

SCHEDULES

SCHEDULE 20

Section 89

THE COUNCIL FOR LICENSED CONVEYANCERS: OTHER AMENDMENTS

- 1 The Administration of Justice Act 1985 is amended as follows.
- 2 (1) Section 15 (issue of licences by the Council for Licensed Conveyancers) is amended as follows.
- (2) In subsection (3)(b), for the words from “the period” to “the Council” substitute “the period prescribed under subsection (3A)”.
- (3) After subsection (3) insert—
- “(3A) The Council must by rules prescribe the period that applies for the purposes of subsection (3)(b).”
- 3 (1) Section 18 (suspension or termination of licences) is amended as follows.
- (2) After subsection (2C) insert—
- “(2CA) Where the power conferred by paragraph 6(1) or 9(1) of Schedule 5 is exercised in relation to a recognised body by virtue of paragraph 10(1)(a) of Schedule 6, the exercise of that power shall operate immediately to suspend any licence under this Part held by a person who is a manager of the recognised body.
- (2CB) Where the power conferred by paragraph 6(1) or 9(1) of Schedule 5 is exercised in relation to a recognised body by virtue of paragraph 10(1)(d) of Schedule 6, the exercise of that power shall operate immediately to suspend any licence under this Part held by a person who is—
- (a) a manager of the recognised body, or
- (b) an employee of the recognised body.
- (2CC) Where the power conferred by paragraph 3(1) or 8(1) of Schedule 14 to the Legal Services Act 2007 is exercised in relation to a licensed body by virtue of paragraph 1(2)(d) of that Schedule, the exercise of that power shall operate immediately to suspend any licence under this Part held by a person who is—
- (a) a manager of the licensed body, or
- (b) an employee of the licensed body.
- (2CD) At the time when the power referred to in subsection (2CA), (2CB) or (2CC) is exercised, the Council may direct that subsection (2CA), (2CB) or (2CC) (as the case may be) is not to apply in relation to a particular licensed conveyancer.
- (2CE) The Council may give a direction under subsection (2CD) in relation to a licensed conveyancer only if—

Status: This is the original version (as it was originally enacted).

- (a) the Council is satisfied that the licensed conveyancer did not fail to comply with the rules applicable to the recognised body by virtue of section 32, or contribute to the body’s failure to comply with such rules, in a case where the Council acts by virtue of paragraph 10(1)(a) of Schedule 6,
- (b) the Council does not suspect the licensed conveyancer of dishonesty, in a case where the Council acts by virtue of—
 - (i) paragraph 10(1)(d) of Schedule 6, or
 - (ii) paragraph 1(2)(d) of Schedule 14 to the Legal Services Act 2007,
- (c) the Council is satisfied that the licensed conveyancer was not a manager of the recognised body when the conduct providing the basis for the exercise of the power in paragraph 6(1) or 9(1) of Schedule 5 took place, in a case where the Council acts by virtue of paragraph 10(1)(a) of Schedule 6,
- (d) the Council is satisfied that the licensed conveyancer was not a manager or employee of the recognised body when the conduct providing the basis for the exercise of the power in paragraph 6(1) or 9(1) of Schedule 5 is suspected of having taken place, in a case where the Council acts by virtue of paragraph 10(1)(d) of Schedule 6, and
- (e) the Council is satisfied that the licensed conveyancer was not a manager or employee of the licensed body when the conduct providing the basis for the exercise of the power in paragraph 3(1) or 8(1) of Schedule 14 to the Legal Services Act 2007 is suspected of having taken place, in a case where the Council acts by virtue of paragraph 1(2)(d) of Schedule 14 to that Act.

(2CF) At the time when the power referred to in subsection (2CA), (2CB) or (2CC) is exercised, the Council may direct that such of the licensed conveyancers concerned as are identified in the direction may continue to act in relation to any matter specified in the direction as if their licences had not been suspended by virtue of subsection (2CA), (2CB) or (2CC) (as the case may be), subject to such conditions (if any) as the Council sees fit to impose.”

- (3) In subsection (2D), after “(2A)” insert “, (2CA), (2CB) or (2CC)”.
 - (4) In subsection (2G), for “High Court” substitute “First-tier Tribunal”.
 - (5) Omit subsection (2H).
- 4 (1) Section 19 (register of licensed conveyancers) is amended as follows.
- (2) After subsection (1) insert—
 - “(1A) The Council may make rules specifying the further information, including information about disciplinary measures taken, to be recorded in the register in relation to a person.”
 - (3) In subsection (2), omit “accordingly”.
- 5 In section 20 (rules as to professional practice, conduct and discipline), omit subsection (2).
- 6 (1) Section 24 (preliminary investigation of disciplinary cases) is amended as follows.
- (2) In subsection (10), for “High Court” substitute “First-tier Tribunal”.

Status: This is the original version (as it was originally enacted).

- (3) In subsection (11), for “High Court” substitute “First-tier Tribunal”.
- (4) Omit subsection (12).
- 7 (1) Section 24A (determination of allegations by the Investigating Committee) is amended as follows.
- (2) In subsection (8), for “High Court” substitute “First-tier Tribunal”.
- (3) In subsection (9), for “High Court” substitute “First-tier Tribunal”.
- (4) Omit subsection (10).
- 8 (1) Section 26 (proceedings in disciplinary cases) is amended as follows.
- (2) For subsection (7) substitute—
- “(7) Where the Discipline and Appeals Committee make an order by virtue of subsection (1)—
- (a) the person against whom the order is made, or
- (b) the Council,
- may appeal to the First-tier Tribunal, and on any such appeal the First-tier Tribunal may make such order as it thinks fit.”
- (3) In subsection (7A), for “High Court” (in both places where it occurs) substitute “First-tier Tribunal”.
- (4) Omit subsection (8).
- 9 In Schedule 3 (the Council for Licensed Conveyancers: supplementary provisions), in paragraph 4 (appointment of persons to Council), in sub-paragraph (2), omit “by one”.
- 10 (1) Schedule 6 (bodies recognised under section 32: supplementary provisions) is amended as follows.
- (2) In paragraph 3A (orders made by the Investigating Committee)—
- (a) in sub-paragraph (8), for “High Court” substitute “First-tier Tribunal”;
- (b) in sub-paragraph (9), for “High Court” substitute “First-tier Tribunal”;
- (c) omit sub-paragraph (10).
- (3) In paragraph 6 (appeals against orders of the Discipline and Appeals Committee)—
- (a) for sub-paragraph (1) substitute—
- “(1) Where the Committee make an order by virtue of paragraph 4(1) or (2A) or 5(1)—
- (a) the person as regards whom the order is made, or
- (b) the Council,
- may appeal to the First-tier Tribunal, and on any such appeal the First-tier Tribunal may make such order as it thinks fit.”;
- (b) in sub-paragraph (1A), for “High Court” (in both places where it occurs) substitute “First-tier Tribunal”;
- (c) omit sub-paragraph (2).