
Changes to legislation: There are currently no known outstanding effects for the Access to Justice Act 1999, Cross Heading: Solicitors' employees and consultants. (See end of Document for details)

SCHEDULES

SCHEDULE 7

POWERS OF LAW SOCIETY

Solicitors' employees and consultants

- 7 (1) Section 43 of that Act (control of employment of clerks) is amended as follows.
- (2) In subsection (1) (power of Law Society to apply to Solicitors Disciplinary Tribunal for order in the case of clerk guilty of an offence of dishonesty or other act which makes it undesirable for him to be employed by solicitor)—
- (a) ^{F1}
 - (b) after “employed” (in both places) insert “ or remunerated ”,
 - (c) for “to whom he is or was clerk” substitute “by whom he is or was employed or remunerated ”, and
 - (d) for the words from “an application” to the end substitute “ the Society may either make, or make an application to the Tribunal for it to make, an order under subsection (2) with respect to him. ”
- (3) After that subsection insert—
- “(1A) Where the Society investigates whether there are grounds for making, or making an application to the Tribunal for it to make, an order under subsection (2) with respect to a person, the Council may direct him to pay to the Council an amount which—
- (a) is calculated by the Council as the cost to the Society of investigating the matter; or
 - (b) in the opinion of the Council represents a reasonable contribution towards that cost.”
- (4) In subsection (2) (order of Tribunal barring solicitor from employing the clerk)—
- (a) for the words from the beginning to “an order” substitute “ An order under this subsection made by the Society or the Tribunal shall state ”, and
 - (b) for “application is” substitute “ order is ”.
- (5) For subsection (3) (revocation by Tribunal) substitute—
- “(3) Where an order has been made under subsection (2) with respect to a person by the Society or the Tribunal—
- (a) that person or the Society may make an application to the Tribunal for it to be reviewed, and
 - (b) whichever of the Society and the Tribunal made it may at any time revoke it.
- (3A) On the review of an order under subsection (3) the Tribunal may order—
- (a) the quashing of the order;

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- (b) the variation of the order; or
- (c) the confirmation of the order;

and where in the opinion of the Tribunal no prima facie case for quashing or varying the order is shown, the Tribunal may order its confirmation without hearing the applicant.”

- (6) In subsection (5) (inspection of orders), for “this section and filed with the Society” substitute “ subsection (2) by the Society, or made, varied or confirmed under this section by the Tribunal and filed with the Society, ”.
- (7) In the sidenote, for “employment of certain clerks” substitute “ solicitors’ employees and consultants ”.

Textual Amendments
F1 Sch. 7 para. 7(2)(a) repealed (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 210, 211, Sch. 23 (with ss. 29, 192, 193); S.I. 2009/3250, art. 2 (with art. 9)

8 In section 44(2) of that Act (breach of order by solicitor), for the words from “an order” to the end of paragraph (b) substitute “ an order under section 43(2) is in force in respect of a person ”.

9 (1) Section 49 of that Act (appeals from Tribunal) is amended as follows.

- (2) In subsection (3) (who can appeal)—
 - (a) for “43(2)” substitute “ 43(3A) ”, and
 - (b) for “application” substitute “ order ”.

(3) In subsection (6) (finality of appeal), for “43(2)” substitute “ 43(3A) ”.

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Textual Amendments
F2 Sch. 7 paras. 10-12 repealed (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 210, 211, Sch. 23 (with ss. 29, 192, 193); S.I. 2009/3250, art. 2 (with art. 9)

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