

# Prosecution before the Solicitors Disciplinary Tribunal

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## *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) [<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 [[/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 [[/consumers/solicitor-check/](#)] when the tribunal has certified that there is a case to answer.

## *Jurisdiction and procedure*

The tribunal makes decisions upon alleged misconduct of

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

Procedures are governed by the SRA Regulatory and Disciplinary Procedure Rules [[/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](http://www.sra.org.uk/support) [[/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) [<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 [[/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=451463&PageNumber=1&SortAlpha=0](#) and 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=2065498&PageNumber=1&SortAlpha=0](#)).

## Registered European lawyers

Schedule 4, paragraph 10 of the European Communities (Lawyers Practice) Regulations 2000 [[http://www.statutelaw.gov.uk/content.aspx?](http://www.statutelaw.gov.uk/content.aspx?LegType=All+Legislation&title=European+Communities+Regulations&Year=2000&searchEnacted=0&extentMatchOnly=0&confersPower=0&blanketAmendment=0&sortAlpha=0&TYPE=QS&PageNumber=1&NavFrom=0&parentActiveTextDocId=2)

LegType=All+Legislation&title=European+Communities+Regulations&Year=2000&searchEnacted=0&extentMatchOnly=0&confersPower=0&blanketAmendment=0&sortAlpha=0&TYPE=QS&PageNumber=1&NavFrom=0&parentActiveTextDocId=2] applies section 47 of the Solicitors Act 1974

## 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?](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=1&NavFrom=0&parentActiveTextDocId=2)

LegType=All+Legislation&title=Courts+and+Legal+Services+Act&Year=1990&searchEnacted=0&extentMatchOnly=0&confersPower=0&blanketAmendment=0&sortAlpha=0&TYPE=QS&PageNumber=1&NavFrom=0&parentActiveTextDocId=2] 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?](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=1&NavFrom=0&parentActiveTextDocId=451)

LegType=All+Legislation&title=Administration+of+Justice+Act&Year=1985&searchEnacted=0&extentMatchOnly=0&confersPower=0&blanketAmendment=0&sortAlpha=0&TYPE=QS&PageNumber=1&NavFrom=0&parentActiveTextDocId=451] 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?](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=1&NavFrom=0&parentActiveTextDocId=451)

LegType=All+Legislation&title=Administration+of+Justice+Act&Year=1985&searchEnacted=0&extentMatchOnly=0&confersPower=0&blanketAmendment=0&sortAlpha=0&TYPE=QS&PageNumber=1&NavFrom=0&parentActiveTextDocId=451] 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?](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&PageNumber=1&SortAlpha=0)

LegType=All+Legislation&title=solicitors+act&Year=1974&searchEnacted=0&extentMatchOnly=0&confersPower=0&blanketAmendment=0&TYPE=QS&NavFrom=0&activeTextDocId=2188768&PageNumber=1&SortAlpha=0] 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 local law society,
- any Law Society Council member working at the firm, and
- the individual who reported the allegations to us (if relevant).

Our decision to prosecute conduct before the tribunal may be published [<https://www.solicitortribunal.org.uk/judgment-search-results#search>], but only after the SDT has certified that there is a case to answer.

## 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/Mct/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 credit card (a charge of 1.75 per cent is made); or
- if paying instalments, by standing order.