



Solicitors Act 1974

1974 CHAPTER 47

PART II

PROFESSIONAL PRACTICE, CONDUCT AND DISCIPLINE OF SOLICITORS AND CLERKS

Disciplinary proceedings before Solicitors Disciplinary Tribunal

47 Jurisdiction and powers of Tribunal.

[^{F1}(1) Any application—

- (a) to strike the name of a solicitor off the roll;
- (b) to require a solicitor to answer allegations contained in an affidavit;
- (c) to require a former solicitor whose name has been removed from or struck off the roll to answer allegations contained in an affidavit relating to a time when he was a solicitor;
- (d) by a solicitor who has been suspended from practice for an unspecified period, by order of the Tribunal, for the termination of that suspension;
- (e) by a former solicitor whose name has been struck off the roll to have his name restored to the roll;

^{F2}(ea)

- (f) by a former solicitor in respect of whom a direction has been given under subsection (2)(g) to have his name restored to the roll,

shall be made to the Tribunal; but nothing in this subsection shall affect any jurisdiction over solicitors exercisable by the Master of the Rolls, or by any judge of the High Court, by virtue of section 50.

- (2) Subject to [^{F3}subsections (2E) and](3) and to section 54, on the hearing of any application or complaint made to the Tribunal under this Act, other than an application under section 43, the Tribunal shall have power to make such order as it may think fit, and any such order may in particular include provision for any of the following matters—

Changes to legislation: There are currently no known outstanding effects for the Solicitors Act 1974, Section 47. (See end of Document for details)

- (a) the striking off the roll of the name of the solicitor to whom the application or complaint relates;
- (b) the suspension of that solicitor from practice indefinitely or for a specified period;
- ^{F4}(ba)
- ^{F4}(bb)
- (c) the payment by that solicitor or former solicitor of a penalty ^{F5} . . . , which shall be forfeit to Her Majesty;
- (d) in the circumstances referred to in subsection (2A), the exclusion of that solicitor from [^{F6}criminal legal aid work] (either permanently or for a specified period);
- (e) the termination of that solicitor’s unspecified period of suspension from practice;
- ^{F7}(ea)
- (f) the restoration to the roll of the name of a former solicitor whose name has been struck off the roll and to whom the application relates;
- (g) in the case of a former solicitor whose name has been removed from the roll, a direction prohibiting the restoration of his name to the roll except by order of the Tribunal;
- (h) in the case of an application under subsection (1)(f), the restoration of the applicant’s name to the roll;
- (i) the payment by any party of costs or a contribution towards costs of such amount as the Tribunal may consider reasonable.]

^{F8}(2A) An order of the Tribunal may make provision for the exclusion of a solicitor from [^{F9}criminal legal aid work] as mentioned in subsection [^{F10}(2)(d)] where the Tribunal determines that there is good reason for doing so arising out of—

- (a) his conduct, including conduct in the capacity of agent for another solicitor, in connection with the provision for any person of services [^{F11}provided under arrangements made for the purposes of Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012]; or
- (b) his professional conduct generally.

(2B) Where the Tribunal makes any such order as is re-referred to in subsection (2A) in the case of a solicitor who is a member of a firm of solicitors, the Tribunal may, if it thinks fit, order that any other person who is for the time being a member of the firm shall be excluded (either permanently or for a specified period) from [^{F12}criminal legal aid work].

(2C) The Tribunal shall not make an order under subsection (2B) ^{F13} . . . unless an opportunity is given to him to show cause why the order should not be made.

(2D) Any person excluded from [^{F14}criminal legal aid work] by an order under this section may make an application to the Tribunal for an order terminating his exclusion ^{F15}]

^{F16}(2E) On the hearing of any complaint made to the Tribunal by virtue of section 34A(2) or (3), the Tribunal shall have power to make one or more of the following—

- (a) an order directing the payment by the employee to whom the complaint relates of a penalty to be forfeited to Her Majesty;
- (b) an order requiring the Society to consider taking such steps as the Tribunal may specify in relation to that employee;

Changes to legislation: There are currently no known outstanding effects for the Solicitors Act 1974, Section 47. (See end of Document for details)

- (c) if that employee is not a solicitor, an order which states one or more of the matters mentioned in paragraphs (a) to (c) of section 43(2);
 - (d) an order requiring the Society to refer to an appropriate regulator any matter relating to the conduct of that employee.
- (2F) Subsections (1) to (1C), (3) and (4) of section 44 apply in relation to an order under subsection (2E)(c) as they apply in relation to an order under section 43(2).
- (2G) Section 44(2), paragraph 16(1)(d) and (1A)(d) of Schedule 2 to the Administration of Justice Act 1985 and paragraph 15(3A) of Schedule 14 to the Courts and Legal Services Act 1990 apply in relation to an order under subsection (2E)(c) as they apply in relation to an order under section 43(2).
- (2H) For the purposes of subsection (2E)(d) an “ appropriate regulator ” in relation to an employee means—
- (a) if the employee is an authorised person in relation to a reserved legal activity (within the meaning of the Legal Services Act 2007), any relevant approved regulator (within the meaning of that Act) in relation to that employee, and
 - (b) if the employee carries on activities which are not reserved legal activities (within the meaning of that Act), any body which regulates the carrying on of such activities by the employee.]
- (3) On proof of the commission of an offence with respect to which express provision is made by any section of this Act, the Tribunal shall, without prejudice to its power of making an order as to costs, impose the punishment, or one of the punishments, specified in that section.
- [^{F17}(3A) Where, on the hearing of any application or complaint under this Act, the Tribunal is satisfied that more than one allegation is proved against the person to whom the application or complaint relates it may impose a separate penalty (by virtue of subsection (2)(c)) with respect to each such allegation.]
- [^{F18}(3B) For the avoidance of doubt, nothing in this section permits the Tribunal to make an order requiring redress to be made in respect of any act or omission of any person.]
- (4) ^{F19}
- (5) ^{F19}
- ^{F20}(6)
- [^{F21}(3C) In this section “criminal legal aid work” means the provision under arrangements made for the purposes of Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 of—
- (a) advice or assistance described in section 13 or 15 of that Act, or
 - (b) representation for the purposes of criminal proceedings.]

Textual Amendments

- F1** S. 47(1)(2) substituted by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\)](#), **s. 92(2)**
- F2** S. 47(1)(ea) 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. 13(a)**
- F3** Words in s. 47(2) substituted (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 177, 211, **Sch. 16 para. 49(b)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(i)**

Changes to legislation: There are currently no known outstanding effects for the Solicitors Act 1974, Section 47. (See end of Document for details)

- F4** S. 47(2)(ba)(bb) 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. 13(b)**
- F5** Words in s. 47(2)(c) repealed (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 210, 211, Sch. 16 para. 49(d), **Sch. 23** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(i)(f)(ii)**
- F6** Words in s. 47(2)(d) substituted (1.4.2013) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 5 para. 8(2)**; S.I. 2013/453, art. 3(h) (with savings and transitional provisions in S.I. 2013/534, art. 6)
- F7** S. 47(2)(ea) 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. 13(b)**
- F8** S. 47(2A)–(2D) added by Administration of Justice Act 1985 (c. 61, SIF 34), ss. 44(3), 69(5), **Sch. 9 para. 9** (as amended by Legal Aid Act 1988 (c. 34, SIF 77:1), s. 45, **Sch. 5 para. 19(a)**)
- F9** Words in s. 47(2A) substituted (1.4.2013) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 5 para. 8(3)(a)**; S.I. 2013/453, art. 3(h) (with savings and transitional provisions in S.I. 2013/534, art. 6)
- F10** Words substituted by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), **s. 92(3)**
- F11** Words in s. 47(2A) substituted (1.4.2013) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 5 para. 8(3)(b)**; S.I. 2013/453, art. 3(h) (with savings and transitional provisions in S.I. 2013/534, art. 6)
- F12** Words in s. 47(2B) substituted (1.4.2013) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 5 para. 8(2)**; S.I. 2013/453, art. 3(h) (with savings and transitional provisions in S.I. 2013/534, art. 6)
- F13** Words in s. 47(2C) repealed (2.4.2001) by 1999 c. 22, s. 106, **Sch. 15 Pt. I** (with Sch. 14 paras. 7(2), 36(9)); S.I. 2001/916, **art. 3(b)** (with transitional provisions and savings in Sch. 2 para. 2)
- F14** Words in s. 47(2D) substituted (1.4.2013) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 5 para. 8(2)**; S.I. 2013/453, art. 3(h) (with savings and transitional provisions in S.I. 2013/534, art. 6)
- F15** Words in s. 47(2D) repealed (2.4.2001) by 1999 c. 22, s. 106, **Sch. 15 Pt. I** (with Sch. 14 paras. 7(2), 36(9)); S.I. 2001/916, **art. 3(b)** (with transitional provisions and savings in Sch. 2 para. 2)
- F16** S. 47(2E)–(2H) inserted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 49(f)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(i)** (subject to art. 4)
- F17** S. 47(3A) inserted by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), **s. 92(4)**
- F18** S. 47(3B) inserted (1.10.2011) by Legal Services Act 2007 (c. 29), s. 211(2), **Sch. 16 para. 49(g)** (with ss. 29, 192, 193); S.I. 2011/2196, art. 2(1)(f)
- F19** S. 47(4)(5) repealed (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 210, 211, Sch. 16 para. 49(h), **Sch. 23** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(i)(f)(i)**
- F20** S. 47(6) repealed (2.4.2001) by 1999 c. 22, s. 106, **Sch. 15 Pt. I** (with Sch. 14 paras. 7(2), 36(9)); S.I. 2001/916, **art. 3(b)** (with transitional provisions and savings in Sch. 2 para. 2)
- F21** S. 47(3C) inserted (1.4.2013) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 5 para. 8(4)**; S.I. 2013/453, art. 3(h) (with savings and transitional provisions in S.I. 2013/534, art. 6)

Modifications etc. (not altering text)

- C1** S. 47 extended (22.5.2000) by S.I. 2000/1119, regs. 1, 37(3), Sch. 4 para. 10 (as amended (1.7.2009) by The Legal Services Act 2007 (Registered European Lawyers) Order 2009 (S.I. 2009/1587), **art. 3(10)**)
- C2** S. 47(1) extended in part (with modifications) (1.7.2009) by The Registered Foreign Lawyers Order 2009 (S.I. 2009/1589), **art. 3(2)(m)**, Sch.
- C3** S. 47(2) extended by Administration of Justice Act 1985 (c. 61, SIF 34), ss. 43(2), 69(5), **Sch. 9 para. 9**

Changes to legislation:

There are currently no known outstanding effects for the Solicitors Act 1974, Section 47.