

SCHEDULES

SCHEDULE 16

THE LAW SOCIETY, SOLICITORS, RECOGNISED BODIES AND FOREIGN LAWYERS

PART 1

THE SOLICITORS ACT 1974 (C. 47)

- 49 In section 47 (jurisdiction and powers of Tribunal)—
- ^{F1}(a)
 - (b) in subsection (2) for “subsection” (where it first occurs) substitute “subsections (2E) and ”,
 - ^{F2}(c)
 - (d) in subsection (2)(c) omit “not exceeding £5,000”,
 - ^{F3}(e)
 - (f) after subsection (2D) insert—
 - “(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;
 - (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—

Changes to legislation: There are currently no known outstanding effects for the Legal Services Act 2007, Paragraph 49. (See end of Document for details)

- (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.”,
- (g) after subsection (3A) insert—
 - “(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.”, and
- (h) omit subsections (4) and (5).

Textual Amendments

- F1** Sch. 16 para. 49(a) repealed (1.11.2015) by [The Legal Services Act 2007 \(The Law Society\) \(Modification of Functions\) Order 2015 \(S.I. 2015/401\)](#), arts. 1(3), **3(3)**
- F2** Sch. 16 para. 49(c) repealed (1.11.2015) by [The Legal Services Act 2007 \(The Law Society\) \(Modification of Functions\) Order 2015 \(S.I. 2015/401\)](#), arts. 1(3), **3(3)**
- F3** Sch. 16 para. 49(e) repealed (1.11.2015) by [The Legal Services Act 2007 \(The Law Society\) \(Modification of Functions\) Order 2015 \(S.I. 2015/401\)](#), arts. 1(3), **3(3)**

Commencement Information

- I1** Sch. 16 para. 49(b)(d)(f)(h) in force at 31.3.2009 by [S.I. 2009/503](#), **art. 2(b)(i)** (subject to [art. 4](#)); Sch. 16 para. 49(a)(c)(e) in force at 1.7.2009 by [S.I. 2009/1365](#), **art. 2(a)(i)**
- I2** Sch. 16 para. 49(g) in force at 1.10.2011 by [S.I. 2011/2196](#), **art. 2(1)(f)**

Changes to legislation:

There are currently no known outstanding effects for the Legal Services Act 2007, Paragraph 49.