



Administration of Justice Act 1985

1985 CHAPTER 61

PART II

LICENSED CONVEYANCING

Recognised bodies

32 Provision of conveyancing [^{F1}or other] services by recognised bodies.

- (1) The Council may make rules—
- (a) making provision as to the management and control [^{F2}of conveyancing services bodies [^{F3}or CLC practitioner services bodies] ;]
 - (b) prescribing the circumstances in which [^{F4}conveyancing services bodies] may be recognised by the Council as being suitable bodies to [^{F5}undertake—
 - (i) the provision of conveyancing services,
 - (ii) the exercise of a right of audience,
 - (iii) the conduct of litigation,
 - (iv) probate activities,
 - (v) the administration of oaths, or
 - (vi) the provision of relevant legal services not covered by sub-paragraphs (i) to (v);]
- [^{F6}(bza) prescribing the circumstances in which CLC practitioner services bodies may be recognised by the Council as being suitable bodies to undertake—
 - (i) the exercise of a right of audience,
 - (ii) the conduct of litigation,
 - (iii) probate activities,
 - (iv) the administration of oaths, or
 - (v) the provision of relevant legal services not covered by sub-paragraphs (i) to (iv);]
- [^{F7}(ba) prescribing the Council's arrangements for authorising recognised [^{F8}bodies to carry on—

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- (i) the exercise of a right of audience,
 - (ii) the conduct of litigation,
 - (iii) reserved instrument activities, where the recognised body is a conveyancing services body,
 - (iv) probate activities, or
 - (v) the administration of oaths;]]
 - (c) prescribing the [F9 requirements][F10, including requirements about the carrying on of activities which are not reserved legal activities,] which (subject to any exceptions provided by the rules) must at all times be satisfied by bodies so recognised if they are to remain so recognised; and
 - (d) regulating the conduct of the affairs of such bodies.
- (2) In this Part “recognised body” means a body F11 . . . for the time being recognised under this section.
- (3) Rules made by the Council may also make provision—
- (a) for the manner and form in which applications for recognition under this section [F12, or for the renewal of such recognition,] are to be made, and for the payment of fees in connection with such applications;
 - [F13(aa) for the payment of fees in connection with other applications under the rules;]
 - (b) for regulating the names that may be used by recognised bodies;
 - [F14(c) about the time when any recognition granted under this section, or renewal of such recognition, takes effect and the period for which it is (subject to the provisions of this Part) to remain in force;
 - (ca) for the suspension or revocation of any such recognition, on such grounds and in such circumstances as may be prescribed in the rules;
 - (cb) about the effect on the recognition of a partnership or other unincorporated body (“the existing body”) of any change in its membership, including provision for the existing body's recognition to be transferred where the existing body ceases to exist and another body succeeds to the whole or substantially the whole of its business;]
 - (d) F15
 - (e) for the keeping by the Council of [F16 a register] containing the names and principal places of business of all bodies F17 . . . which are for the time being recognised under this section [F18 and such other information relating to those bodies [F19 (including information about disciplinary measures taken)]] as may be specified in the rules;]
 - [F20(ea) for information (or information of a specified description) on such a register to be made available to the public, and about the manner in which and times at which, information is to be made so available;]
 - (f) for rules made under any other provision of this Part to have effect in relation to recognised bodies with such additions, omissions or other modifications as appear to the Council to be necessary or expedient;
 - [F21(fa) about the education and training requirements to be met by managers and employees of recognised bodies;
 - (fb) for rules made under any other provision of this Part to have effect in relation to managers and employees of recognised bodies with such additions, omissions or other modifications as appear to the Council to be necessary or expedient;]

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- (g) for empowering the Council to take such steps as it considers necessary or expedient to ascertain whether or not any rules applicable to recognised bodies [F22 or managers or employees of such bodies] by virtue of this section are being complied with;
- (h) for the manner of service on recognised bodies of documents authorised or required to be served on such bodies under this Part.

[F23(3A) Rules made by the Council may provide for the Council to grant a body recognition under this section subject to one or more conditions.

(3B) At any time while a body is recognised under this section, the Council may, in such circumstances as may be prescribed, direct that the body's recognition is to have effect subject to such conditions as the Council may think fit.

“Prescribed” means prescribed by rules made by the Council.

(3C) The conditions which may be imposed under subsection (3A) or (3B) include—

- (a) conditions restricting the kinds of conveyancing services that may be provided by the body;
- [F24(aa) conditions restricting the kinds of CLC practitioner services that may be provided by the body;]
- (b) conditions imposed by reference to criteria of general application;
- (c) conditions requiring the body to take any specified steps that will, in the opinion of the Council, be conducive to the body carrying on an efficient business;

and conditions may be imposed despite the fact that they may result in expenditure being incurred by the body.

(3D) On an application made by a recognised body, the Council may, in such circumstances as may be prescribed, direct—

- (a) the removal of a condition subject to which the body's recognition has effect;
- (b) the variation of such a condition in the manner described in the application.

(3E) For the purposes of subsection (3D)—

- (a) section 14 applies in relation to an application under that subsection as it applies in relation to an application for a licence under this Part of this Act, and
- (b) “prescribed” means prescribed by rules made by the Council.

(3F) Rules under subsection (3A) or (3B) may make provision about when conditions imposed take effect (including provision conferring power on the Council to direct that a condition is not to have effect until the conclusion of any appeal in relation to it).

(3G) Rules under this section may contain such incidental, supplemental, transitional or transitory provisions or savings as the Council considers necessary or expedient.]

(4) F25

(5) F25

(6) A certificate signed by an officer of the Council and stating—

- (a) that any body F26 . . . is or is not, or was or was not at any time, a recognised body; or
- [F27(b) that a body's recognition under this section does not have effect subject to any conditions or has effect subject to any particular conditions.]

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shall, unless the contrary is proved, be evidence of the facts stated in the certificate; and a certificate purporting to be so signed shall be taken to have been so signed unless the contrary is proved.

(7) Schedule 6 shall have effect with respect to recognised bodies.

[^{F28}[^{F29}(8) In this section—

“administration of oaths” has the same meaning as in the Legal Services Act 2007 (see section 12 of, and Schedule 2 to, that Act);

“CLC practitioner services” has the meaning given by section 32B;

“CLC practitioner services body” has the meaning given by section 32B;

“conduct of litigation” has the same meaning as in the Legal Services Act 2007 (see section 12 of, and Schedule 2 to, that Act);

“conveyancing services body” has the meaning given by section 32A;

“probate activities” has the same meaning as in the Legal Services Act 2007 (see section 12 of, and Schedule 2 to, that Act);

“relevant legal services”—

(a) in relation to a conveyancing services body, has the meaning given by section 32A; and

(b) in relation to a CLC practitioner services body, has the meaning given by section 32B;

“reserved instrument activities” has the same meaning as in the Legal Services Act 2007 (see section 12 of, and Schedule 2 to, that Act);

“right of audience” has the same meaning as in the Legal Services Act 2007 (see section 12 of, and Schedule 2 to, that Act).]

[Nothing in this section affects section 13 of the Legal Services Act 2007 (entitlement ^{F30}(8A) to carry on a reserved legal activity).]

(9) The Council is capable of being designated as a licensing authority for the purposes of, and subject to, Part 5 of the Legal Services Act 2007 (alternative business structures).]

Textual Amendments

- F1** Words in s. 32 heading inserted (29.6.2015) by [Deregulation Act 2015 \(c. 20\)](#), **ss. 86(2)**, 115(6)(a); S.I. 2015/1402, art. 2(a)
- F2** Words in s. 32(1)(a) substituted (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 182, 207, **Sch. 17 para. 20(2)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(c)(i)** (subject to art. 4)
- F3** Words in s. 32(1)(a) inserted (29.6.2015) by [Deregulation Act 2015 \(c. 20\)](#), **ss. 86(3)(a)**, 115(6)(a); S.I. 2015/1402, art. 2(a)
- F4** Words in s. 32(1)(b) substituted (29.6.2015) by [Deregulation Act 2015 \(c. 20\)](#), **ss. 86(3)(b)**, 115(6)(a); S.I. 2015/1402, art. 2(a)
- F5** Words in s. 32(1)(b) substituted (29.6.2015) by [Deregulation Act 2015 \(c. 20\)](#), **ss. 86(3)(c)**, 115(6)(a); S.I. 2015/1402, art. 2(a)
- F6** S. 32(1)(bza) inserted (29.6.2015) by [Deregulation Act 2015 \(c. 20\)](#), **ss. 86(3)(d)**, 115(6)(a); S.I. 2015/1402, art. 2(a)
- F7** S. 32(1)(ba) inserted (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 182, 207, **Sch. 17 para. 20(4)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(c)(i)** (subject to art. 4)
- F8** Words in s. 32(1)(ba) substituted (29.6.2015) by [Deregulation Act 2015 \(c. 20\)](#), **ss. 86(3)(e)**, 115(6)(a); S.I. 2015/1402, art. 2(a)
- F9** Word in s. 32(1)(c) substituted (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 182, 207, **Sch. 17 para. 20(5)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(c)(i)** (subject to art. 4)

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- F10** Words in s. 32(1)(c) inserted (29.6.2015) by Deregulation Act 2015 (c. 20), **ss. 86(3)(f)**, 115(6)(a); S.I. 2015/1402, art. 2(a)
- F11** Word in s. 32(2) repealed (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 182, 207, 210, Sch. 17 para. 20(6), **Sch. 23** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(c)(i)(f)** (subject to art. 4)
- F12** Words in s. 32(3)(a) inserted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 182, 207, **Sch. 17 para. 20(7)(a)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(c)(i)** (subject to art. 4)
- F13** S. 32(3)(aa) inserted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 182, 207, **Sch. 17 para. 20(7)(b)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(c)(i)** (subject to art. 4)
- F14** S. 32(3)(c)(ca)(cb) substituted (31.3.2009) for s. 32(3)(c) by Legal Services Act 2007 (c. 29), ss. 182, 207, **Sch. 17 para. 20(7)(c)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(c)(i)** (subject to art. 4)
- F15** S. 32(3)(d) repealed (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 182, 207, 210, Sch. 17 para. 20(7)(d), **Sch. 23** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(c)(i)(f)** (subject to art. 4)
- F16** Words in s. 32(3)(e) substituted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 182, 207, **Sch. 17 para. 20(7)(c)(i)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(c)(i)** (subject to art. 4)
- F17** Word in s. 32(3)(e) repealed (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 182, 207, 210, Sch. 17 para. 20(7)(e)(ii), **Sch. 23** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(c)(i)(f)** (subject to art. 4)
- F18** Words in s. 32(3)(e) substituted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 182, 207, **Sch. 17 para. 20(7)(c)(iii)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(c)(i)** (subject to art. 4)
- F19** Words in s. 32(3)(e) inserted (29.6.2015) by Deregulation Act 2015 (c. 20), **ss. 86(4)**, 115(6)(a); S.I. 2015/1402, art. 2(a)
- F20** S. 32(3)(ea) inserted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 182, 207, **Sch. 17 para. 20(7)(f)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(c)(i)** (subject to art. 4)
- F21** S. 32(3)(fa)(fb) inserted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 182, 207, **Sch. 17 para. 20(7)(g)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(c)(i)** (subject to art. 4)
- F22** Words in s. 32(3)(g) inserted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 182, 207, **Sch. 17 para. 20(7)(h)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(c)(i)** (subject to art. 4)
- F23** S. 32(3A)-(3G) inserted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 182, 207, **Sch. 17 para. 20(8)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(c)(i)** (subject to art. 4)
- F24** S. 32(3C)(aa) inserted (29.6.2015) by Deregulation Act 2015 (c. 20), **ss. 86(5)**, 115(6)(a); S.I. 2015/1402, art. 2(a)
- F25** S. 32(4)(5) repealed (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 182, 207, 210, Sch. 17 para. 20(9), **Sch. 23** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(c)(i)(f)** (subject to art. 4)
- F26** Word in s. 32(6)(a) repealed (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 182, 207, 210, Sch. 17 para. 20(10)(a), **Sch. 23** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(c)(i)(f)** (subject to art. 4)
- F27** S. 32(6)(b) substituted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 182, 207, **Sch. 17 para. 20(10)(b)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(c)(i)** (subject to art. 4)
- F28** S. 32(8) substituted (29.6.2015) by Deregulation Act 2015 (c. 20), **ss. 86(6)**, 115(6)(a); S.I. 2015/1402, art. 2(a)
- F29** S. 32(8)(9) inserted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 182, 207, **Sch. 17 para. 20(11)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(c)(i)** (subject to art. 4)
- F30** S. 32(8A) inserted (29.6.2015) by Deregulation Act 2015 (c. 20), **ss. 86(7)**, 115(6)(a); S.I. 2015/1402, art. 2(a)

Modifications etc. (not altering text)

- C1** S. 32 amended (1.4.1991 for certain purposes, otherwise 7.12.2004) by Courts and Legal Services Act 1990 (c. 41), ss. 53, 124, **Sch. 8 para. 11** (with s. 59(1)); S.I. 1991/608, **art. 2**, Sch; S.I. 2004/2950, **art. 2(a)**

[^{F31}32A Conveyancing services bodies

- (1) For the purposes of section 32 a “conveyancing services body” means a body (corporate or unincorporate) in respect of which—

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- (a) the management and control condition, and
 - (b) the services condition,
- are satisfied.
- (2) The management and control condition is satisfied in the case of a partnership if at least one of the partners is a licensed conveyancer.
 - (3) The management and control condition is satisfied in the case of an unincorporated body (other than a partnership), or a body corporate which is managed by its members, if at least one of those members is a licensed conveyancer.
 - (4) The management and control condition is satisfied in the case of any other body corporate if at least one director of the body is a licensed conveyancer.
 - (5) The services condition is satisfied in respect of a body if the body is carrying on a business consisting of the provision of—
 - (a) conveyancing services, or
 - (b) conveyancing services and other relevant legal services.
 - (6) For the purposes of this section—
 - “authorised person” means an authorised person in relation to an activity which is a reserved legal activity (within the meaning of the Legal Services Act 2007);
 - “relevant legal services”, in relation to a body, means—
 - (a) conveyancing services, and
 - (b) where authorised persons are managers or employees of, or have an interest in, the body, services such as are provided by individuals practising as such authorised persons (whether or not those services involve the carrying on of reserved legal activities within the meaning of the Legal Services Act 2007);

and a person has an interest in a body if the person has an interest in the body within the meaning of Part 5 of the Legal Services Act 2007 (see sections 72 and 109 of that Act).]

Textual Amendments

F31 S. 32A inserted (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 182, 211, [Sch. 17 para. 21](#) (with ss. 29, 192, 193); [S.I. 2009/503](#), [art. 2\(c\)\(i\)](#)

Modifications etc. (not altering text)

C2 S. 32A modified (temp.) (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 209, 211, [Sch. 22 para. 15](#) (with ss. 29, 192, 193); [S.I. 2009/503](#), [art. 2\(e\)](#) (subject to [art. 4](#))

[^{F32}32B CLC practitioner services bodies

- (1) For the purposes of section 32 a “CLC practitioner services body” means a body (corporate or unincorporate) in respect of which—
 - (a) the management and control condition,
 - (b) the services condition, and
 - (c) the authorised person condition,

are satisfied.

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- (2) The management and control condition is satisfied in the case of a partnership if at least one of the partners is a licensed conveyancer or a licensed CLC practitioner.
- (3) The management and control condition is satisfied in the case of an unincorporated body (other than a partnership), or a body corporate which is managed by its members, if at least one of those members is a licensed conveyancer or a licensed CLC practitioner.
- (4) The management and control condition is satisfied in the case of any other body corporate if at least one director of the body is a licensed conveyancer or a licensed CLC practitioner.
- (5) The services condition is satisfied in respect of a body if—
 - (a) the body is carrying on a business consisting of the provision of—
 - (i) CLC practitioner services; or
 - (ii) CLC practitioner services and other relevant legal services; and
 - (b) the body does not provide conveyancing services.
- (6) The authorised person condition is satisfied if the licensed conveyancer or licensed CLC practitioner by reference to whom the management and control condition is satisfied, or one of the persons by reference to whom that condition is satisfied, is an authorised person in relation to any reserved legal activity involved in the CLC practitioner services that are provided by the body.
- (7) For the purposes of this section—
 - (a) a reference to CLC practitioner services is a reference to services involving the carrying on of such of the following as are reserved legal activities in relation to which the Council is designated as an approved regulator—
 - (i) the exercise of a right of audience;
 - (ii) the conduct of litigation;
 - (iii) probate activities;
 - (iv) the administration of oaths;
 - (b) a reference to designation as an approved regulator is a reference to designation as an approved regulator—
 - (i) by Part 1 of Schedule 4 to the Legal Services Act 2007, or
 - (ii) under Part 2 of Schedule 4 to that Act;
 - (c) a person has an interest in a body if the person has an interest in the body within the meaning of Part 5 of the Legal Services Act 2007 (see sections 72 and 109 of that Act).
- (8) In this section—

“administration of oaths” has the same meaning as in the Legal Services Act 2007 (see section 12 of, and Schedule 2 to, that Act);

“authorised person” means an authorised person in relation to an activity which is a reserved legal activity (within the meaning of the Legal Services Act 2007);

“conduct of litigation” has the same meaning as in the Legal Services Act 2007 (see section 12 of, and Schedule 2 to, that Act);

“probate activities” has the same meaning as in the Legal Services Act 2007 (see section 12 of, and Schedule 2 to, that Act);

“relevant legal services”, in relation to a body, means—

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- (a) CLC practitioner services, and
- (b) where authorised persons are managers or employees of, or have an interest in, the body, services such as are provided by individuals practising as such authorised persons (whether or not those services involve the carrying on of reserved legal activities), except for conveyancing services;

“reserved legal activity” has the same meaning as in the Legal Services Act 2007 (see section 12 of, and Schedule 2 to, that Act);

“right of audience” has the same meaning as in the Legal Services Act 2007 (see section 12 of, and Schedule 2 to, that Act).]

Textual Amendments

F32 S. 32B inserted (29.6.2015) by [Deregulation Act 2015 \(c. 20\)](#), ss. **86(8)**, 115(6)(a); S.I. 2015/1402, art. 2(a)

Changes to legislation:

There are currently no known outstanding effects for the Administration of Justice Act 1985,
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