



Solicitors Act 1974

1974 CHAPTER 47

PART II

PROFESSIONAL PRACTICE, CONDUCT AND DISCIPLINE OF SOLICITORS AND CLERKS

Restrictions on employment of certain persons

44 Offences in connection with orders under section 43(2).

[^{F1}(1) It is an offence for a person in respect of whom there is in force an order under section 43(2) which contains provision within section 43(2)(a)—

- (a) to seek or accept any employment or remuneration from a solicitor, or an employee of a solicitor, in connection with the practice carried on by that solicitor without previously informing the solicitor or employee of the order;
- (b) to seek or accept any employment or remuneration from a recognised body, or a manager or employee of a recognised body, in connection with that body's business, without previously informing the body, or manager or employee, of the order.

(1A) It is an offence for a person in respect of whom there is in force an order under section 43(2) which contains provision within section 43(2)(b) to seek or accept a position as a manager of a recognised body, without previously informing that body of the order.

(1B) It is an offence for a person in respect of whom there is in force an order under section 43(2) which contains provision within section 43(2)(c) to seek or accept an interest in a recognised body from any person, without previously informing that person and (if different) the recognised body of the order.

(1C) A person guilty of an offence under subsection (1), (1A) or (1B) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.]

(2) Where [^{F2}an order under section 43(2) is in force in respect of a person] then, if any solicitor knowingly acts in contravention of that order or of any conditions subject to which permission for [^{F3}the taking of any action] has been granted under it, a complaint

Changes to legislation: There are currently no known outstanding effects for the Solicitors Act 1974, Section 44. (See end of Document for details)

in respect of that contravention may be made to the Tribunal by or on behalf of the Society.

(3) Any document purporting to be an order under section 43(2) and to be duly signed in accordance with section 48(1) shall be received in evidence in any proceedings under this section and be deemed to be such an order without further proof unless the contrary is shown.

(4) Notwithstanding anything in [^{F4}the ^{M1}Magistrates' Courts Act 1980], proceedings under subsection (1) may be commenced at any time before the expiration of six months from the first discovery of the offence by the prosecutor, but no such proceedings shall be commenced, except with the consent of the Director of Public Prosecutions, by any person other than the Society or a person acting on behalf of the Society.

[^{F5}(5) In this section—

“manager” has the same meaning as in section 43;

“recognised body” means a body recognised under section 9 of the Administration of Justice Act 1985;

and for the purposes of subsection (1B) a person seeks or accepts an interest in a recognised body if the person seeks or accepts an interest which if it were obtained by the person would result in the person having an interest in that body within the meaning of Part 5 of the Legal Services Act 2007 (see sections 72 and 109 of that Act).]

Textual Amendments

- F1** S. 44(1)-(1C) substituted (31.3.2009) for s. 44(1) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 43(a)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(i)**
- F2** Words in s. 44(2) substituted (27.9.1999) by 1999 c. 22, s. 48, **Sch. 7 para. 8** (with Sch. 14 para. 7(2)); S.I. 1999/2657, **art. 2(a)**
- F3** Words in s. 44(2) substituted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 43(b)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(i)**
- F4** Words substituted by Magistrates' Courts Act 1980 (c. 43, SIF 82), s. 154, **Sch. 7 para. 132**
- F5** S. 44(5) inserted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 43(c)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(i)**

Modifications etc. (not altering text)

- C1** S. 44 extended (22.5.2000) by S.I. 2000/1119, regs. 1, 37(3), Sch. 4 para. 7(3) (as amended (1.7.2009) by The Legal Services Act 2007 (Registered European Lawyers) Order 2009 (S.I. 2009/1587), **art. 3(7)(e)**)
- C2** S. 44(1) extended (1.1.1992) by Administration of Justice Act 1985 (c. 61, SIF 34), s. 9, **Sch. 2 para. 12(a)**; S.I. 1991/2683, **art. 2**
- C3** S. 44(1) applied (with modifications) by Administration of Justice Act 1985 (c. 61), Sch. 2 para. 18A(6) (as inserted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 107** (with ss. 29, 192, 193)); S.I. 2009/503, **art. 2(b)(ii)** (subject to art. 4)
- C4** S. 44(2) applied (with modifications) by Administration of Justice Act 1985 (c. 61), Sch. 2 para. 18A(6) (as inserted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 107** (with ss. 29, 192, 193)); S.I. 2009/503, **art. 2(b)(ii)** (subject to art. 4)
- C5** S. 44(3) extended (1.1.1992) by Administration of Justice Act 1985 (c. 61, SIF 34), s. 9, **Sch. 2 para. 12(b)**; S.I. 1991/2683, **art. 2**
- C6** S. 44(3)(4) applied (with modifications) by Administration of Justice Act 1985 (c. 61), Sch. 2 para. 18A(5) (as inserted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 107** (with ss. 29, 192, 193)); S.I. 2009/503, **art. 2(b)(ii)** (subject to art. 4)

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Marginal Citations

M1 1980 c. 43.

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