such business at the time of the passing of this Act. But from and after the passing of this Act the local authority shall not have power to make any byelaws or regulations in respect of any business which they are empowered to regulate by byelaw under this Act, except by byelaw made in pursuance of this Act.

Exemption regarding the Metropolitan Cattle Market, &c.

16. Nothing in this Act shall render it necessary for the mayor, aldermen, and commons of the city of London, or their tenants, to make application to the local authority for an order to enable them to slaughter cattle at the Metropolitan Cattle Market, or at the cattle market at Deptford, or enable the local authority to make byelaws affecting those markets or the slaughter-houses now erected or that may be erected at either of these markets.

Saving.

17. Nothing in this Act contained shall affect the general law of nuisance, or make legal any act or default which would have been illegal if this Act had not passed, or, save as in this Act expressly provided, affect any Act of Parliament relating to any business specified in this Act.

CHAPTER 68.

An Act to amend the Law relating to Attorneys and Solicitors.

[7th August 1874.]

23 & 24 Vict. c. 127. s. 10.

WHEREAS by the Act twenty-three and twenty-four Victoria, chapter one hundred and twenty-seven, intituled "An Act to amend the laws relating to attorneys, "solicitors, proctors, and certificated conveyancers" (in this Act referred to as the Act of 1860), it is (section ten) enacted that no person thereafter bound by articles of clerkship to any attorney or solicitor shall, during the term of service mentioned in such articles, hold any office or engage in any employment whatsoever other than the employment of clerk to such attorney or solicitor and his partner or partners (if any) in the business, practice, or employment of an attorney or solicitor, save as by the Act six and seven Victoria, chapter seventy-three (in this Act referred to as the Act of 1843), or by the Act of 1860, otherwise provided; and that every person bound as aforesaid shall, before being admitted an attorney or solicitor, prove by the affidavit required under the fourteenth section of the Act of 1843 that he has not held any office or engaged in any employment contrary to the enactment now in recital, and that the form of such affidavit as aforesaid shall be varied by such addition thereto as may be necessary for that purpose:

And whereas it is expedient that the restriction contained in the recited enactment should not be enforced in cases in which such consent and sanction as by this Act provided are obtained:

23 & 24 Vict. c. 127. s. 24.

And whereas by the Act of 1860 (section twenty-four) it is further enacted that where the name of any attorney or solicitor is ordered to be struck off the roll of attorneys or solicitors of any court, on his own application or on the application of any other person, the rule or order for that purpose shall forthwith and before the same is acted upon be produced to the registrar of attorneys and solicitors (in this Act referred to as the registrar), and that the registrar shall enter a note or minute of the rule or order in connexion with the name of such attorney or solicitor on the roll of attorneys and solicitors kept by the registrar, and shall strike the name off the roll, and shall mark the rule or order as having been entered:

And whereas it is expedient that where application is intended to be made by any third person to strike the name of any attorney or solicitor off the roll of attorneys or solicitors of any court notice of the intended application be given to the registrar, and that such power as is in this Act in that behalf contained be conferred upon the registrar in respect thereof:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as "The Attorneys and Solicitors Act, 1874."

Extent of Act.

2. This Act shall extend only to England and Wales.

Interpretation.

3. All words and expressions to which, by the Act of 1860, meanings are assigned shall have in this Act the same respective meanings.

Exceptions from recited enactment.

4. The recited enactment (section ten) of the Act of 1860 shall not henceforth apply to cases in which any person bound by articles as therein mentioned shall before or after he enters upon the office, or engages in the employment, have applied for and obtained—

(*a.*) The consent thereto in writing of the attorney or solicitor to whom he is bound; and

(*b.*) The sanction thereto of one of the judges of one of the superior courts of law at Westminster, or the Master of the Rolls, or one of the judges of the High Court of Justice, to be evidenced by an order of such judge:

Provided that this section shall apply to the case of any person bound by articles expiring after or not more than two years before the passing of this Act who shall have held any office or been engaged in any employment during the service under such articles before or after the passing of this Act, and who within one year after the passing of this Act, or within one year after the expiration of his articles, shall prove, by an affidavit from the attorney or solicitor to whom he is bound, or by such other evidence as shall be satisfactory to such judge, that the holding of such office, or being engaged in such employment, was with the consent of the attorney or solicitor to whom he was or is bound, and has not interfered with due service under such articles, and the judge hearing such application shall have power to make any order which he shall think fit as to the service by the person so bound as aforesaid for the remainder of the term of service of his articles, or any part thereof, after the acceptance of such office, or as to the passing of any examination.

Provided that not less than fourteen days before any such application to a judge is made notice in writing of the application shall be given to the registrar, which notice shall state the names and residences of the applicant, and of the attorney or solicitor to whom he is bound, and the nature of the office or employment, and the time it is expected to occupy.

Judge may attach conditions to order.

5. Any such judge making any such order may in and by the order impose on the applicant such terms and conditions touching the office or engagement and his employment therein as such judge thinks fit.

Proof of compliance with conditions.

6. Where any terms or conditions shall be so imposed, and the person authorised by the order shall accept the office, or engage in the employment, he shall, before being admitted an attorney or solicitor, prove to the satisfaction of a judge of one of the superior courts of law at Westminster, or the Master of the Rolls, or one of the judges of the High Court of Justice, and of the examiners for the time being appointed under the provisions of the Act of 1860, or of any Act amending the same, to examine persons applying to be admitted as attorneys and solicitors, that he has duly observed and fulfilled those terms and conditions.

Notice to be given to registrar of applications to strike names of attorneys or solicitors off the roll.

7. Where application is intended to be made to any court for an order or rule to strike the name of any attorney or solicitor (not being an attorney or solicitor making the application) off the roll of attorneys or solicitors of such court, or for an order or rule to compel him to answer the matters of an affidavit, notice in writing shall be given to the registrar of such intended application fourteen clear days at the least before such application shall be made.

Copies of affidavits to accompany notice.

8. Copies of all affidavits intended to be used in support of such application shall be delivered to the registrar with the notice.

Court not to entertain application except on proof of notice, &c.

9. The court shall not entertain any such application, except upon production of an affidavit proving that the notice required by this Act has been duly given, and that copies of all such affidavits have been duly delivered to the registrar.

Registrar may appear on application, &c.

10. The registrar may appear by counsel upon the hearing of any such application, and upon any other proceedings arising out of or in reference to the application, and may apply to the court to make absolute any rule nisi which may have been granted by the court in the matter of such application, or to make an order that the name of the attorney or solicitor be struck off the roll of attorneys or solicitors of the said court, or, as the case may be, to order the attorney or solicitor to answer the matters of the affidavit, or such other order as to the court may seem fit; and it shall be lawful for the court to order the costs, charges, and expenses of the registrar of or relating to any of the matters aforesaid, to be paid by the attorney or solicitor against whom any such application is made or was intended to be made, or by the person by or on whose behalf the application is made or was intended to be made, or partly by the one and partly by the other of them.

Registrar may draw up rules and orders not drawn up by applicants.

11. Where any court or any judge of any court shall, upon motion, have ordered or directed a rule (whether nisi or absolute) or order to be drawn up for striking the name of any attorney or solicitor off the roll of attorneys or solicitors of such court, or for compelling an attorney or solicitor to answer the matters of an affidavit, and such rule shall not have been drawn up by or on behalf of the person applying for the same within one week after the order or direction for drawing up the same shall have been made or given, it shall be lawful for the registrar to cause the rule or order to be drawn up, and all future proceedings thereupon shall be had and taken as if the application for the rule or order had in the first instance been made to the court by the registrar.

Penalty for wrongfully acting as attorney or solicitor.

12. Any person who wilfully and falsely pretends to be or takes or uses any name, title, addition, or description implying that he is duly qualified to act as an attorney or solicitor, or that he is recognised by law as so qualified, shall be guilty of an offence under this Act, and be liable to a penalty not exceeding the sum of ten pounds for each such offence.

No costs recoverable by disqualified attorney or solicitor.

No costs, fee, reward, or disbursement on account of or in relation to any act or proceeding done or taken by any person who acts as an attorney or solicitor, without being duly qualified so to act, shall be recoverable in any action, suit, or matter by any person or persons whomsoever.

Who to be deemed qualified.

For the purposes of this section, a person shall be deemed to be duly qualified to act as an attorney or solicitor if he shall have in force at the time at which he acts as an attorney or solicitor a duly stamped certificate authorising him so to do, pursuant to the provisions of the Stamp Laws and the laws for the time being relating to attorneys and solicitors, or shall have been appointed to be Solicitor of the Treasury, Customs, Inland Revenue, Post Office, or any other branch of Her Majesty's Revenues, or of any public department, including the department of the Ecclesiastical Commissioners, and of the Governors of Queen Anne's Bounty, or if he be a clerk or officer appointed to act for the solicitor for any public department as herein-before described.

Offences may be prosecuted before a court of summary jurisdiction.

Any offence under this Act may be prosecuted before a court of summary jurisdiction, in manner provided by the Summary Jurisdiction Acts: Provided always, that the court of summary jurisdiction, when hearing, trying, determining, and adjudging an information or complaint in respect of an offence under this Act, shall be constituted either of two or more justices of the peace in petty sessions, or of some magistrate or officer sitting alone or with others at some court or other place appointed for the administration of justice, and for the time being empowered by law to do alone any act authorised to be done by more than one justice of the peace.