

SCHEDULES

SCHEDULE 14

FOREIGN LAWYERS: PARTNERSHIPS AND RECOGNISED BODIES

PART II

REGISTERED FOREIGN LAWYERS: SUPPLEMENTARY PROVISIONS

Intervention in practices

- 5 (1) In this paragraph “the intervention powers” means the powers conferred by Part II of Schedule 1 to the Act of 1974 (intervention in solicitors' practices) as modified by this Schedule or under section 89.
- (2) Subject to sub-paragraphs (3) and (4), the intervention powers shall be exercisable in relation to a person who is or has been a registered foreign lawyer and the practice of the multi-national partnership of which he is or was a member as they are exercisable in relation to a solicitor and his practice.
- (3) The intervention powers are only exercisable where—
- (a) the Council have reason to suspect dishonesty on the part of the registered foreign lawyer, or on the part of an employee of the multi-national partnership, in connection with—
 - (i) the practice of that partnership; or
 - (ii) any trust of which the registered foreign lawyer is or was a trustee by virtue of his being a member of that partnership;
 - (b) in the case of a registered foreign lawyer who has died, the Council have reason to suspect dishonesty on the part of his personal representative, in connection with—
 - (i) the practice of the multi-national partnership; or
 - (ii) any trust of which the registered foreign lawyer was a trustee by virtue of his being a member of that partnership;
 - (c) the Council are satisfied that the registered foreign lawyer has failed to comply with rules made under section 32 or 37(2)(c) of the Act of 1974;
 - (d) a bankruptcy order (as defined in paragraph 10(3)) has been made against him or he has made a composition or arrangement with his creditors;
 - (e) he has been committed to prison in any civil or criminal proceedings;
 - (f) the powers conferred by section 98 (emergency powers) or 99 (appointment of receiver) of the Mental Health Act 1983 have been exercised in respect of him;
 - (g) his name has been struck off the register or his registration has been suspended or cancelled;

Status: This is the original version (as it was originally enacted).

- (h) he has purported to act as a member of a multi-national partnership at a time when he was not registered;
 - (i) the Council are satisfied that he has failed to comply with any condition, subject to which he is registered, to the effect that—
 - (i) he may only be a member of a partnership which is approved by the Society; or
 - (ii) he may only be an officer of a recognised body which is so approved; or
 - (iii) he may only be such a member or such an officer.
- (4) The intervention powers shall only be exercisable under sub-paragraph (3)(c) if the Society has given the foreign lawyer notice—
- (a) that the Council are satisfied that he has failed to comply with rules specified in the notice; and
 - (b) that the intervention powers are accordingly exercisable.
- (5) The intervention powers (other than those conferred by paragraphs 5 and 10 of Part II of Schedule 1 to the Act of 1974) shall also be exercisable where—
- (a) a complaint is made to the Society that there has been undue delay on the part of a registered foreign lawyer in connection with—
 - (i) any matter in which he, or the multi-national partnership of which he is or was a member, was instructed on behalf of a client; or
 - (ii) any controlled trust;
 - (b) the Society by notice invites the registered foreign lawyer to give an explanation within a period (of not less than 8 days) specified in the notice;
 - (c) the registered foreign lawyer fails within that period to give an explanation which the Council regard as satisfactory; and
 - (d) the Society gives notice of the failure to the registered foreign lawyer and notice that the intervention powers are accordingly exercisable.
- (6) Where the intervention powers are exercisable in relation to a registered foreign lawyer, they shall continue to be exercisable—
- (a) at any time when his registration is suspended;
 - (b) after his name has been struck off the register or his registration has been cancelled; or
 - (c) after his death.
- (7) Part II of Schedule 1 to the Act of 1974 shall have effect in relation to the intervention powers exercisable by virtue of this Schedule, subject to—
- (a) any express modifications made under section 89; and
 - (b) any modifications necessary in the light of this paragraph.
- (8) For the purposes of this paragraph, Part II of Schedule 1 to the Act of 1974 shall be read with paragraph 4(2) of Part I of that Schedule.
- (9) The notices required to be given by this paragraph must be in writing but need not be given at the same time.