



# Courts and Legal Services Act 1990

## 1990 CHAPTER 41

### PART IV

#### SOLICITORS

#### 94 Solicitors charged with or convicted of fraud or serious crime

(1) In section 13A of the Solicitors Act 1974 (imposition of conditions while practising certificates are in force), the following shall be added at the end of subsection (2)—

“; or

(d) he has been charged with, or convicted of—

- (i) an offence involving dishonesty or deception; or
- (ii) a serious arrestable offence (as defined by section 116 of the Police and Criminal Evidence Act 1984).”

(2) In subsection (5) of section 13A of that Act the following paragraph shall be added at the end—

“This subsection does not apply to the exercise of the Society’s powers under this section by virtue of subsection (2)(d).”

(3) After section 13A of that Act there shall be inserted the following section—

#### **“13B Suspension of practising certificates where solicitors convicted of fraud or serious crime**

(1) Where—

(a) a solicitor has been convicted of—

- (i) an offence involving dishonesty or deception; or
- (ii) a serious arrestable offence (as defined by section 116 of the Police and Criminal Evidence Act 1984); and

(b) the Society has made an application to the Tribunal under section 47 with respect to him,

the Society may direct that any practising certificate of his which is for the time being in force be suspended.

- (2) Any such suspension shall be for such period, not exceeding six months, as the Society shall specify in the direction.
- (3) If, before the specified period expires—
  - (a) the Tribunal determines the Society’s application;
  - (b) the conviction is quashed or set aside; or
  - (c) the Society withdraws its application to the Tribunal,the suspension shall cease to have effect.
- (4) Where the specified period comes to an end without any of the events mentioned in subsection (3) having occurred, the Society may direct that the suspension be continued for such period, not exceeding six months, as it shall specify in the direction.
- (5) A suspension under this section may only be extended once under subsection (4).
- (6) Nothing in this section is to be taken as in any way affecting the Tribunal’s power to suspend a solicitor from practice.
- (7) A solicitor in whose case a direction is given under subsection (1) or (4) may appeal to the Master of the Rolls against the direction within one month of being notified of it.
- (8) In an appeal under subsection (7), the Master of the Rolls may—
  - (a) affirm the suspension;
  - (b) direct that the appellant’s certificate shall not be suspended but shall have effect subject to such conditions as the Master of the Rolls thinks fit;
  - (c) by order revoke the direction; or
  - (d) make such other order as he thinks fit.”