which applicants for practising certificates must satisfy before they may be issued with a practising certificate;
 - (e) prescribe descriptions of applicants, and conditions in relation to them, for the purposes of section 10(2) (circumstances in which practising certificates must be issued subject to prescribed conditions);
 - [^{F14}(f)
 - (g) prescribe circumstances for the purposes of section 10(3) (circumstances in which application may be refused etc in the public interest);
 - (h) make provision about when conditions imposed on practising certificates take effect (including provision conferring power on the Society to direct that a condition is not to have effect until the conclusion of any appeal in relation to it);
 - (i) make provision for the commencement, duration, replacement, withdrawal and expiry of practising certificates ^{F13}...;
 - (j) prescribe circumstances for the purposes of section 13A(2) (circumstances in which conditions can be imposed during period of practising certificate);
 - (k) require solicitors who hold practising certificates to notify the Society of such matters as may be prescribed, at such times, or in such circumstances as may be prescribed.
- (3C) Regulations about the keeping of the register under section 10A may (among other things)—
 - (a) make provision about the form in which the register is to be kept and the manner in which entries are to be made, altered and removed;
 - (b) require information of a specified kind to be included in entries in the register;
 - (c) require information (or information of a specified description) on the register to be made available to the public;
 - (d) specify the manner in which it is to be made so available and require it to be made so available during office hours and without charge.
- (3D) Regulations under this section may make provision for appeals to the High Court against decisions made by the Society under the regulations.
- (3E) In relation to an appeal under regulations made by virtue of subsection (3D), the High Court may make such order as it thinks fit as to payment of costs.

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- (3F) The decision of the High Court on such an appeal shall be final.
- (3G) Regulations under this section may—
- (a) provide for a person to exercise a discretion in dealing with any matter;
 - (b) include incidental, supplementary and consequential provision;
 - (c) make transitory or transitional provision and savings;
 - (d) make provision generally or only in relation to specified cases or subject to specified exceptions;
 - (e) make different provision for different cases.]
- (4) ^{F15}
- (5) ^{F15}

Textual Amendments

- F1** Words in s. 28(1) substituted (1.7.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 177, 211, [Sch. 16 para. 30\(2\)\(a\)](#) (with ss. 29, 192, 193); S.I. 2009/1365, [art. 2\(a\)\(iv\)](#) (subject to arts. 3, 4)
- F2** Words in s. 28(1) repealed (1.7.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 177, 210, 211, [Sch. 16 para. 30\(2\)\(b\)](#), [Sch. 23](#) (with ss. 29, 192, 193); S.I. 2009/1365, [art. 2\(a\)\(iv\)](#) (subject to arts. 3, 4)
- F3** Words in s. 28(1)(c) repealed (1.7.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 177, 210, 211, [Sch. 16 para. 30\(2\)\(b\)](#), [Sch. 23](#) (with ss. 29, 192, 193); S.I. 2009/1365, [art. 2\(a\)\(iv\)](#) (subject to arts. 3, 4)
- F4** S. 28(1)(ca) omitted (1.11.2015) by virtue of [The Legal Services Act 2007 \(The Law Society\) \(Modification of Functions\) Order 2015 \(S.I. 2015/401\)](#), art. 1(3), [Sch. 1 para. 11\(a\)](#)
- F5** S. 28(1)(ca) inserted (1.7.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 177, 211, [Sch. 16 para. 30\(2\)\(d\)](#) (with ss. 29, 192, 193); S.I. 2009/1365, [art. 2\(a\)\(iv\)](#) (subject to arts. 3, 4)
- F6** Words in s. 28(1)(d) substituted (1.7.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 177, 211, [Sch. 16 para. 30\(2\)\(e\)](#) (with ss. 29, 192, 193); S.I. 2009/1365, [art. 2\(a\)\(iv\)](#) (subject to arts. 3, 4)
- F7** S. 28(2)(3) repealed (1.7.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 177, 210, 211, [Sch. 16 para. 30\(3\)](#), [Sch. 23](#) (with ss. 29, 192, 193); S.I. 2009/1365, [art. 2\(a\)\(iv\)\(c\)\(i\)](#) (subject to arts. 3, 4)
- F8** S. 28(3A) inserted by [Administration of Justice Act 1985 \(c. 61, SIF 34\)](#), s. 8, [Sch. 1 para. 8\(2\)](#)
- F9** Words in s. 28(3A) substituted (1.7.2009) by virtue of [Legal Services Act 2007 \(c. 29\)](#), ss. 177, 211, [Sch. 16 para. 30\(4\)\(a\)](#) (with ss. 29, 192, 193); S.I. 2009/1365, [art. 2\(a\)\(iv\)](#) (subject to arts. 3, 4)
- F10** Word in s. 28(3A)(b) repealed (1.7.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 177, 210, 211, [Sch. 16 para. 30\(4\)\(b\)](#), [Sch. 23](#) (with ss. 29, 192, 193); S.I. 2009/1365, [art. 2\(a\)\(iv\)\(c\)\(i\)](#) (subject to arts. 3, 4)
- F11** S. 28(3A)(e)(f) inserted (1.7.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 177, 211, [Sch. 16 para. 30\(4\)\(c\)](#) (with ss. 29, 192, 193); S.I. 2009/1365, [art. 2\(a\)\(iv\)](#) (subject to arts. 3, 4)
- F12** S. 28(3B)-(3G) inserted (1.7.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 177, 211, [Sch. 16 para. 30\(5\)](#) (with ss. 29, 192, 193); S.I. 2009/1365, [art. 2\(a\)\(iv\)](#) (subject to arts. 3, 4)
- F13** Words in s. 28(3B) omitted (1.11.2015) by virtue of [The Legal Services Act 2007 \(The Law Society\) \(Modification of Functions\) Order 2015 \(S.I. 2015/401\)](#), art. 1(3), [Sch. 1 para. 11\(b\)\(i\)](#)
- F14** S. 28(3B)(f) omitted (1.11.2015) by virtue of [The Legal Services Act 2007 \(The Law Society\) \(Modification of Functions\) Order 2015 \(S.I. 2015/401\)](#), art. 1(3), [Sch. 1 para. 11\(b\)\(ii\)](#)
- F15** S. 28(4)(5) repealed (1.7.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 177, 210, 211, [Sch. 16 para. 30\(6\)](#), [Sch. 23](#) (with ss. 29, 192, 193); S.I. 2009/1365, [art. 2\(a\)\(iv\)\(c\)\(i\)](#) (subject to arts. 3, 4)

Modifications etc. (not altering text)

- C1** S. 28 extended (with modifications) (1.7.2009) by [The Registered Foreign Lawyers Order 2009 \(S.I. 2009/1589\)](#), [art. 4](#)

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

- C2** S. 28(1)(c)-(d) extended (with modifications) (1.7.2009) by S.I. 2000/1119, Sch. 4 para. 1(2), 7(1A)Table (as amended by The Legal Services Act 2007 (Registered European Lawyers) Order 2009 (S.I. 2009/1587), **art. 3(2)**)
- C3** S. 28(3B)-(3G) modified (1.7.2009) by S.I. 2000/1119, Sch. 4 para. 1(2A), 7(1A), Table (as inserted by The Legal Services Act 2007 (Registered European Lawyers) Order 2009 (S.I. 2009/1587), **art. 3(3)**)

29 Non–British subjects as solicitors. 12 & 13 Will. 3. c. 2.

Nothing in section 3 of the Act of Settlement (which provides among other things that aliens are incapable of enjoying certain offices or places of trust) shall be taken to disqualify a person from becoming or practising as a solicitor [^{F16}of the Senior Courts or of the Court of Judicature].

Textual Amendments

- F16** Words in s. 29 substituted (1.10.2009) by Constitutional Reform Act 2005 (c. 4), ss. 59, 148, **Sch. 11 para. 21(4)**; S.I. 2009/1604, **art. 2(b)(d)**

30 Evidence as to solicitors in Scotland.

For the purposes of this Part, a letter purporting to be signed by or on behalf of the registrar of solicitors in Scotland—

- (a) stating that a person specified in the letter is or is not a solicitor in Scotland shall be evidence that that person is or, as the case may be, is not a solicitor in Scotland;
- (b) stating that a person specified in the letter did not at any time during a period so specified have in force a practising certificate as a solicitor in Scotland shall be evidence that that person was not during any part of that period a duly certificated solicitor in Scotland.

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