



Solicitors Act 1974

1974 CHAPTER 47

PART II

PROFESSIONAL PRACTICE, CONDUCT AND DISCIPLINE OF SOLICITORS AND CLERKS

[^{F1} Examination of files]

[^{F1}44BC Information offences

- (1) It is an offence for a person who knows or suspects an investigation into any of the matters mentioned in section 44B(3)(a) to (d) is being or is likely to be conducted—
 - (a) to falsify, conceal, destroy or otherwise dispose of a document which the person knows or suspects is or would be relevant to the investigation, or
 - (b) to cause or permit the falsification, concealment, destruction or disposal of such a document.
- (2) In proceedings for an offence under subsection (1) it is a defence for the accused to show that the accused had no intention of concealing facts disclosed by the documents from the person conducting the investigation.
- (3) It is an offence for a person, in purported compliance with a requirement imposed on the person under section 44B, 44BA or 44BB—
 - (a) to provide information which the person knows to be false or misleading in a material particular, or
 - (b) recklessly to provide information which is false or misleading in a material particular.
- (4) A person who is guilty of an offence under subsection (1) or (3) is liable—
 - (a) on summary conviction, to imprisonment for a term not exceeding [^{F2}the general limit in a magistrates' court] or a fine not exceeding the statutory maximum, or both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years or a fine, or both.

*Changes to legislation: There are currently no known outstanding effects
for the Solicitors Act 1974, Section 44BC. (See end of Document for details)*

- (5) In relation to an offence under subsection (1) or (3) committed before [F³2 May 2022] the reference in subsection (4)(a) to [F⁴the general limit in a magistrates' court] is to be read as a reference to 6 months.]

Textual Amendments

- F1** 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)
- F2** Words in s. 44BC(4)(a) substituted (7.2.2023 at 12.00 p.m.) by The Judicial Review and Courts Act 2022 (Magistrates' Court Sentencing Powers) Regulations 2023 (S.I. 2023/149), regs. 1(2), 2(1), **Sch. Pt. 1**
- F3** Words in s. 44BC(5) substituted (28.4.2022) by The Criminal Justice Act 2003 (Commencement No. 33) and Sentencing Act 2020 (Commencement No. 2) Regulations 2022 (S.I. 2022/500), regs. 1(2), 5(1), **Sch. Pt. 1**
- F4** Words in s. 44BC(5) substituted (7.2.2023 at 12.00 p.m.) by The Judicial Review and Courts Act 2022 (Magistrates' Court Sentencing Powers) Regulations 2023 (S.I. 2023/149), regs. 1(2), 2(1), **Sch. Pt. 1**

Modifications etc. (not altering text)

- C1** S. 44BC extended (with modifications) (1.7.2009) by S.I. 2000/1119, Sch. 4 para. 7(2)Table (as amended by The Legal Services Act 2007 (Registered European Lawyers) Order 2009 (S.I. 2009/1587), **art. 3(7)(c)**)
S. 44BC extended (with modifications) (1.7.2009) by The Registered Foreign Lawyers Order 2009 (S.I. 2009/1589), **art. 5(e)**
- C2** S. 44BC(1)(2) applied by Administration of Justice Act 1985 (c. 61), **Sch. 2 para. 14ZA(7)** (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)**)
- C3** S. 44BC(1) applied by Administration of Justice Act 1985 (c. 61), Sch. 2 para. 14(7) (as substituted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 101** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(i)** (subject to art. 4))
- C4** S. 44BC(2)(4)(5) applied by Administration of Justice Act 1985 (c. 61), Sch. 2 para. 14(7) (as substituted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 101** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(ii)** (subject to art. 4))
- C5** S. 44BC(3)(4) applied by Administration of Justice Act 1985 (c. 61), **Sch. 2 para. 14ZA(8)** (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)**)
- C6** S. 44BC(3) applied by Administration of Justice Act 1985 (c. 61), Sch. 2 para. 14(8) (as substituted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 101** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(ii)** (subject to art. 4))
- C7** S. 44BC(4)(5) applied by Administration of Justice Act 1985 (c. 61), **Sch. 2 para. 14ZA(7)** (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)**)
- C8** S. 44BC(4)(5) applied by Administration of Justice Act 1985 (c. 61), Sch. 2 para. 14(8) (as substituted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 101** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(ii)** (subject to art. 4))
- C9** S. 44BC(5) applied by Administration of Justice Act 1985 (c. 61), **Sch. 2 para. 14ZA(8)** (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)**)

Changes to legislation:

There are currently no known outstanding effects for the Solicitors Act 1974, Section 44BC.