

Changes to legislation: There are currently no known outstanding effects for the Administration of Justice Act 1985, Paragraph 14B. (See end of Document for details)

SCHEDULES

SCHEDULE 2

[^{F1}LEGAL SERVICES PRACTICES]: SUPPLEMENTARY PROVISIONS

Textual Amendments

- F1** Words in Sch. 2 heading substituted (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 177, 211, [Sch. 16 para. 85](#) (with ss. 29, 192, 193); S.I. 2009/503, [art. 2\(b\)\(ii\)](#)

Modifications etc. (not altering text)

- C1** Sch. 2 applied (with modifications) by SI 2000/1119 Sch. 4 para. 24(2) (as substituted (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. 2 para. 3\(c\)\(ii\)](#))

Commencement Information

- I1** Sch. 2 wholly in force at 1.1.1992 see s. 69(2) and [S.I. 1991/2683](#), [art. 2](#)

[^{F1}Disciplinary powers of the Society

Textual Amendments

- F1** Sch. 2 paras. 14B, 14C and preceding cross-heading inserted (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 177, 211, [Sch. 16 para. 103](#) (with ss. 29, 192, 193); S.I. 2009/503, [art. 2\(b\)\(ii\)](#) (subject to art. 4)

- 14B^{F2}(1) This paragraph applies where the Society is satisfied that—
- (a) a recognised body, or a manager or employee of a recognised body, or
 - (b) a sole solicitor, or any employee, in a recognised sole solicitor’s practice,
- has failed to comply with a requirement imposed by or by virtue of this Act or any rules applicable to that person by virtue of section 9 of this Act.]
- (2) The Society may do one or both of the following—
- (a) give the person a written rebuke;
 - (b) direct the person to pay a penalty not exceeding [^{F3}£25,000].

[In a case where this sub-paragraph applies, sub-paragraph (2)(b) has effect as if the ^{F4}(2A) words after “penalty” (which set a limit on the amount of the penalty a person may be directed to pay) were omitted.

- (2B) Sub-paragraph (2A) applies where the Society takes action against a person under sub-paragraph (2)(b) for failure to comply with a requirement or rule referred to in sub-paragraph (1) where—

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- (a) the requirement or rule applies only for purposes relating to the prevention or detection of economic crime, or
 - (b) the failure consisted of an act or omission which had the effect of inhibiting the prevention or detection of economic crime.
- (2C) In sub-paragraph (2B) “economic crime” has the meaning given by section 193(1) of the Economic Crime and Corporate Transparency Act 2023.]
- (3) The Society may publish details of any action it has taken under sub-paragraph (2) (a) or (b), if it considers it to be in the public interest to do so.
- (4) Where the Society takes action against a person under sub-paragraph (2)(b), or decides to publish under sub-paragraph (3) details of such action under sub-paragraph (2)(a) or (b), it must notify the person in writing that it has done so.
- (5) A penalty imposed under sub-paragraph (2)(b) does not become payable until—
- (a) the end of the period during which an appeal against the decision to impose the penalty, or the amount of the penalty, may be made under paragraph 14C, or
 - (b) if such an appeal is made, such time as it is determined or withdrawn.
- (6) The Society may not publish under sub-paragraph (3) details of any action under sub-paragraph (2)(a) or (b)—
- (a) during the period within which an appeal against—
 - (i) the decision to take the action,
 - (ii) in the case of action under sub-paragraph (2)(b), the amount of the penalty, or
 - (iii) the decision to publish the details,
may be made under paragraph 14C, or
 - (b) if such an appeal has been made, until such time as it is determined or withdrawn.
- (7) The Society must make rules—
- (a) prescribing the circumstances in which the Society may decide to take action under sub-paragraph (2)(a) or (b);
 - (b) about the practice and procedure to be followed by the Society in relation to such action;
 - (c) governing the publication under sub-paragraph (3) of details of action taken under sub-paragraph (2)(a) or (b);
- and the Society may make such other rules in connection with the exercise of its powers under this paragraph as it considers appropriate.
- (8) Before making rules under sub-paragraph (7), the Society must consult the Tribunal.
- (9) A penalty under this paragraph may be recovered as a debt due to the Society, and is to be forfeited to Her Majesty.
- (10) The Lord Chancellor may, by order, amend paragraph (b) of sub-paragraph (2) so as to substitute for the amount for the time being specified in that paragraph such other amount as may be specified in the order.
- (11) Before making an order under sub-paragraph (10), the Lord Chancellor must consult the Society.

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- (12) An order under sub-paragraph (10) is to be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- (13) This paragraph is without prejudice to any power conferred on the Society, or any other person, to make an application or complaint to the Tribunal.]

Textual Amendments

- F2** Sch. 2 para. 14B(1) substituted (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(6)**
- F3** Sum in Sch. 2 para. 14B(2)(b) substituted (20.7.2022) by [The Solicitors Act 1974 and Administration of Justice Act 1985 \(Amendment\) Order 2022 \(S.I. 2022/701\)](#), arts. 1(1), **3**
- F4** Sch. 2 para. 14B(2A)-(2C) inserted (26.10.2023 for specified purposes) by [Economic Crime and Corporate Transparency Act 2023 \(c. 56\)](#), **ss. 207(2), 219(1)(2)(b)** (with s. 207(3))

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