



# Courts and Legal Services Act 1990

## 1990 CHAPTER 41

### PART IV

#### SOLICITORS

#### **91 Power of Law Society to intervene in solicitors' practices.**

(1) In paragraph 1 of Schedule 1 to the Solicitors Act 1974 (circumstances in which Society may intervene in solicitors' practices) the following paragraphs shall be added at the end—

- “(h) the Council are satisfied that a sole solicitor has abandoned his practice;
- (i) the Council are satisfied that a sole solicitor is incapacitated by age to such an extent as to be unable to attend to his practice;
- (j) any power conferred by this Schedule has been exercised in relation to a sole solicitor by virtue of sub-paragraph (1)(a) and he has acted as a sole solicitor within the period of eighteen months beginning with the date on which it was so exercised;
- (k) the Council are satisfied that a person has acted as a solicitor at a time when he did not have a practising certificate which was in force;
- (l) the Council are satisfied that a solicitor has failed to comply with any condition, subject to which his practising certificate was granted or otherwise has effect, to the effect that he may act as a solicitor only—
  - (i) in employment which is approved by the Society in connection with the imposition of that condition;
  - (ii) as a member of a partnership which is so approved;
  - (iii) as an officer of a body recognised by the Council of the Law Society under section 9 of the Administration of Justice Act 1985 and so approved; or
  - (iv) in any specified combination of those ways.”

(2) In section 15 of the Act of 1974 (suspension of practising certificates) the following subsections shall be inserted after subsection (1)—

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*Status: Point in time view as at 19/08/2003.*

**Changes to legislation:** Courts and Legal Services Act 1990, Section 91 is up to date with all changes known to be in force on or before 25 April 2024. 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)

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- “(1A) Where the power conferred by paragraph 6(1) or 9(1) of Schedule 1 has been exercised in relation to a solicitor by virtue of paragraph 1(1)(a)(i), (c) (so far as it applies to rules made by virtue of section 32) or (e) of that Schedule, the exercise of that power shall operate immediately to suspend any practising certificate of that solicitor for the time being in force.
- (1B) Subsection (1A) does not apply if, at the time when the power referred to there is exercised, the Society directs that subsection (1A) is not to apply in relation to the solicitor concerned.
- (1C) If, at the time when the power referred to in subsection (1A) is exercised, the Society gives a direction to that effect, the solicitor concerned may continue to act in relation to any matter specified in the direction as if his practising certificate had not been suspended by virtue of subsection (1A), but subject to such conditions (if any) as the Society sees fit to impose.”
- (3) In section 16 of the Act of 1974 (duration of suspension of practising certificates) in subsection (3) the following paragraph shall be inserted after paragraph (c)—
- “(d) by virtue of section 15(1A)”.

**Status:**

Point in time view as at 19/08/2003.

**Changes to legislation:**

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