



Solicitors Act 1974

1974 CHAPTER 47

PART II

PROFESSIONAL PRACTICE, CONDUCT AND DISCIPLINE OF SOLICITORS AND CLERKS

[^{F1} Examination of files

^{F1} ^{F2}44B **Provision of information and documents by solicitors etc**

- (1) The Society may by notice require a person to whom this section applies—
 - (a) to provide information, or information of a description, specified in the notice, or
 - (b) produce documents, or documents of a description, specified in the notice.
- (2) This section applies to—
 - (a) a solicitor;
 - (b) an employee of a solicitor;
 - (c) a recognised body;
 - (d) an employee or manager of, or a person with an interest in, a recognised body.
- (3) The Society may give a notice under this section only if it is satisfied that it is necessary to do so for the purpose of investigating—
 - (a) whether there has been professional misconduct by a solicitor;
 - (b) whether a solicitor, or an employee of a solicitor, has failed to comply with any requirements imposed by or by virtue of this Act or any rules made by the Society;
 - (c) whether a recognised body, or any of its managers or employees has failed to comply with any requirement imposed by or by virtue of the Administration of Justice Act 1985 or any rules made by the Society and applicable to the body, manager or employee by virtue of section 9 of that Act;
 - (d) whether there are grounds for making, or making an application to the Tribunal for it to make, an order under section 43(2) with respect to a

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person who is or was involved in a legal practice (within the meaning of section 43(1A)).

- (4) A notice under this section—
- (a) may specify the time and place at which, and manner and form in which, the information is to be provided or document is to be produced;
 - (b) must specify the period within which the information is to be provided or the document produced;
 - (c) may require the information to be provided or document to be produced to the Society or to a person specified in the notice.
- (5) The Society may pay to any person such reasonable costs as may be incurred by that person in connection with the provision of any information, or production of any document, by that person pursuant to a notice under this section.
- (6) Paragraphs 9(3) and (4) and 13, 15 and 16 of Schedule 1 apply in relation to the powers to obtain information conferred by this section, but for this purpose—
- (a) paragraph 9 of that Schedule has effect as if—
 - (i) in sub-paragraph (3) for “such documents” there were substituted “information to which a notice given to him under section 44B applies”;
 - (ii) in that sub-paragraph for “sub-paragraph (1)” there were substituted “the notice”, and
 - (iii) in sub-paragraph (4) for “produce” (in the first place) to the end there were substituted “provide information pursuant to a notice under section 44B to provide the information to any person appointed by the Society at such time and place as may be specified in the order.”, and
 - (b) the reference to the solicitor or his personal representative in paragraph 13 of that Schedule is to be construed as a reference to the person to whom the notice was given under this section.
- (7) Paragraphs 9 (other than sub-paragraphs (1) and (3)), 12, 13, 15 and 16 of Schedule 1 apply in relation to the powers to obtain documents conferred by this section as they apply in relation to the powers conferred by paragraph 9(1) of that Schedule, except that for this purpose—
- (a) any reference in paragraph 9 of that Schedule to a person appointed, or to a requirement, under sub-paragraph (1) of that paragraph is to be construed as a reference to a person appointed, or to a requirement to produce documents, under this section,
 - (b) any reference in that paragraph to any such documents as are mentioned in paragraph 9(1) of that Schedule is to be construed as a reference to any documents to which a notice under this section applies,
 - (c) the references to the solicitor or his firm in paragraph 9(5) and (6) of that Schedule, and the reference to the solicitor or personal representative in paragraph 9(7) of that Schedule, are to be construed as references to the person to whom the notice was given under this section, and
 - (d) the reference in paragraph 9(12) of that Schedule to the Society is to be construed as including a reference to a person specified under subsection (4)(c).
- (8) Where powers conferred by Part 2 of Schedule 1 to the 1974 Act are exercisable in relation to a person within paragraph (a), (b), (c) or (d) of subsection (2), they continue

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to be so exercisable after the person has ceased to be a person within the paragraph in question.

(9) In this section—

“manager” has the same meaning as 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;

and the reference to a person who has an interest in a recognised body is to be construed in accordance with sections 72 and 109 of the Legal Services Act 2007.]]

Textual Amendments

- F1** S. 44B added by [Administration of Justice Act 1985 \(c. 61, SIF 34\)](#), ss. 2, 69(5), **Sch. 9 para. 2**
- F2** Ss. 44B-44BC substituted (31.3.2009) for s. 44B by [Legal Services Act 2007 \(c. 29\)](#), ss. 177, 211, **Sch. 16 para. 44** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(i)** (subject to art. 4)
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Modifications etc. (not altering text)

- C1** S. 44B extended in part (with modifications) (1.7.2009) by [The Registered Foreign Lawyers Order 2009 \(S.I. 2009/1589\)](#), **art. 3(2)(i)**, Sch.
- C2** S. 44B extended (22.5.2000) by S.I. 2000/1119, regs. 1, 37(3), Sch. 4 para. 7(2) (as amended (1.7.2009) by [The Legal Services Act 2007 \(Registered European Lawyers\) Order 2009 \(S.I. 2009/1587\)](#), **art. 3(7)(c)**)
- C3** S. 44B modified (temp.) (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 209, 211, **Sch. 22 para. 13** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(e)**
- C4** Ss. 44B(4)-(7) applied (with modifications) by [Administration of Justice Act 1985 \(c. 61, SIF 34\)](#), **Sch. 2 para. 14ZA(4)** (as inserted (1.11.2015) by [The Legal Services Act 2007 \(The Law Society\) \(Modification of Functions\) Order 2015 \(S.I. 2015/401\)](#), art. 1(3), **Sch. 1 para. 20(4)**)

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