



Solicitors Act 1974

1974 CHAPTER 47

PART II

PROFESSIONAL PRACTICE, CONDUCT AND DISCIPLINE OF SOLICITORS AND CLERKS

Restrictions on employment of certain persons

43 Control of [^{F1}solicitors' employees and consultants].

[^{F2}(1) Where a person who is or was involved in a legal practice but is not a solicitor—

- (a) has been convicted of a criminal offence which is such that in the opinion of the Society it would be undesirable for the person to be involved in a legal practice in one or more of the ways mentioned in subsection (1A), or
- (b) has, in the opinion of the Society, occasioned or been a party to, with or without the connivance of a solicitor, an act or default in relation to a legal practice which involved conduct on his part of such a nature that in the opinion of the Society it would be undesirable for him to be involved in a legal practice in one or more of the ways mentioned in subsection (1A),

the Society may either make, or make an application to the Tribunal for it to make, an order under subsection (2) with respect to that person.

(1A) A person is involved in a legal practice for the purposes of this section if the person—

- (a) is employed or remunerated by a solicitor in connection with the solicitor's practice;
- (b) is undertaking work in the name of, or under the direction or supervision of, a solicitor;
- (c) is employed or remunerated by a recognised body;
- (d) is employed or remunerated by a manager or employee of a recognised body in connection with that body's business;
- (e) is a manager of a recognised body;
- (f) has or intends to acquire an interest in such a body.

Changes to legislation: There are currently no known outstanding effects for the Solicitors Act 1974, Section 43. (See end of Document for details)

- (2) An order made by the Society or the Tribunal under this subsection is an order which states one or more of the following—
- (a) that as from the specified date—
 - (i) no solicitor shall employ or remunerate, in connection with his practice as a solicitor, the person with respect to whom the order is made,
 - (ii) no employee of a solicitor shall employ or remunerate, in connection with the solicitor's practice, the person with respect to whom the order is made,
 - (iii) no recognised body shall employ or remunerate that person, and
 - (iv) no manager or employee of a recognised body shall employ or remunerate that person in connection with the business of that body, except in accordance with a Society permission;
 - (b) that as from the specified date no recognised body or manager or employee of such a body shall, except in accordance with a Society permission, permit the person with respect to whom the order is made to be a manager of the body;
 - (c) that as from the specified date no recognised body or manager or employee of such a body shall, except in accordance with a Society permission, permit the person with respect to whom the order is made to have an interest in the body.
- (2A) The Society may make regulations prescribing charges to be paid to the Society by persons who are the subject of an investigation by the Society as to whether there are grounds for the Society—
- (a) to make an order under subsection (2), or
 - (b) to make an application to the Tribunal for it to make such an order.
- (2B) Regulations under subsection (2A) may—
- (a) make different provision for different cases or purposes;
 - (b) provide for the whole or part of a charge payable under the regulations to be repaid in such circumstances as may be prescribed by the regulations.
- (2C) Any charge which a person is required to pay under regulations under subsection (2A) is recoverable by the Society as a debt due to the Society from the person.]
- [^{F3}(3) Where an order has been made under subsection (2) with respect to a person by the Society or the Tribunal—
- (a) that person or the Society may make an application to the Tribunal for it to be reviewed, and
 - (b) whichever of the Society and the Tribunal made it may at any time revoke it.
- (3A) On the review of an order under subsection (3) the Tribunal may order—
- (a) the quashing of the order;
 - (b) the variation of the order; or
 - (c) the confirmation of the order;
- and where in the opinion of the Tribunal no prima facie case for quashing or varying the order is shown, the Tribunal may order its confirmation without hearing the applicant.]
- (4) The Tribunal, on the hearing of any application under this section, may make an order as to the payment of costs by any party to the application.

Changes to legislation: There are currently no known outstanding effects for the Solicitors Act 1974, Section 43. (See end of Document for details)

- (5) Orders made under [^{F4}subsection (2) by the Society, or made, varied or confirmed under this section by the Tribunal and filed with the Society,] may be inspected ^{F5}. . . during office hours without payment ^{F6}. . . .

[^{F7}(5A) In this section—

“manager”, in relation to a recognised body, has the same meaning as it has in relation to a body in the Legal Services Act 2007 (see section 207 of that Act);

“recognised body” means a body recognised under section 9 of the Administration of Justice Act 1985;

“specified date” means such date as may be specified in the order;

“Society permission” means permission in writing granted by the Society for such period and subject to such conditions as the Society may think fit to specify in the permission.

- (5B) A person has an interest in a recognised body for the purposes of this section if the person has an interest in that body within the meaning of Part 5 of the Legal Services Act 2007 (see sections 72 and 109 of that Act).]

^{F8}(6)

- (7) For the purposes of this section an order [^{F9}discharging a person absolutely or conditionally in respect of an offence shall, notwithstanding anything in [^{F10}section 82 of the Sentencing Code,] be deemed to be a conviction of the offence for which the order was made.

Textual Amendments

- F1** Words in s. 43 sidenote substituted (27.9.1999) by 1999 c. 22, s. 48, **Sch. 7 para. 7(7)** (with Sch. 14 para. 7(2)); S.I. 1999/2657, **art. 2(a)**
- F2** S. 43(1)-(2C) substituted (31.3.2009) for s. 43(1)(1A)(2) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 42(2)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(i)**
- F3** S. 43(3)(3A) substituted (27.9.1999) for s. 43(3) by 1999 c. 22, s. 48, **Sch. 7 para. 7(5)** (with Sch. 14 para. 7(2)); S.I. 1999/2657, **art. 2(a)**
- F4** Words in s. 43(5) substituted (27.9.1999) by 1999 c. 22, s. 48, **Sch. 7 para. 7(6)** (with Sch. 14 para. 7(2)); S.I. 1999/2657, **art. 2(a)**
- F5** Words in s. 43(5) repealed (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 210, 211, Sch. 16 para. 42(3)(a), **Sch. 23** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(i)(f)(ii)(aa)** (subject to art. 4)
- F6** Words in s. 43(5) repealed (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 210, 211, Sch. 16 para. 42(3)(b), **Sch. 23** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(i)(f)(ii)(aa)** (subject to art. 4)
- F7** S. 43(5A)(5B) inserted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 42(4)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(i)** (subject to art. 4)
- F8** S. 43(6) repealed by Administration of Justice Act 1985 (c. 61, SIF 34), ss. 8, 67(2), **Sch. 1 para. 10(b)**, Sch. 8 Pt. III
- F9** Words in s. 43(7) substituted (25.8.2000) by 2000 c. 6, ss. 165(1), 168(1), **Sch. 9 para. 46**
- F10** Words in s. 43(7) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 30** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2

Modifications etc. (not altering text)

- C1** S. 43 extended (1.1.1992) with modifications by Administration of Justice Act 1985 (c. 61, SIF 34), s. 9, **Sch. 2 para 11(2)(3)(5)**; S.I. 1991/2683, **art. 2**

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S. 43 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:

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