
Changes to legislation: Courts and Legal Services Act 1990, Paragraph 5 is up to date with all changes known to be in force on or before 15 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 14

FOREIGN LAWYERS: PARTNERSHIPS AND RECOGNISED BODIES

PART II

REGISTERED FOREIGN LAWYERS: SUPPLEMENTARY PROVISIONS

Intervention in practices

- 5 (1) In this paragraph “the intervention powers” means the powers conferred by Part II of Schedule 1 to the Act of 1974 (intervention in solicitors’ practices) as modified by this Schedule or under section 89.
- (2) Subject to sub-paragraphs (3) and (4), the intervention powers shall be exercisable in relation to a person who is or has been a registered foreign lawyer and the practice of the multi-national partnership of which he is or was a member as they are exercisable in relation to a solicitor and his practice.
- (3) The intervention powers are only exercisable where—
- (a) the [^{F1}Society has] reason to suspect dishonesty on the part of the registered foreign lawyer, or on the part of an employee of the multi-national partnership, in connection with—
 - (i) the practice of that partnership; or
 - (ii) any trust of which the registered foreign lawyer is or was a trustee^{F2} . . . ;
 - (b) in the case of a registered foreign lawyer who has died, the [^{F1}Society has] reason to suspect dishonesty on the part of his personal representative, in connection with—
 - (i) the practice of the multi-national partnership; or
 - (ii) any trust of which the registered foreign lawyer was a trustee^{F2} . . . ;
 - [^{F3}(ba) the Society has reason to suspect dishonesty on the part of the registered foreign lawyer (“L”) in connection with—
 - (i) the business of any person of whom L is or was an employee, or of any body of which L is or was a manager, or
 - (ii) any business which is or was carried on by L as a sole trader;]
 - (c) the [^{F4}Society is] satisfied that the registered foreign lawyer has failed to comply with rules made under section 32 or 37(2)(c) of the Act of 1974;
 - (d) a bankruptcy order (as defined in paragraph 10(3)) has been made against him or he has made a composition or arrangement with his creditors;
 - (e) he has been committed to prison in any civil or criminal proceedings;
 - [^{F5}(ea) the Society is satisfied that he has abandoned his practice;]

Changes to legislation: Courts and Legal Services Act 1990, Paragraph 5 is up to date with all changes known to be in force on or before 15 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- [^{F6}(f) he lacks capacity (within the meaning of the Mental Capacity Act 2005) to act as a registered foreign lawyer and powers under sections 15 to 20 or section 48 are exercisable in relation to him;]
 - (g) his name has been struck off the register or his registration has been suspended or cancelled;
 - (h) he has purported to act as a member of a multi-national partnership at a time when he was not registered;
 - (i) the [^{F7}Society is] satisfied that he has failed to comply with any condition, subject to which he is registered, to the effect that—
 - (i) he may only be a member of a partnership which is approved by the Society; or
 - (ii) he may only be [^{F8}a manager] of a recognised body which is so approved; or
 - (iii) he may only be such a member or such [^{F8}a manager].
 - [^{F9}(j) the Society is satisfied that it is necessary to exercise the intervention powers (or any of them) in relation to the registered foreign lawyer to protect—
 - (i) the interests of clients (or former or potential clients) of the registered foreign lawyer or the multi-national partnership, or
 - (ii) the interests of the beneficiaries of any trust of which the registered foreign lawyer is or was a trustee.]
- (4) ^{F10}
- (5) The intervention powers (other than those conferred by paragraphs 5 and 10 of Part II of Schedule 1 to the Act of 1974) shall also be exercisable where—
 - (a) [^{F11}the Society is satisfied] that there has been undue delay on the part of a registered foreign lawyer in connection with—
 - (i) any matter in which he, or the multi-national partnership of which he is or was a member, was instructed on behalf of a client; or
 - (ii) any [^{F12}trust] ;
 - (b) the Society by notice invites the registered foreign lawyer to give an explanation within a period (of not less than 8 days) specified in the notice;
 - (c) the registered foreign lawyer fails within that period to give an explanation which the [^{F13}Society regards] as satisfactory; and
 - (d) the Society gives notice of the failure to the registered foreign lawyer and notice that the intervention powers are accordingly exercisable.
- (6) Where the intervention powers are exercisable in relation to a registered foreign lawyer, they shall continue to be exercisable—
 - (a) at any time when his registration is suspended;
 - (b) after his name has been struck off the register or his registration has been cancelled; or
 - (c) after his death.
- (7) Part II of Schedule 1 to the Act of 1974 shall have effect in relation to the intervention powers exercisable by virtue of this Schedule, subject to—
 - (a) any express modifications made under section 89; and
 - (b) any modifications necessary in the light of this paragraph.

Changes to legislation: Courts and Legal Services Act 1990, Paragraph 5 is up to date with all changes known to be in force on or before 15 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

(8) For the purposes of this paragraph, Part II of Schedule 1 to the Act of 1974 shall be read with paragraph 4(2) of Part I of that Schedule.

(9) The notices required to be given by this paragraph must be in writing but need not be given at the same time.

[^{F14}(10) In this paragraph “manager”, in relation to a recognised body, has the same meaning as in the Legal Services Act 2007 (see section 207 of that Act).]

Textual Amendments

- F1** Words in Sch. 14 para. 5(3)(a)(b) substituted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 131(a)(i)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(iii)**
- F2** Words in Sch. 14 para. 5(3)(a)(b) repealed (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 210, 211, Sch. 16 para. 131(a)(ii), **Sch. 23** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(iii)(f)(vi)(dd)**
- F3** Sch. 14 para. 5(3)(ba) inserted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 131(b)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(iii)**
- F4** Words in Sch. 14 para. 5(3)(c) substituted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 131(c)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(iii)**
- F5** Sch. 14 para. 5(3)(ea) inserted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 131(d)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(iii)**
- F6** Sch. 14 para. 5(3)(f) substituted (1.10.2007) by Mental Capacity Act 2005 (c. 9), ss. 67(1), 68(1), **Sch. 6 para. 35(3)** (with ss. 27-29, 62); S.I. 2007/1897, **art. 2(1)(d)**
- F7** Words in Sch. 14 para. 5(3)(i) substituted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 131(e)(i)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(iii)**
- F8** Words in Sch. 14 para. 5(3)(i) substituted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 131(e)(ii)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(iii)**
- F9** Sch. 14 para. 5(3)(j) inserted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 131(f)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(iii)**
- F10** Sch. 14 para. 5(4) repealed (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 210, 211, Sch. 16 para. 131(g), **Sch. 23** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(iii)(f)(vi)(dd)**
- F11** Words in Sch. 14 para. 5(5)(a) substituted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 131(h)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(iii)**
- F12** Word in Sch. 14 para. 5(5)(a)(ii) substituted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 131(i)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(iii)**
- F13** Words in Sch. 14 para. 5(5)(c) substituted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 131(j)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(iii)**
- F14** Sch. 14 para. 5(10) inserted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 131(k)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(iii)**

Commencement Information

- I1** Sch. 14 para. 5 wholly in force at 14.10.1991 see s. 124(3) and S.I. 1991/1883, art. 3, **Sch.**

Changes to legislation:

Courts and Legal Services Act 1990, Paragraph 5 is up to date with all changes known to be in force on or before 15 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 58A(2)(fe) inserted by [2021 c. 17 s. 53](#)