



I P FRAUD INVESTIGATIONS

**THE LAW SOCIETY EXPLAINS
THE OBLIGATIONS OF A SOLICITOR
UNDER RULE 1 OF THE SOLICITORS
CODE OF CONDUCT**

**THE STAMP POINT
REFERENCES**

From: [Bob Stanley](#)
To: [Andrew Hall](#)
Sent: Thursday, March 26, 2009 6:07 PM
Subject: Freedom of Information request Ref: FOI/BS/170

Dear Mr Hall

Further to my email of 3rd March please find below the response to your request for information under the Law Society's Freedom of Information Code of Practice.

Your request was as follows:

"I have a question for the Law Society with respect to a Solicitor's duty to inform the Courts of any failure to pay the full Stamp Duty due on any documents presented in evidence - by either side."

Rule 1 of the Solicitors' Code of Conduct 2007 provides that a solicitor must uphold the rule of law and proper administration of justice (1.01) and must act with integrity (1.02). These are some of the core duties which are the standards we expect of solicitors. In the scenario you describe a solicitor must consider whether they are acting professionally and in accordance with the core duties if they decide to adopt a particular course of action. More specifically rule 11.01 provides that a solicitor must not "deceive or knowingly or recklessly mislead the court". In our view the issue therefore is whether the court would be misled if a solicitor did not themselves, or alternatively did not instruct counsel, that stamp duty had not been paid. The solicitor may also breach rule 10.01 if they fail to disclose material information to the court or to a third party and thereby take unfair advantage for their client's benefit. If a client does not agree to disclosure of the information, however, the only course of action open to the solicitor may be to cease to act because of their duty of confidentiality to the client.

I hope that this information is of assistance to you.

Yours sincerely

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Thank you.
