



# Solicitors Act 1974

## 1974 CHAPTER 47

### PART II

#### PROFESSIONAL PRACTICE, CONDUCT AND DISCIPLINE OF SOLICITORS AND CLERKS

##### *Disciplinary proceedings before Solicitors Disciplinary Tribunal*

#### **46 Solicitors Disciplinary Tribunal.**

- (1) Applications and complaints made by virtue of any provision of this Act shall be made, except so far as other provision is made by this Act or by any regulations under it, to the tribunal known as the “Solicitors Disciplinary Tribunal”.
- (2) The Master of the Rolls shall appoint the members of the Tribunal.
- (3) The Tribunal shall consist—
  - (a) of practising solicitors of not less than ten years’ standing (in this section referred to as “solicitor members”); and
  - (b) of persons who are neither solicitors nor barristers (in this section referred to as “lay members”).
- (4) A member of the Tribunal shall hold and vacate his office in accordance with the terms of his appointment and shall, on ceasing to hold office, be eligible for re-appointment.

[<sup>F1</sup>(5) The Tribunal may pay its members such remuneration, fees or allowances as it may determine with the approval of the Legal Services Board.]

[<sup>F2</sup>(5A) The Tribunal may do anything calculated to facilitate, or incidental or conducive to, the carrying out of any of its functions.]

- (6) <sup>F3</sup> .....
- (7) <sup>F3</sup> .....
- (8) <sup>F3</sup> .....

*Changes to legislation: There are currently no known outstanding effects for the Solicitors Act 1974, Cross  
Heading: Disciplinary proceedings before Solicitors Disciplinary Tribunal. (See end of Document for details)*

- (9) <sup>F4</sup>[<sup>F5</sup>The] Tribunal . . . may make rules—
- (a) empowering the Tribunal to elect a solicitor member to be its president; and
  - (b) about the procedure and practice to be followed in relation to the making, hearing and determination of applications and complaints [<sup>F6</sup>(including provision about the composition of the Tribunal)].
- (10) Without prejudice to the generality of subsection (9)(b), rules made by virtue of that paragraph may in particular—
- (a) empower the president of the Tribunal to appoint a chairman for the hearing and determination of any application or complaint;
  - (b) provide that, if the president does not appoint a chairman, a solicitor member shall act as chairman; and
  - (c) provide, in relation to any application or complaint relating to a solicitor, that, where in the opinion of the Tribunal no prima facie case in favour of the applicant or complainant is shown in the application or complaint, the Tribunal may make an order refusing the application or dismissing the complaint without requiring the solicitor to whom it relates to answer the allegations and without hearing the applicant or complainant.
- (11) For the purposes of any application or complaint made to the Tribunal under this Act, the Tribunal may administer oaths, and the applicant or complainant and any person with respect to whom the application or complaint is made (or, in the case of an application under section 47(1)(b), any of the parties to the application) may issue writs of subpoena ad testificandum and duces tecum, but no person shall be compelled under any such writ to produce any document which he could not be compelled to produce on the trial of an action.
- (12) The power to make rules conferred by subsection (9) shall be exercisable by statutory instrument, and the <sup>M1</sup>Statutory Instruments Act 1946 shall apply to a statutory instrument containing such rules in like manner as if the rules had been made by a Minister of the Crown.

#### Textual Amendments

- F1** S. 46(5) substituted (30.6.2008) by [Legal Services Act 2007 \(c. 29\)](#), ss. 177, 211, [Sch. 16 para. 47\(2\)](#) (with ss. 29, 192, 193); S.I. 2008/1436, [art. 2\(d\)\(i\)](#) (subject to art. 4)
- F2** S. 46(5A) inserted (30.6.2008) by [Legal Services Act 2007 \(c. 29\)](#), ss. 177, 211, [Sch. 16 para. 47\(3\)](#) (with ss. 29, 192, 193); S.I. 2008/1436, [art. 2\(d\)\(i\)](#) (subject to art. 4)
- F3** S. 46(6)-(8) repealed (30.6.2008) by [Legal Services Act 2007 \(c. 29\)](#), ss. 177, 210, 211, [Sch. 16 para. 47\(4\)](#), [Sch. 23](#) (with ss. 29, 192, 193); S.I. 2008/1436, [art. 2\(d\)\(i\)\(g\)](#) (subject to art. 4)
- F4** Words in s. 46(9) repealed (30.6.2008) by [Legal Services Act 2007 \(c. 29\)](#), ss. 177, 210, 211, [Sch. 16 para. 47\(5\)\(b\)](#), [Sch. 23](#) (with ss. 29, 192, 193); S.I. 2008/1436, [art. 2\(d\)\(i\)](#) (subject to art. 4)
- F5** Words in s. 46(9) substituted (30.6.2008) by [Legal Services Act 2007 \(c. 29\)](#), ss. 177, 211, [Sch. 16 para. 47\(5\)\(a\)](#) (with ss. 29, 192, 193); S.I. 2008/1436, [art. 2\(d\)\(i\)](#) (subject to art. 4)
- F6** Words in s. 46(9)(b) inserted (30.6.2008) by [Legal Services Act 2007 \(c. 29\)](#), ss. 177, 211, [Sch. 16 para. 47\(5\)\(c\)](#) (with ss. 29, 192, 193); S.I. 2008/1436, [art. 2\(d\)\(i\)](#) (subject to art. 4)

#### Modifications etc. (not altering text)

- C1** S. 46 applied (with modifications) (14.10.1991) by [Courts and Legal Services Act 1990 \(c. 41\)](#), SIF 76:1, s. 89, [Sch. 14 Pt. II para. 15\(1\)](#); S.I. 1991/1883, [art. 3](#), Sch.
- C2** S. 46(7)-(10) extended by [Administration of Justice Act 1985 \(c. 61\)](#), SIF 34, ss. 43(2), 69(5), [Sch. 9 para. 9](#) and (1.1.1992) by s. 9, Sch. 2 para. 17(a) of that Act; S.I. 1991/2683, [art. 2](#)

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**Changes to legislation:** There are currently no known outstanding effects for the Solicitors Act 1974, Cross Heading: Disciplinary proceedings before Solicitors Disciplinary Tribunal. (See end of Document for details)

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- C3** S. 46(9)(b) applied (30.11.2011) by The Legal Services Act 2007 (Appeals from Licensing Authority Decisions) (No.2) Order 2011 (S.I. 2011/2863), arts. 2(1), **4(3)**
- C4** S. 46(10)(a)(b) applied (30.11.2011) by The Legal Services Act 2007 (Appeals from Licensing Authority Decisions) (No.2) Order 2011 (S.I. 2011/2863), arts. 2(1), **4(3)**
- C5** S. 46(10)(c) extended (1.1.1992) by Administration of Justice Act 1985 (c. 61, SIF 34), s. 9, **Sch. 2 para. 17(c)**; S.I. 1991/2683, **art. 2**  
S. 46(10)(c) extended (22.5.2000) by S.I. 2000/1119, regs. 1, 37(3), Sch. 4 para. 10 (as amended (1.7.2009) by The Legal Services Act 2007 (Registered European Lawyers) Order 2009 (S.I. 2009/1587), **art. 3(10)**)
- C6** S. 46(11) extended by Administration of Justice Act 1985 (c. 61, SIF 34), ss. 43(2), 69(5), **Sch. 9 para. 9** and (1.1.1992) by s. 9, Sch. 2 para. 17(a) of that Act; S.I. 1991/2683, **art. 2**
- C7** S. 46(11) applied (with modifications) (with effect in accordance with art. 2(2) of the commencing S.I.) by The Legal Services Act 2007 (Appeals from Licensing Authority Decisions) (No.2) Order 2011 (S.I. 2011/2863), arts. 2(1), **4(4)**
- C8** S. 46(12) applied (14.10.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 89, **Sch. 14 Pt.II para. 16(3)**; S.I. 1991/1883, **art. 3**, Sch.
- C9** S. 46(12) applied (30.11.2011) by The Legal Services Act 2007 (Appeals from Licensing Authority Decisions) (No.2) Order 2011 (S.I. 2011/2863), arts. 2(1), **4(3)**

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**Marginal Citations**

**M1** 1946 c. 36.

**[<sup>F7</sup>46A Funding of the Tribunal**

- (1) The Tribunal must submit to the Society in respect of each year a budget for the year approved by the Legal Services Board.
- (2) A budget for a year is a statement of the amount of money which the Tribunal estimates is required to enable it to meet all of its expenditure in that year (having regard to any amounts received but not spent in previous years).
- (3) Before approving a statement for the purposes of subsection (1) the Legal Services Board must consult the Society.
- (4) The budget for a year must be submitted to the Society under subsection (1) no later than the date in the preceding year specified by the Society for the purposes of this subsection.
- (5) Before specifying a date for this purpose the Society must consult the Tribunal.
- (6) The amount specified in a budget submitted under subsection (1) must be paid by the Society to the Tribunal—
  - (a) in such instalments and at such times as may be agreed between the Society and the Tribunal, or
  - (b) in the absence of such agreement, before the beginning of the year to which the budget relates.
- (7) The Society may pay the Tribunal such other amounts as the Society considers appropriate.
- (8) In this section “year” means a calendar year.]

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**Textual Amendments**

**F7** S. 46A inserted (30.6.2008) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 48** (with ss. 29, 192, 193); S.I. 2008/1436, **art. 2(d)(i)** (subject to art. 4)

**47 Jurisdiction and powers of Tribunal.**

[<sup>F8</sup>( 1 ) Any application—

- (a) to strike the name of a solicitor off the roll;
- (b) to require a solicitor to answer allegations contained in an affidavit;
- (c) to require a former solicitor whose name has been removed from or struck off the roll to answer allegations contained in an affidavit relating to a time when he was a solicitor;
- (d) by a solicitor who has been suspended from practice for an unspecified period, by order of the Tribunal, for the termination of that suspension;
- (e) by a former solicitor whose name has been struck off the roll to have his name restored to the roll;

<sup>F9</sup>(ea) .....

- (f) by a former solicitor in respect of whom a direction has been given under subsection (2)(g) to have his name restored to the roll,

shall be made to the Tribunal; but nothing in this subsection shall affect any jurisdiction over solicitors exercisable by the Master of the Rolls, or by any judge of the High Court, by virtue of section 50.

( 2 ) Subject to [<sup>F10</sup>subsections (2E) and](3) and to section 54, on the hearing of any application or complaint made to the Tribunal under this Act, other than an application under section 43, the Tribunal shall have power to make such order as it may think fit, and any such order may in particular include provision for any of the following matters—

- (a) the striking off the roll of the name of the solicitor to whom the application or complaint relates;
- (b) the suspension of that solicitor from practice indefinitely or for a specified period;

<sup>F11</sup>(ba) .....

<sup>F11</sup>(bb) .....

- (c) the payment by that solicitor or former solicitor of a penalty <sup>F12</sup> . . . , which shall be forfeit to Her Majesty;
- (d) in the circumstances referred to in subsection (2A), the exclusion of that solicitor from [<sup>F13</sup>criminal legal aid work] (either permanently or for a specified period);
- (e) the termination of that solicitor’s unspecified period of suspension from practice;

<sup>F14</sup>(ea) .....

- (f) the restoration to the roll of the name of a former solicitor whose name has been struck off the roll and to whom the application relates;
- (g) in the case of a former solicitor whose name has been removed from the roll, a direction prohibiting the restoration of his name to the roll except by order of the Tribunal;

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- (h) in the case of an application under subsection (1)(f), the restoration of the applicant's name to the roll;
  - (i) the payment by any party of costs or a contribution towards costs of such amount as the Tribunal may consider reasonable.]
- [<sup>F15</sup>(2A) An order of the Tribunal may make provision for the exclusion of a solicitor from [<sup>F16</sup>criminal legal aid work] as mentioned in subsection [<sup>F17</sup>(2)(d)] where the Tribunal determines that there is good reason for doing so arising out of—
- (a) his conduct, including conduct in the capacity of agent for another solicitor, in connection with the provision for any person of services [<sup>F18</sup>provided under arrangements made for the purposes of Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012]; or
  - (b) his professional conduct generally.
- (2B) Where the Tribunal makes any such order as is re-referred to in subsection (2A) in the case of a solicitor who is a member of a firm of solicitors, the Tribunal may, if it thinks fit, order that any other person who is for the time being a member of the firm shall be excluded (either permanently or for a specified period) from [<sup>F19</sup>criminal legal aid work].
- (2C) The Tribunal shall not make an order under subsection (2B) <sup>F20</sup> . . . unless an opportunity is given to him to show cause why the order should not be made.
- (2D) Any person excluded from [<sup>F21</sup>criminal legal aid work] by an order under this section may make an application to the Tribunal for an order terminating his exclusion <sup>F22</sup> . . . . ]
- [<sup>F23</sup>(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—
- (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.]

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- (3) On proof of the commission of an offence with respect to which express provision is made by any section of this Act, the Tribunal shall, without prejudice to its power of making an order as to costs, impose the punishment, or one of the punishments, specified in that section.
- [<sup>F24</sup>(3A) Where, on the hearing of any application or complaint under this Act, the Tribunal is satisfied that more than one allegation is proved against the person to whom the application or complaint relates it may impose a separate penalty (by virtue of subsection (2)(c)) with respect to each such allegation. ]
- [<sup>F25</sup>(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.]
- (4) <sup>F26</sup> .....
- (5) <sup>F26</sup> .....
- <sup>F27</sup>(6) .....
- [<sup>F28</sup>(3C) In this section “criminal legal aid work” means the provision under arrangements made for the purposes of Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 of—
- (a) advice or assistance described in section 13 or 15 of that Act, or
  - (b) representation for the purposes of criminal proceedings.]

#### Textual Amendments

- F8** S. 47(1)(2) substituted by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\)](#), **s. 92(2)**
- F9** S. 47(1)(ea) omitted (1.11.2015) by virtue of [The Legal Services Act 2007 \(The Law Society\) \(Modification of Functions\) Order 2015 \(S.I. 2015/401\)](#), art. 1(3), **Sch. 1 para. 13(a)**
- F10** Words in s. 47(2) substituted (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 177, 211, **Sch. 16 para. 49(b)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(i)**
- F11** S. 47(2)(ba)(bb) omitted (1.11.2015) by virtue of [The Legal Services Act 2007 \(The Law Society\) \(Modification of Functions\) Order 2015 \(S.I. 2015/401\)](#), art. 1(3), **Sch. 1 para. 13(b)**
- F12** Words in s. 47(2)(c) repealed (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 177, 210, 211, **Sch. 16 para. 49(d)**, **Sch. 23** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(i)(f)(ii)**
- F13** Words in s. 47(2)(d) substituted (1.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), **Sch. 5 para. 8(2)**; S.I. 2013/453, art. 3(h) (with savings and transitional provisions in S.I. 2013/534, art. 6)
- F14** S. 47(2)(ea) omitted (1.11.2015) by virtue of [The Legal Services Act 2007 \(The Law Society\) \(Modification of Functions\) Order 2015 \(S.I. 2015/401\)](#), art. 1(3), **Sch. 1 para. 13(b)**
- F15** S. 47(2A)–(2D) added by [Administration of Justice Act 1985 \(c. 61, SIF 34\)](#), ss. 44(3), 69(5), **Sch. 9 para. 9** (as amended by [Legal Aid Act 1988 \(c. 34, SIF 77:1\)](#), s. 45, **Sch. 5 para. 19(a)**)
- F16** Words in s. 47(2A) substituted (1.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), **Sch. 5 para. 8(3)(a)**; S.I. 2013/453, art. 3(h) (with savings and transitional provisions in S.I. 2013/534, art. 6)
- F17** Words substituted by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\)](#), **s. 92(3)**
- F18** Words in s. 47(2A) substituted (1.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), **Sch. 5 para. 8(3)(b)**; S.I. 2013/453, art. 3(h) (with savings and transitional provisions in S.I. 2013/534, art. 6)
- F19** Words in s. 47(2B) substituted (1.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), **Sch. 5 para. 8(2)**; S.I. 2013/453, art. 3(h) (with savings and transitional provisions in S.I. 2013/534, art. 6)

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- F20** Words in s. 47(2C) repealed (2.4.2001) by 1999 c. 22, s. 106, **Sch. 15 Pt. I** (with Sch. 14 paras. 7(2), 36(9)); S.I. 2001/916, **art. 3(b)** (with transitional provisions and savings in Sch. 2 para. 2)
- F21** Words in s. 47(2D) substituted (1.4.2013) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 5 para. 8(2)**; S.I. 2013/453, art. 3(h) (with savings and transitional provisions in S.I. 2013/534, art. 6)
- F22** Words in s. 47(2D) repealed (2.4.2001) by 1999 c. 22, s. 106, **Sch. 15 Pt. I** (with Sch. 14 paras. 7(2), 36(9)); S.I. 2001/916, **art. 3(b)** (with transitional provisions and savings in Sch. 2 para. 2)
- F23** S. 47(2E)-(2H) inserted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 49(f)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(i)** (subject to art. 4)
- F24** S. 47(3A) inserted by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), **s. 92(4)**
- F25** S. 47(3B) inserted (1.10.2011) by Legal Services Act 2007 (c. 29), s. 211(2), **Sch. 16 para. 49(g)** (with ss. 29, 192, 193); S.I. 2011/2196, art. 2(1)(f)
- F26** S. 47(4)(5) repealed (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 210, 211, Sch. 16 para. 49(h), **Sch. 23** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(i)(f)(i)**
- F27** S. 47(6) repealed (2.4.2001) by 1999 c. 22, s. 106, **Sch. 15 Pt. I** (with Sch. 14 paras. 7(2), 36(9)); S.I. 2001/916, **art. 3(b)** (with transitional provisions and savings in Sch. 2 para. 2)
- F28** S. 47(3C) inserted (1.4.2013) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 5 para. 8(4)**; S.I. 2013/453, art. 3(h) (with savings and transitional provisions in S.I. 2013/534, art. 6)

**Modifications etc. (not altering text)**

- C10** S. 47 extended (22.5.2000) by S.I. 2000/1119, regs. 1, 37(3), Sch. 4 para. 10 (as amended (1.7.2009) by The Legal Services Act 2007 (Registered European Lawyers) Order 2009 (S.I. 2009/1587), **art. 3(10)**)
- C11** S. 47(1) extended in part (with modifications) (1.7.2009) by The Registered Foreign Lawyers Order 2009 (S.I. 2009/1589), **art. 3(2)(m)**, Sch.
- C12** S. 47(2) extended by Administration of Justice Act 1985 (c. 61, SIF 34), ss. 43(2), 69(5), **Sch. 9 para. 9**

**F29** **47A** .....

**Textual Amendments**

- F29** S. 47A repealed (1. 4. 1991) by Courts and Legal Services Act 1990 (c. 41, SIF 34), ss. 93(4), 125(6) (7), Sch. 19 para. 14(b), **Sch. 20** (with saving in Sch. 19 para. 14(b)); S.I. 1991/608, art. 2, **Sch.**

**48 Orders of Tribunal.**

- (1) An order of the Tribunal shall be filed with the Society, and a statement of the Tribunal's findings, signed by the chairman or by some other member of the Tribunal authorised by him in that behalf, shall either be prefaced to the order or added to the file containing the order as soon as may be after the order has been made.
- (2) Where an order which has been filed includes provision for any of the matters referred to in paragraphs <sup>F30</sup>(a) to (i) of section 47(2), the Society—
  - (a) shall cause a note of the effect of the order to be entered on the roll against the name of the solicitor <sup>F31</sup>[or former solicitor] with respect to whom the application or complaint was made; and

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- (b) except where it only makes provision for matters referred to in [F32 paragraph (e), [F33(ea),(f), (h) or (i) of section 47(2)], shall forthwith upon filing the order cause a notice stating its effect to be published F34 . . . .
- (3) [F35 Any] file kept by the Society under this section may be inspected during office hours without payment.
- (4) An order which has been filed shall be treated, for the purpose of enforcement, as if it had been made by the High Court.
- [F36(5) In the case of orders of the Tribunal under section 44E, the reference in subsection (2) (a) to the application or complaint is to be read as a reference to the Tribunal's order.]

#### Textual Amendments

- F30** In s. 48(2), “(a) to (i)” substituted for “(a) to (e)” by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 92(5)(a)
- F31** S. 48(2)(a): words inserted by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 92(5)(b)
- F32** S. 48(2)(b): words substituted by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 92(5)(c)
- F33** Words in s. 48(2)(b) inserted (1.7.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, Sch. 16 para. 50(a)(i) (with ss. 29, 192, 193); S.I. 2009/1365, art. 2(a)(i)
- F34** Words in s. 48(2)(b) repealed (7.3.2008) by Legal Services Act 2007 (c. 29), ss. 177, 210, 211, Sch. 16 para. 50(a)(ii) {Sch. 23} (with ss. 29, 192, 193); S.I. 2008/222, art. 2(j)(i)
- F35** Words in s. 48(3) substituted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, Sch. 16 para. 50(b) (with ss. 29, 192, 193); S.I. 2009/503, art. 2(b)(i)
- F36** S. 48(5) inserted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, Sch. 16 para. 50(c) (with ss. 29, 192, 193); S.I. 2009/503, art. 2(b)(i)

#### Modifications etc. (not altering text)

- C13** S. 48 extended (22.5.2000) by S.I. 2000/1119, regs. 1, 37(3), Sch. 4 para. 10 (as amended (1.7.2009) by The Legal Services Act 2007 (Registered European Lawyers) Order 2009 (S.I. 2009/1587), art. 3(10))

## 49 Appeals from Tribunal.

- (1) An appeal from the Tribunal shall[F37 lie to the High Court].
- (2) Subject to subsection (3) [F38 and to section 43(5) of the Administration of Justice Act 1985], an appeal shall lie at the instance of the applicant or complainant or of the person with respect to whom the application or complaint was made.
- (3) An appeal against an order under section [F39 43(3A)] shall lie only at the instance of the person with respect to whom the [F40 order] was made.
- (4) The High Court F41 . . . shall have power to make such order on an appeal under this section as [F42:it] may think fit.
- (5) Subject to any rules of court, on an appeal against an order made by virtue of rules under section 46(10)(c) without hearing the applicant or complainant, the court—
- (a) shall not be obliged to hear the appellant, and
  - (b) may remit the matter to the Tribunal instead of dismissing the appeal,
- [F43(6) Any decision of the High Court—
- (a) on an application under section 43(3) or 47(1)(d), (e), (ea) or (f), or



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(b) against an order under section 43(3A),  
shall be final.]

(7) <sup>F44</sup> .....

#### Textual Amendments

- F37** Words in s. 49(1) substituted (1.7.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 51(2)** (with ss. 29, 192, 193); S.I. 2009/1365, **art. 2(a)(iii)** (subject to art. 4)
- F38** Words in s. 49(2) inserted (1.7.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 51(3)** (with ss. 29, 192, 193); S.I. 2009/1365, **art. 2(a)(iii)** (subject to art. 4)
- F39** Figure in s. 49(3) substituted (27.9.1999) by 1999 c. 22, s. 48, **Sch. 7 para. 9(2)(a)** (with Sch. 14 para. 7(2)); S.I. 1999/2657, **art. 2(a)**
- F40** Word in s. 49(3) substituted (27.9.1999) by 1999 c. 22, s. 48, **Sch. 7 para. 9(2)(b)** (with Sch. 14 para. 7(2)); S.I. 1999/2657, **art. 2(a)**
- F41** Words in s. 49(4) repealed (1.7.2009) by Legal Services Act 2007 (c. 29), ss. 177, 210, 211, Sch. 16 para. 51(5)(a), **Sch. 23** (with ss. 29, 192, 193); S.I. 2009/1365, **art. 2(a)(iii)** (subject to art. 4)
- F42** Word in s. 49(4) substituted (1.7.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 51(5)(b)** (with ss. 29, 192, 193); S.I. 2009/1365, **art. 2(a)(iii)** (subject to art. 4)
- F43** S. 49(6) substituted (1.7.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 51(6)** (with ss. 29, 192, 193); S.I. 2009/1365, **art. 2(a)(iii)** (subject to art. 4)
- F44** S. 49(7) repealed (1.7.2009) by Legal Services Act 2007 (c. 29), ss. 177, 210, 211, Sch. 16 para. 51(7), **Sch. 23** (with ss. 29, 192, 193); S.I. 2009/1365, **art. 2(a)(iii)** (subject to art. 4)

#### Modifications etc. (not altering text)

- C14** S. 49 extended by Administration of Justice Act 1985 (c. 61, SIF 34), ss. 43(5), 69(5), **Sch. 9 para. 9**  
S. 49 extended (22.5.2000) by S.I. 2000/1119, regs. 1, 37(3), Sch. 4 para. 10 (as amended (1.7.2009)  
by The Legal Services Act 2007 (Registered European Lawyers) Order 2009 (S.I. 2009/1587), **art. 3(10)**

#### [<sup>F45</sup> 49A Appeals to the Tribunal instead of the High Court

- (1) The Society may, with the approval of the Tribunal, make rules which provide that in such circumstances as may be prescribed by the rules an appeal under any of the provisions listed in subsection (2) lies to the Tribunal and not to the High Court.
- (2) Those provisions are—
- (a) section 8(4);
  - (b) section 13A(6);
  - (c) section 16(5);
  - (d) section 28(3D);
  - (e) section 41(3);
  - (f) paragraph 14 of Schedule 14 to the Courts and Legal Services Act 1990 (foreign lawyers: appeals against conditions or refusals).
- (3) Any decision of the Tribunal on an appeal by virtue of rules made under this section shall be final.]

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**Changes to legislation:** There are currently no known outstanding effects for the Solicitors Act 1974, Cross  
Heading: Disciplinary proceedings before Solicitors Disciplinary Tribunal. (See end of Document for details)

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#### Textual Amendments

**F45** S. 49A inserted (1.7.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 52** (with ss. 29, 192, 193); S.I. 2009/1365, **art. 2(a)(i)**

**Changes to legislation:**

There are currently no known outstanding effects for the Solicitors Act 1974, Cross Heading:  
Disciplinary proceedings before Solicitors Disciplinary Tribunal.