

Prosecution before the Solicitors Disciplinary Tribunal

Updated 30 January 2023

About the Solicitors Disciplinary Tribunal

The Solicitors Disciplinary Tribunal (SDT) is an independent statutory tribunal. Usually, we prosecute cases before the tribunal—however, it is possible for members of the public to do so directly. The SDT has powers in respect of solicitors, Registered Foreign Lawyers, managers and employees of SRA recognised bodies.

Cases are heard by a panel made up of two solicitors and one lay member.

The Master of the Rolls appoints the members.

For details of members and more information about the work of the tribunal, visit its website—www.solicitortribunal.org.uk [<http://www.solicitortribunal.org.uk>] .

You have been referred to the tribunal

In some cases, we do not make a final decision, but refer alleged non-compliance to the tribunal, where we are responsible for prosecuting the matter. The tribunal is independent from the SRA.

We have set out how we make decisions to bring proceedings before the tribunal in our guidance on issuing Solicitors Disciplinary Tribunal proceedings [<https://www.sra.org.uk/sra/decision-making/guidance/disciplinary-issuing-solicitors-disciplinary-tribunal-proceedings/>] .

A decision to prosecute does not amount to a finding of non-compliance. The tribunal decides upon the allegations and considers the evidence that must be proved to the necessary standard. The tribunal has a number of powers [[#powers](#)] .

A decision to prosecute may be published [<https://www.sra.org.uk/consumers/solicitor-check/>] on our website.

Referrals to the tribunal

In July 2022 the Ministry of Justice increased the Solicitors Regulation Authority's fining [<https://www.gov.uk/government/news/extra-powers-for-regulators-to-clamp-down-on-rule-breaking-solicitors>] powers from £2,000 to £25,000 for solicitors and traditional law firms. This means we can take action in more cases without the need to refer them to the SDT.

Therefore, we and the SDT have developed a shared expectation of the types of case that would be referred to the SDT and those we alone would deal with.

Read the joint statement on referrals to the SDT [<https://www.sra.org.uk/sra/news/sra-sdt-statement-2023/>] .

Jurisdiction and procedure

The tribunal makes decisions upon alleged misconduct of

- solicitors
- registered foreign lawyers
- authorised bodies
- managers of authorised bodies
- employees of sole practitioners and authorised bodies.

Procedures are governed by the Solicitors (Disciplinary Proceedings) Rule 2019 [<https://www.sra.org.uk/solicitors/standards-regulations/regulatory-disciplinary-procedure-rules/>] . If we make a referral, we will prosecute the case and proceedings will follow a general process [[#process](#)] .

The general process

We prosecute cases before the tribunal, or we instruct an external solicitor to do so. We notify certain parties [[#notify](#)] about the referral.

We collect further information as necessary and prepare a statement of allegations. We send this to the tribunal. If the tribunal decides there is case to answer, they will set a 'pre-listing day' and notify you, serving you with copies of the statement and evidence. The pre-listing is an administrative procedure at which a final date and time estimate is decided.

The hearing

Hearings are usually in public. But, on application of either party, the tribunal can consent to a private hearing in exceptional cases.

You can appear in person or be represented by a solicitor or barrister. Please note there are various sources of advice and support which can be found by going to the following link on our website: www.sra.org.uk/support [<https://www.sra.org.uk/solicitors/resources/your-health-your-career/>] . If you do not appear without good reason, the case can be heard in your absence. For more detail, visit www.solicitortribunal.org.uk [<http://www.solicitortribunal.org.uk>] .

The tribunal usually announces its decision immediately. Findings are released later and, in most cases, are then available to the public. It is then possible to appeal the decision. Once an order has been filed with us, it is enforceable as an order of the High Court.

Appeal

Either party can appeal to the High Court. Unless this is specifically ordered by the tribunal or the court, commencing an appeal does not suspend the tribunal's order. An appeal can take many months to be heard.

More help

If you are a subject individual whose conduct has been referred to the tribunal, you can contact us [<https://www.sra.org.uk/home/contact-us/>] .

Powers of the Solicitors Disciplinary Tribunal

Solicitors

The power to discipline solicitors is set out in section 47 of the Solicitors Act 1974.

Former solicitors

Powers in relation to former solicitors are set out in section 47 of the Solicitors Act 1974

[<http://www.legislation.gov.uk/ukpga/1974/47/section/47>] (as amended by the Administration of Justice Act 1985

[<http://www.statutelaw.gov.uk/legResults.aspx?>

LegType=All+Legislation&title=Administration+of+Justice+Act&Year=1985&searchEnacted=0&extentMatchOnly=0&confersPower=0&blanketAmendment=0&TYPE=QS&NavFrom=0&activeTextDocId=Courts and Legal Services Act 1990 [<http://www.statutelaw.gov.uk/legResults.aspx?>

LegType=All+Legislation&title=Courts+and+Legal+Services+Act&Year=1990&searchEnacted=0&extentMatchOnly=0&confersPower=0&blanketAmendment=0&TYPE=QS&NavFrom=0&activeTextDocId=).

Registered foreign lawyers

Paragraph 15(4) of part II of Schedule 14 of the Courts and Legal Services Act 1990

[<http://www.statutelaw.gov.uk/content.aspx?>

LegType=All+Legislation&title=Courts+and+Legal+Services+Act&Year=1990&searchEnacted=0&extentMatchOnly=0&confersPower=0&blanketAmendment=0&sortAlpha=0&TYPE=QS&PageNumber= sets out the tribunal's powers.

Recognised bodies

Paragraph 18(1) of the Administration of Justice Act 1985 [<http://www.statutelaw.gov.uk/content.aspx?>

LegType=All+Legislation&title=Administration+of+Justice+Act&Year=1985&searchEnacted=0&extentMatchOnly=0&confersPower=0&blanketAmendment=0&sortAlpha=0&TYPE=QS&PageNumber= sets out when the tribunal can make an order in respect of a recognised body. Paragraph 18(2)(a) provides for the type of order the tribunal can make.

Managers and employees of a recognised body

Paragraph 18A(1) of the Administration of Justice Act 1985 [<http://www.statutelaw.gov.uk/content.aspx?>

LegType=All+Legislation&title=Administration+of+Justice+Act&Year=1985&searchEnacted=0&extentMatchOnly=0&confersPower=0&blanketAmendment=0&sortAlpha=0&TYPE=QS&PageNumber= sets out when the tribunal can make an order in respect of a manager or employee of a recognised body.

Paragraph 18A(2) provides for the type of order the tribunal can make.

Employees of a sole practitioner

Section 34A(2) of the Solicitors Act 1974 [<http://www.statutelaw.gov.uk/legResults.aspx?>

LegType=All+Legislation&title=solicitors+act&Year=1974&searchEnacted=0&extentMatchOnly=0&confersPower=0&blanketAmendment=0&TYPE=QS&NavFrom=0&activeTextDocId=2188768&Page sets out when the tribunal may consider the conduct of a person employed by a sole practitioner. Section 47(2E)–(2H) provides for the type of order the tribunal can make.

Orders where a non-solicitor is 'involved in a legal practice'

In addition to the powers above, the tribunal can make an order requiring a solicitor, registered European lawyer or firm wishing to employ or remunerate a non-solicitor to obtain prior written permission from us. The tribunal can also make or seek an order requiring our permission be obtained before a person becomes a manager or acquires an interest in a firm. Such orders can be made if you have either

- been convicted of a criminal offence, or
- been involved in misconduct relating to your involvement in a legal practice.

Licensed bodies

The tribunal is the appellate body to which a licensed body may appeal a decision to

- impose a rebuke, where we have also made a decision to publish the decision;
- impose a fine;
- publish a decision to fine or rebuke;
- disqualify a person from acting as a compliance officer for legal practice (COLP), compliance officer for finance and administration (COFA), manager or employee

Costs

The tribunal can award costs to a party. If the SDT makes an order against you in respect of your conduct, we will ask it to make an order that you pay our costs. If an order is made, we will seek to recover those costs from you [recovering] .

Notify certain parties about the referral

We will notify

- the firm's contact
- the Solicitors Indemnity Fund
- the Legal Aid Agency, and
- the individual who reported the allegations to us.

Our decision to prosecute conduct before the tribunal may be published [<https://www.solicitorstribunal.org.uk/judgment-search-results#search>] . We will ordinarily contact you to ask if you want to make any representations about publication before we do so.

Recovering costs

If the tribunal orders you to pay our costs, these costs are recoverable from you as a debt.

Costs may be fixed, or may be subject to detailed assessment if not agreed. You should note that the debt carries interest pursuant to section 17 of the Judgments Act 1838 [<http://www.legislation.gov.uk/ukpga/Vict/1-2/110/section/17>] at 8 per cent per annum from the date of the order until final settlement. We reserve our right to claim interest.

How it works

After the hearing, we will ask you for your proposals to settle the debt.

You may settle the debt

- in one lump sum; or
- by instalments, with our agreement.

Payment can be made

- by cheque made payable to 'Solicitors Regulation Authority Limited'
- by bank transfer to our account, or
- if paying instalments, by standing order.