
STATUTORY INSTRUMENTS

2019 No. 1185

The Solicitors (Disciplinary Proceedings) Rules 2019

PART 2

Constitution

President and Vice Presidents

7.—(1) The President holding office at the date these Rules come into force may not hold the office of President for a total period exceeding six years and will only be eligible for re-election as President if he or she has not previously been re-elected as President.

(2) The Tribunal, by a simple majority, must elect a solicitor member to be its President to hold office for a term not exceeding three years and the member so elected may be re-elected for a further term not exceeding three years.

(3) The Tribunal, by a simple majority, must elect one solicitor member and one lay member to be its Vice Presidents for a term not exceeding three years and the members so elected may be re-elected for a further term not exceeding three years. The Vice Presidents may exercise any functions as are exercisable under these Rules by the President, as the President may direct.

(4) The Tribunal must meet at least once in each calendar year and must publish an annual report, a copy of which must be sent to the Master of the Rolls, the Society and the Legal Services Board.

The Clerk to the Tribunal and other clerks and staff

8.—(1) The Tribunal must appoint a Clerk to the Tribunal.

(2) The Tribunal may appoint other clerks to assist the Clerk to the Tribunal.

(3) The Clerk to the Tribunal is responsible to the Tribunal for the administration of the Tribunal in an efficient manner, including the general supervision of the other clerks and other administrative staff; maintaining records and collecting statistics required by the Tribunal.

(4) The Clerk to the Tribunal or any other clerk appointed by the Tribunal under this Rule must be a solicitor or barrister of not less than ten years' standing.

(5) The office of the Clerk to the Tribunal must be vacated if—

(a) in the Tribunal's opinion, with which the Master of the Rolls agrees, the Clerk to the Tribunal is physically or mentally incapable of performing his or her duties; or

(b) the Clerk to the Tribunal—

(i) resigns; or

(ii) retires; or

(iii) is removed from office by a resolution of the Tribunal approved by the Master of the Rolls.

(6) The Tribunal may prescribe the duties for which the clerks are to be responsible and those duties must include arrangements for—

- (a) the submission of applications for certification as to whether or not there is a case to answer (see rule 13);
- (b) making pre-listing arrangements;
- (c) variation of directions;
- (d) determining applications for adjournment of procedural or substantive hearings in accordance with rule 23(2);
- (e) considering parties' non-compliance with directions and orders (see rule 20(3));
- (f) securing a record of hearings (by electronic recording or other means) (see rule 39);
- (g) advising the Tribunal on matters of law or procedure;
- (h) preparing draft judgments for the consideration of the panel which heard an application (see rule 40);
- (i) determining applications in respect of substituted service (see rule 46);
- (j) drawing orders and findings and sending them to the Society.

Composition of panels

9.—(1) The Tribunal must appoint a panel of three members of the Tribunal for the hearing of any application. Two of the panel members must be solicitor members and one must be a lay member.

(2) The President may appoint a member to be the chair of a panel.

(3) If the President does not appoint a chair of a panel, a solicitor member must act as the chair.

Functions exercisable by a single solicitor member

10. A single solicitor member may exercise the functions set out in—

- (a) rule 8(6) (c) (d) and (i) (duties for which clerks are responsible);
- (b) rule 27(3) (directions relating to lodging of bundles);
- (c) rule 22 (4) (f) and (g) (determining procedural applications)