

## GUIDANCE NOTE: ADJOURNMENTS

1. Rule 23 of the [Solicitors \(Disciplinary Proceedings\) Rules 2019](#) (“SDPR”) makes provision in respect of applications for Adjournments. This Guidance is issued by the Policy Committee of the Solicitors Disciplinary Tribunal (“the Tribunal”). It is intended to assist parties in making an application to adjourn a hearing. It is not intended to replace or vary the SDPR.
2. [Rule 23](#) of the SDPR states:
  - “(1) An application for an adjournment of the hearing of an application must be supported by documentary evidence of the need for the adjournment.*
  - “(2) An application for an adjournment made more than 21 days before the hearing date will be considered by a clerk or a single solicitor member on the papers.*
  - “(3) An application for an adjournment made 21 days or less before the hearing date will be considered by the panel listed to sit on the substantive hearing on the papers unless it is in the interests of justice for the matter to be dealt with at an oral hearing.”*
3. An application for an adjournment should be made in the prescribed form and should:
  - (a) Indicate the full reasons why an adjournment is being sought;
  - (b) Provide documentary evidence in support e.g. medical reports; and
  - (c) State whether the other party to the proceedings supports or opposes the application for an adjournment. For the avoidance of doubt any application and supporting documents must be sent to all other parties unless the Tribunal directs otherwise.
4. The Tribunal will be reluctant to agree to an adjournment unless refusal of the application would result in injustice to the person seeking the adjournment.
5. The following reasons, save in exceptional circumstances, will not be regarded as providing justification for an adjournment:

## THE EXISTENCE OF OTHER PROCEEDINGS

- 5.1 The existence or possibility of criminal proceedings unless the criminal proceedings relate to the same or substantially the same underlying facts as form the basis of the proceedings before the Tribunal AND there is a genuine risk that the proceedings before the Tribunal may ‘muddy the waters of justice’ so far as concerns the criminal proceedings. Proceedings which are not imminent will not usually meet this criterion. Civil proceedings are even less likely to do so.

## LACK OF READINESS

- 5.2 The lack of readiness on the part of any party.

## ILL-HEALTH

- 5.3 The claimed medical condition of any party unless this is supported by a reasoned opinion of an appropriate medical adviser. A doctor’s certificate issued for social security and statutory sick pay purposes only or other certificate merely indicating that the person is unable to attend for work is unlikely to be sufficient. This should be read in conjunction with the Tribunal’s [Guidance Note on Health](#).

## INABILITY TO SECURE REPRESENTATION/LACK OF AVAILABILITY

- 5.4 The inability of any party for financial or other reasons to secure the services of a representative at the hearing or financial reasons for the non-attendance of the Respondent. A clash of engagements for a chosen legal representative is not justification for adjourning proceedings.
6. The Tribunal accepts that there may be reasons why an application for an adjournment needs to be made less than 21 days before the date which has been fixed for the Hearing. Except for cases where the reason for the adjournment application has genuinely arisen at a very late stage, the Tribunal requires the party applying for the adjournment to support a late application with a statement of truth as to the reasons for the sought adjournment.
7. Where a hearing is required to consider the adjournment application, the Tribunal will endeavour to list the matter prior on a date before that fixed for the substantive hearing.
8. Where the Tribunal refuses an application to adjourn a hearing, that hearing will remain listed and may, in accordance with [Rule 36](#) of the SDPR proceed in the absence of the Respondent.