



Solicitors Act 1974

1974 CHAPTER 47

PART II

PROFESSIONAL PRACTICE, CONDUCT AND DISCIPLINE OF SOLICITORS AND CLERKS

[^{F1}Disciplinary powers of the Society

[^{F1}44D Disciplinary powers of the Society

- (1) This section applies where the Society is satisfied—
 - (a) that a solicitor or an employee of a solicitor has failed to comply with a requirement imposed by or by virtue of this Act or any rules made by the Society, or
 - (b) that there has been professional misconduct by a solicitor.
- (2) The Society may do one or both of the following—
 - (a) give the person a written rebuke;
 - (b) direct the person to pay a penalty not exceeding [^{F2}£25,000].
- (3) The Society may publish details of any action it has taken under subsection (2)(a) or (b), if it considers it to be in the public interest to do so.
- (4) Where the Society takes action against a person under subsection (2)(b), or decides to publish under subsection (3) details of any action taken under subsection (2)(a) or (b), it must notify the person in writing that it has done so.
- (5) A penalty imposed under subsection (2)(b) does not become payable until—
 - (a) the end of the period during which an appeal against the decision to impose the penalty, or the amount of the penalty, may be made under section 44E, or
 - (b) if such an appeal is made, such time as it is determined or withdrawn.
- (6) The Society may not publish under subsection (3) details of any action under subsection (2)(a) or (b)—
 - (a) during the period within which an appeal against—

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

- (i) the decision to take the action,
 - (ii) in the case of action under subsection (2)(b), the amount of the penalty, or
 - (iii) the decision to publish the details,
- may be made under section 44E, or
- (b) if such an appeal has been made, until such time as it is determined or withdrawn.
- (7) The Society must make rules—
- (a) prescribing the circumstances in which the Society may decide to take action under subsection (2)(a) or (b);
 - (b) about the practice and procedure to be followed by the Society in relation to such action;
 - (c) governing the publication under subsection (3) of details of action taken under subsection (2)(a) or (b);
- and the Society may make such other rules in connection with the exercise of its powers under this section as it considers appropriate.
- (8) Before making rules under subsection (7), the Society must consult the Tribunal.
- (9) A penalty payable under this section may be recovered as a debt due to the Society, and is to be forfeited to Her Majesty.
- (10) The Lord Chancellor may, by order, amend paragraph (b) of subsection (2) so as to substitute for the amount for the time being specified in that paragraph such other amount as may be specified in the order.
- (11) Before making an order under subsection (10), the Lord Chancellor must consult the Society.
- (12) An order under subsection (10) is to be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- (13) This section is without prejudice to any power conferred on the Society or any other person to make an application or complaint to the Tribunal.]

Textual Amendments

- F1** Ss. 44D, 44E and cross-heading inserted (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 177, 211, [Sch. 16 para. 46](#) (with ss. 29, 192, 193); S.I. 2009/503, [art. 2\(b\)\(i\)](#) (subject to art. 4)
- F2** Sum in s. 44D(2)(b) substituted (20.7.2022) by [The Solicitors Act 1974 and Administration of Justice Act 1985 \(Amendment\) Order 2022 \(S.I. 2022/701\)](#), arts. 1(1), 2

Modifications etc. (not altering text)

- C1** S. 44D extended (with modifications) (1.7.2009) by [The Registered Foreign Lawyers Order 2009 \(S.I. 2009/1589\)](#), [art. 3\(2\)\(k\)](#), Sch.
- C2** S. 44D extended (with modifications) (1.7.2009) by S.I. 2000/1119, Sch. 4 para. 7(2)Table (as amended by [The Legal Services Act 2007 \(Registered European Lawyers\) Order 2009 \(S.I. 2009/1587\)](#), [art. 3\(7\)\(c\)](#))

Changes to legislation:

There are currently no known outstanding effects for the Solicitors Act 1974, Section 44D.