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STATUTORY INSTRUMENTS

2020 No. 462

LEGAL PROFESSION, ENGLAND AND WALES

The Solicitors (Disciplinary Proceedings) (Amendment) Rules 2020

Made - - - - - *27th April 2020*

Coming into force - - - - - *25th May 2020*

The Solicitors Disciplinary Tribunal, in exercise of the powers conferred by section 46 of the Solicitors Act 1974⁽¹⁾, makes the following Rules.

The alterations contained in the Rules are exempt alterations for the purposes of section 178(2)(b) of the Legal Services Act 2007⁽²⁾ meaning that the alterations are approved for the purposes of that Act.

Citation and commencement

1.—(1) These Rules may be cited as the Solicitors (Disciplinary Proceedings) (Amendment) Rules 2020.

(2) These Rules come into force on 25th May 2020.

Amendments to the Solicitors (Disciplinary Proceedings) Rules 2019

2. The Solicitors (Disciplinary) Rules 2019⁽³⁾ are amended as follows.

Amendments to rule 3 (interpretation)

3. In rule 3(1), in the definition of “a lay application” renumber sub-paragraphs (d) and (e) as (a) and (b).

4. In rule 3(4)(a)(i), for “exit day” substitute “IP completion day” in both places where those words occur.

5. In rule 3(5)—

(a) for “any period” substitute “the period”;

(1) 1974 c. 47.

(2) 2007 c.29.

(3) S.I. 2019/1185.

(b) for “exit day” substitute “IP completion day”.

Amendment to rule 4 (the overriding objective)

6. In rule 4(2), for “will” substitute “must”.

Amendments to rule 5 (standard of proof)

7. In rule 5—

(a) for “will” substitute “must”;

(b) for “the standard applicable in civil proceedings” substitute “the civil standard of proof”.

Amendment to rule 14 (supplementary Statements)

8. In rule 14(1), for “paragraph (4)” substitute “paragraph (5)”.

Amendment to rule 16 (adjournment of application pending Law Society investigation)

9. In rule 16(1), for “panel” substitute “Tribunal”.

Amendment to rule 17 (applications for restoration and termination of indefinite suspension)

10. In rule 17(1), for “the Act” substitute “the 1974 Act”.

Amendment to rule 20 (standard directions)

11. In rule 20(3), for “will” substitute “may”.

Amendment to rule 22 (procedural applications)

12. In rule 22(3), for “paragraph 8(6)” substitute “rule 8(6)”.

Amendments to rule 26 (disclosure and discovery)

13.—(1) In rule 26(2), for “will only apply” substitute “only applies”.

(2) In rule 26(3), for “will not” substitute “does not”.

Amendment to rule 28 (written evidence)

14. In rule 28(3), for “the party on whom the notice was served” substitute “the party by whom the notice was served”.

Amendments to rule 29 (Civil Evidence Act notices)

15. In rule 29(1)—

(a) for “provisions” substitute “provision”;

(b) before “the Civil Evidence Act 1995” insert “the provisions of”.

Amendment to rule 31 (interpreters and translators)

16. In rule 31(1), after “witness” insert “, applicant”.

Amendments to rule 32 (previous findings of record)

- 17.—(1) In rule 32(2), for “is admissible” substitute “are admissible”.
(2) In rule 32(3), for “appear” substitute “appears”.

Amendment to rule 40 (decisions)

18. In rule 40(4), for “will” in both places where it occurs, substitute “must”.

Amendment to rule 41 (sanction)

19. In rule 41(4), for “will” substitute “must”.

Amendments to rule 43 (costs)

20. In rule 43(4)—
(a) for “will first decide” substitute “must first decide”;
(b) for “will identify the paying party” substitute “must identify the paying party in any order made”.

Signed by authority of the Solicitors Disciplinary Tribunal

Gate House, 1 Farringdon Street, London EC4M
7LG
27th April 2020

Edward Nally
President
Solicitors Disciplinary Tribunal

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Solicitors (Disciplinary Proceedings) Rules 2019 (“the 2019 Rules”).

Rules 4 and 5 amend provisions in rule 3 (interpretation) of the 2019 Rules relating to registered European lawyers. The amendments are required in order to replace references to exit day with references to IP completion day, consequential on the coming into force of the European Union (Withdrawal Agreement) Act 2020. There were no ongoing Tribunal proceedings involving European lawyers immediately before exit day and none was started between exit day and the date on which these Rules were made.

Rule 3 and Rules 6 to 20 all contain minor drafting amendments to the 2019 Rules.