



Solicitors Act 1974

1974 CHAPTER 47

PART I

RIGHT TO PRACTISE AS SOLICITOR

Practising certificates

9 Applications for practising certificates

- (1) On receipt of an application for a practising certificate, the Society shall cause to be entered in a register kept for that purpose the applicant's full name, his place or places of business and the date of his admission.
- (2) The register may be kept by means of a computer.
- (3) If the register is kept by means of a computer, the Society shall make any entry available for inspection in legible form during office hours, without payment, by any person who applies to inspect it.
- (4) If the register is not kept by means of a computer, any person may inspect it during office hours without payment.
- (5) If in, or in relation to, an application for a practising certificate or a notice under section 84(1) any person makes any false statement material to the application or notice, a complaint in respect of that statement may be made to the Tribunal by or on behalf of the Society.

10 Issue of practising certificates

- (1) Subject to sections 11 and 12, the Society shall issue a practising certificate to a person who applies for one, if it is satisfied, within 21 days of receipt of his application,—
 - (a) that his name is on the roll; and
 - (b) that he is not suspended from practice; and
 - (c) that his application complies with any regulations under section 28; and

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- (d) that he is complying with such training regulations (if any) as apply to him ;
and
 - (e) that he is complying with any indemnity rules or is exempt from them.
- (2) At any time when regulations under section 28 specify a training condition or training conditions, any practising certificate issued to an applicant by the Society shall be issued subject to that condition or one of those conditions if it appears to the Society that training regulations will apply to him at the end of 21 days from the Society's receipt of his application.
- (3) At any time when regulations under section 28 specify an indemnity condition or indemnity conditions, any practising certificate issued to an applicant by the Society shall be issued subject to that condition or one of those conditions if it appears to the Society that he will be exempt from indemnity rules at the end of 21 days from the Society's receipt of his application.

11 Fees payable on issue of practising certificates

- (1) Subject to subsection (2), there shall be paid to the Society in respect of each practising certificate to be issued by it, before the certificate is issued, such fee as the Master of the Rolls, with the concurrence of the Lord Chancellor and the Lord Chief Justice, may from time to time by order determine.
- (2) An order under subsection (1) may specify reduced fees for practising certificates which are issued to a solicitor subject to a training condition or training conditions during such period after his admission as may be specified in the order.
- (3) All fees received by the Society under subsection (1) shall be applied in such manner as the Society may think fit for the purposes of the Society, including facilitating the acquisition of legal knowledge.
- (4) The Society shall submit annually to the judges mentioned in subsection (1) an account of all such fees and of then-application and shall cause a copy of the account to be deposited at the Society's hall for inspection by any solicitor.

12 Discretion of Society with respect to issue of practising certificates in special cases

- (1) Subject to subsections (2) and (3), this section shall have effect in any case where a solicitor applies for a practising certificate—
- (a) for the first time; or
 - (b) not having held a practising certificate free of conditions since the date of his admission ; or
 - (c) when on the first day of the period to which the practising certificate would, if granted, relate, a period of twelve months or more will have elapsed since he held a practising certificate in force ; or
 - (d) after the Tribunal has ordered a penalty or costs to be paid by him or that he be reprimanded; or
 - (e) after he has been invited by the Society to give an explanation in respect of any matter affecting his conduct and has failed to give an explanation in respect of that matter which the Council regard as sufficient and satisfactory, and has been notified in writing by the Society that he has so failed; or

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- (f) when, having been suspended from practice, the period of his suspension has expired ; or
 - (g) when, having had his name removed from or struck off the roll, his name has been restored to the roll; or
 - (h) while he is an undischarged bankrupt or while a receiving order in bankruptcy is in force against him; or
 - (i) after having been adjudged bankrupt and having obtained his discharge or after having entered into a composition with his creditors or a deed of arrangement for the benefit of his creditors; or
 - (j) while he is a patient as denned by section 101 of the Mental Health Act 1959 (which relates to the judge's functions in relation to the patient), or while he is a person as to whom powers have been exercised under section 104 of that Act (which relates to the judge's powers in cases of emergency); or
 - (k) after having been committed to prison in civil or criminal proceedings; or
 - (l) after having had given against him any judgment which involves the payment of money, not being a judgment—
 - (i) limited to the payment of costs ; or
 - (ii) as to the whole effect of which upon him he is entitled to indemnity or relief from some other person; or
 - (iii) evidence of the satisfaction of which has been produced to the Society.
- (2) Where a practising certificate free of conditions is issued by the Society under subsection (4) to a solicitor in relation to whom this section has effect by reason of any such circumstances as are mentioned in paragraph (d), (e), (f), (g), (i), (k) or (l) of subsection (1), this section shall not thereafter have effect in relation to that solicitor by reason of those circumstances.
- (3) Where a solicitor's practising certificate is suspended by virtue of section 15(1) by reason of his suspension from practice and the suspension of his practising certificate is terminated unconditionally under section 16(4) or (5), then, notwithstanding subsection (1)(f), this section shall not thereafter have effect in relation to that solicitor by reason of that suspension from practice and the expiry of the period of that suspension.
- (4) In any case where this section has effect, the applicant shall, unless the Society or the Master of the Rolls otherwise orders, give to the Society not less than six weeks before he applies for a practising certificate notice of his intention so to apply; and, subject to subsections (6) and (7), the Society may in its discretion—
 - (a) grant or refuse the application, or
 - (b) decide to issue a certificate to the applicant subject to such conditions as the Society may think fit.
- (5) Where the Society decides to issue a certificate subject to conditions, it may, if it thinks fit, postpone the issue of the certificate pending the hearing and determination of any appeal under section 13(2)(b).
- (6) The Society shall not refuse an application by a solicitor for a practising certificate in a case where this section has effect by reason only—
 - (a) that he is applying for the first time; or
 - (b) that he has not held a practising certificate free from conditions since the date of his admission;

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and, in a case falling within paragraph (b), the certificate shall not be made subject to any conditions binding on the applicant in respect of any period more than three years after the date on which the first practising certificate issued to him had effect.

- (7) Where a solicitor applies for a practising certificate in a case where this section has effect by reason only of any such circumstances as are mentioned in paragraph (h), (k) or (l) of subsection (1) and an appeal has been made to the appropriate court against the order or judgment in question, the Society shall not refuse the application before the determination of that appeal, unless in the opinion of the Society the proceedings on that appeal have been unduly protracted by the appellant or are unlikely to be successful.

13 Appeals in connection with issue of practising certificates

- (1) Where an application for a practising certificate is duly made to the Society otherwise than in a case where section 12 has effect and the Society refuses or neglects to issue a certificate, the applicant may apply to the High Court or to any judge of that court, or to the Master of the Rolls, who may make such order in the matter, including an order for the payment of costs by the Society to the applicant or by the applicant to the Society, as may be just.
- (2) Where the Society—
- (a) in the exercise of the powers conferred on it by section 10, issues a practising certificate subject to a training condition or an indemnity condition; or
 - (b) in the exercise of the powers conferred on it by section 12, refuses to issue a practising certificate or issues a certificate subject to a condition,
- the applicant may appeal to the Master of the Rolls against the decision of the Society within one month of being notified of it.
- (3) On an appeal to the Master of the Rolls under subsection (2)(a), he may—
- (a) affirm the decision of the Society; or
 - (b) direct the Society to issue a certificate to the applicant free from conditions ; or
 - (c) if regulations under section 28 specify a number of training conditions or indemnity conditions, direct the Society to issue a certificate to the applicant subject to a training condition or, as the case may be, an indemnity condition, different from that subject to which it was originally issued.
- (4) On an appeal to the Master of the Rolls under subsection (2)(b), he may—
- (a) affirm the decision of the Society; or
 - (b) direct the Society to issue a certificate to the applicant free from conditions or subject to such conditions other than training conditions or indemnity conditions as the Master of the Rolls may think fit; or
 - (c) direct the Society not to issue a certificate; or
 - (d) if a certificate has been issued, by order suspend it; or
 - (e) make such other order as he thinks fit.

14 Date and expiry of practising certificates

- (1) Every practising certificate issued in November or December in any year shall bear the date of 1st November in that year, and every other practising certificate shall bear the date of the day on which it is issued.

- (2) Every practising certificate shall have effect from the beginning of the day of which it bears the date, and that date shall be entered by the Society in the register kept under section 9 and on the roll.
- (3) Subject to subsection (4), every practising certificate shall expire at the end of 31st October next after it is issued.
- (4) Where the name of a solicitor is removed from or struck off the roll, any practising certificate of that solicitor for the time being in force shall expire forthwith and the date of such expiration shall be entered in the register kept under section 9.

15 Suspension of practising certificates

- (1) The making by the Tribunal or by the court of an order suspending a solicitor from practice shall operate, and an adjudication in bankruptcy of a solicitor shall operate immediately, to suspend any practising certificate of that solicitor for the time being in force.
- (2) For the purposes of this Act, a practising certificate shall be deemed not to be in force at any time while it is suspended.

16 Duration of suspension of practising certificates

- (1) Subject to the provisions of this section, the suspension of a practising certificate shall continue until the certificate expires.
- (2) The suspension of a practising certificate by virtue of section 15(1) by reason of an adjudication in bankruptcy shall terminate if the adjudication is annulled and an office copy of the order annulling the adjudication is served on the Society.
- (3) Where a solicitor's practising certificate is suspended—
 - (a) by an order under section 13(4); or
 - (b) by virtue of section 15(1) by reason of his adjudication in bankruptcy; or
 - (c) by virtue of section 15(1) by reason of his suspension from practice and the period of his suspension from practice expires before the date of expiry of the certificate,the solicitor may at any time before the certificate expires (and, in the case of adjudication in bankruptcy, while the adjudication remains unannulled) apply to the Society to terminate the suspension.
- (4) On an application under subsection (3), the Society may in its discretion—
 - (a) by order terminate the suspension either unconditionally or subject to such conditions as the Society may think fit; or
 - (b) refuse the application.
- (5) If on an application by a solicitor under subsection (3) the Society refuses the application or terminates the suspension subject to conditions, the solicitor may appeal against the decision of the Society to the Master of the Rolls, who may—
 - (a) affirm the decision; or
 - (b) terminate the suspension either unconditionally or subject to such conditions as he may think fit.

17 Publicity in relation to suspension of practising certificates

- (1) Where a solicitor's practising certificate is suspended by an order under section 13(4), or by virtue of section 15(1) by reason of his adjudication in bankruptcy, the Society shall forthwith cause notice of that suspension to be published in the London Gazette and a note of it to be entered against the name of the solicitor on the roll.
- (2) Where any such suspension of a practising certificate as is mentioned in subsection (1) is terminated under section 16(2), (4) or (5), the Society shall forthwith cause a note of that termination to be entered against the name of the solicitor on the roll and, if so requested in writing by the solicitor, a notice of it to be published in the London Gazette.

18 Evidence as to holding of practising certificates

- (1) Any list purporting to be published by authority of the Society and to contain the names of solicitors who have obtained practising certificates for the current year before 2nd January in that year shall, until the contrary is proved, be evidence that the persons so named as solicitors holding practising certificates for the current year are solicitors holding such certificates.
- (2) The absence from any such list of the name of any person shall, until the contrary is proved, be evidence that that person is not qualified to practise as a solicitor under a certificate for the current year, but in the case of any such person an extract from the roll certified as correct by the Society shall be evidence of the facts appearing in the extract.