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Solicitors Act, 1954



Number 36 of 1954.

SOLICITORS ACT, 1954.

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Limitation of time for certain applications to strike off roll. **11.—**(1) A solicitor shall not be liable to have his name struck off the roll on account of a defect in his indentures of apprenticeship, or in the registration thereof or his service thereunder, or in his admission and enrolment, unless the application to strike his name off the roll is made within twelve months after the date of his enrolment.

(2) Subsection (1) of this section shall not apply where fraud is proved to have been committed in connection with the indentures, registration, service, admission or enrolment.

Notification of death. **12.—**A registrar of deaths shall, where an entry is made in the register of deaths concerning a person whose name is on the roll, forthwith send by post to the registrar a certified copy of the entry, and may charge the cost of the certificate and of the sending thereof to the registrar as an expense of his office of registrar of deaths.

PART III.

The Disciplinary Committee.

Disciplinary Committee. **13.—**(1) The Society shall appoint annually, from among members of the Council and such former members of the Council as are practising as solicitors, a disciplinary committee (in this Act referred to as the Disciplinary Committee) consisting of not less than seven and not more than ten persons.

(2) The Society may remove a member of the Disciplinary Committee, may fill a vacancy therein and, subject to the limits stated in subsection (1) of this section, may increase or reduce the number of persons thereon.

(3) The members of the Disciplinary Committee shall go out of office on their successors being appointed under subsection (1) of this section, but any such member shall be eligible for reappointment.

(4) The Disciplinary Committee may act notwithstanding one or more than one vacancy in their membership.

(5) The quorum of the Disciplinary Committee shall be five.

(6) An appointment or removal under subsection (1) or (2) of this section shall not be made save with the approval of the Chief Justice.

Applications to Disciplinary Committee. **14.—**(1) The following applications shall be made to the Disciplinary Committee:

(a) an application by a solicitor to procure the removal of his name from the roll,

(b) an application by another person or the Society to strike the name of a solicitor off the roll on any of the following grounds:



(i) that the solicitor has been guilty of misconduct, including conduct tending to bring the solicitors' profession into disrepute,

(ii) that the solicitor has contravened a provision of this Act or of an order or regulation made under this Act,

(iii) that the solicitor has been convicted of treason or of a felony or misdemeanour or has been convicted outside the State of a crime or offence which would be a felony or misdemeanour if committed in the State,

(c) an application to require a solicitor to answer allegations contained in an affidavit,

(d) an application for replacement on the roll of a name which has been removed from or struck off the roll.

(2) An application under this section shall be in writing, shall be signed by the applicant and shall be sent to the Disciplinary Committee together with—

(a) an affidavit by the applicant setting forth the matters relied on in support of the application, and

(b) the documents relied on in support of the application or copies of those documents.

(3) The Chief Justice or any judge of the High Court may, notwithstanding anything contained in this Act, exercise any jurisdiction over solicitors which he might have exercised if this Act had not been passed.

Procedure where
solicitor applies for
removal of his name
from roll.

15.—Where an application under paragraph (a) of subsection (1) of section 14 of this Act is duly made, the Disciplinary Committee shall consider the application and supporting affidavit and documents and—

(a) if they decide that the applicant is entitled to have his name removed from the roll without further inquiry, they shall order accordingly,

(b) if they decide that there is cause for inquiry, they shall hold an inquiry.

Procedure where
charge is made against
solicitor.

16.—(1) Where an application under paragraph (b) or (c) of subsection (1) of section 14 of this Act is duly made, the Disciplinary Committee shall consider the application and supporting affidavit and documents and—

(a) if they decide that a *prima facie* case has not been shown, they shall so notify the applicant and the solicitor and shall take no further action,

