



Solicitors Act 1974

1974 CHAPTER 47

PART II

PROFESSIONAL PRACTICE, CONDUCT AND DISCIPLINE OF SOLICITORS AND CLERKS

Restrictions on employment of certain persons

41 Employment by solicitor of person struck off or suspended.

- (1) No solicitor shall, except in accordance with a written permission granted under this section, employ or remunerate in connection with his practice as a solicitor any person who to his knowledge is disqualified from practising as a solicitor by reason of the fact that—
- his name has been struck off the roll, or
 - he is suspended from practising as a solicitor, or
 - his practising certificate is suspended while he is an undischarged bankrupt.

[^{F1}(1A) No solicitor shall, except in accordance with a written permission granted under this section, employ or remunerate in connection with his practice as a solicitor any person if, to his knowledge, there is a direction in force under section 47(2)(g) in relation to that person.]

[^{F2}(1B) Where—

- a solicitor (“the employed solicitor”) is employed by another solicitor in accordance with a written permission granted under this section, and
- the employed solicitor is disqualified from practising as a solicitor by reason of a fact mentioned in subsection (1)(b) or (c),

section 20(1) does not apply in relation to anything done by the employed solicitor in the course of that employment.]

- (2) The Society may grant a permission under this section for such period and subject to such conditions as the Society thinks fit.

Changes to legislation: There are currently no known outstanding effects for the Solicitors Act 1974, Section 41. (See end of Document for details)

- (3) A solicitor aggrieved by the refusal of the Society to grant a permission under subsection (2), or by any conditions attached by the Society to the grant of any such permission, may appeal to the [^{F3}High Court which] may—
- (a) confirm the refusal or the conditions, as the case may be; or
 - (b) grant a permission under this section for such period and subject to such conditions as [^{F4}it] thinks fit.
- (4) If any solicitor acts in contravention of this section or of any conditions subject to which a permission has been granted under it, the Tribunal or, as the case may be, the High Court [^{F5} may—
- (a) order that his name be struck off the roll,
 - (b) order that he be suspended from practice for such period as the Tribunal or court thinks fit, or
 - (c) make such other order in the matter as it thinks fit.]
- [^{F6}(4A) In relation to an appeal under subsection (3) the High Court may make such order as it thinks fit as to payment of costs.
- (4B) The decision of the High Court on an appeal under subsection (3) shall be final.]
- (5) [^{F7}.....

Textual Amendments

- F1** S. 41(1A) inserted by Courts and Legal Services Act 1990 (c. 41, SIF 37), s. 125(3), **Sch. 18 para. 14**
- F2** S. 41(1B) inserted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 210, **Sch. 16 para. 41(2)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(i)**
- F3** Words in s. 41(3) substituted (1.7.2009) by Legal Services Act 2007 (c. 29), ss. 177, 210, **Sch. 16 para. 41(3)(a)** (with ss. 29, 192, 193); S.I. 2009/1365, **art. 2(a)(iii)** (subject to art. 4)
- F4** Word in s. 41(3)(b) substituted (1.7.2009) by Legal Services Act 2007 (c. 29), ss. 177, 210, **Sch. 16 para. 41(3)(b)** (with ss. 29, 192, 193); S.I. 2009/1365, **art. 2(a)(iii)** (subject to art. 4)
- F5** Words in s. 41(4) substituted (1.7.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 41(4)** (with ss. 29, 192, 193); S.I. 2009/1365, **art. 2(a)(iii)** (subject to art. 4)
- F6** S. 41(4A)(4B) inserted (1.7.2009) by Legal Services Act 2007 (c. 29), ss. 177, 210, **Sch. 16 para. 41(5)** (with ss. 29, 192, 193); S.I. 2009/1365, **art. 2(a)(iii)** (subject to art. 4)
- F7** S. 41(5) repealed (1.7.2009) by Legal Services Act 2007 (c. 29), ss. 177, 210, 211, **Sch. 16 para. 41(6), Sch. 23** (with ss. 29, 192, 193); S.I. 2009/1365, **art. 2(c)(i)** (subject to art. 4)

Modifications etc. (not altering text)

- C1** S. 41 extended (with modifications) (1.7.2009) by The Registered Foreign Lawyers Order 2009 (S.I. 2009/1589), **art. 5(b)**
- C2** S. 41 (except subsection (4)) extended (1.1.1992) by Administration of Justice Act 1985 (c. 61, SIF 34), s. 9, **Sch. 2 para. 9**; S.I. 1991/2683, **art. 2**
- C3** S. 41 extended (22.5.2000) by S.I. 2000/1119, regs. 1, 37(3), **Sch. 4 para. 7(3)** (as amended (1.7.2009) by The Legal Services Act 2007 (Registered European Lawyers) Order 2009 (S.I. 2009/1587), **art. 3(7)(e)**)

Changes to legislation:

There are currently no known outstanding effects for the Solicitors Act 1974, Section 41.