



Administration of Justice Act 1985

1985 CHAPTER 61

PART II

LICENSED CONVEYANCING

Training and licensing of persons seeking to practise as licensed conveyancers

13 Training rules.

- (1) The Council shall make rules relating to the education and training of those seeking to practise as licensed conveyancers, and those rules shall, in particular, include provisions prescribing—
 - (a) the examinations to be taken by such persons; and
 - (b) requirements as to practical training and experience.
- (2) Rules made by the Council under this section may—
 - (a) prescribe minimum standards of general education that must have been attained by persons who seek to practise as licensed conveyancers;
 - (b) provide for the recognition by the Council of courses of study provided by educational institutions or other bodies as being adequate for the purpose of preparing candidates for any examinations held in pursuance of subsection (1)(a);
 - (c) prescribe any education or training to be undergone by persons who are licensed conveyancers, and, in connection therewith, provide for the approval by the Council of courses of study provided by educational institutions or other bodies;
 - (d) include provision for the charging of fees by the Council;
 - (e) make different provision in relation to different classes of persons.
- (3) Rules under subsection (1)(b) may provide—
 - (a) for the manner in which a person may satisfy the Council that he has complied with any requirement of the rules as to practical experience;

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- (b) for attendance by a person at a training course approved by the Council for the purposes of the rules to count as practical training for those purposes.
- (4) Without prejudice to the generality of subsection (2)(e), rules under this section may provide for persons who—
 - (a) hold such qualifications as may be specified in the rules; or
 - (b) have acquired such experience in relation to the provision of conveyancing services as may be so specified; or
 - (c) satisfy such other conditions as may be so specified, to be exempt from any of the requirements of the rules.
- (5) The Council may—
 - (a) appoint, or approve the appointment of, persons as examiners or moderators in connection with examinations held in pursuance of subsection (1)(a); and
 - (b) remunerate any person appointed by it under paragraph (a) of this subsection.

14 Applications for licences.

- (1) An application for a licence under this Part shall be made to the Council in such manner, and shall be accompanied by such fee, as may be prescribed by rules made by the Council under this section.
- (2) Any such rules—
 - (a) may prescribe the forms to be used in connection with applications for licences under this Part;
 - (b) may provide for applications of any description specified in the rules to be exempt from any of the requirements of the rules.

15 Issue of licences by Council.

- (1) If, on an application for a licence under this Part made in accordance with section 14, the Council is satisfied—
 - (a) that the applicant has complied with such rules under section 13 (if any) as are applicable in his case; and
 - (b) that he has made adequate arrangements for the purpose of complying with any rules made under or for the purposes of section 21(1); and
 - (c) that he is a fit and proper person to practise as a licensed conveyancer or, in the case of an applicant in relation to whom section 16 has effect, that he is a fit and proper person to practise as such a conveyancer subject to his complying with any particular conditions that may be imposed under that section,
 the Council shall issue the applicant either with a licence free of conditions or with a licence subject to such conditions as aforesaid, as the case may require.
- (2) If the Council is for any reason not so satisfied it shall refuse the application, and shall notify the applicant of the refusal of the application and of the grounds on which it has been refused.
- (3) Where—
 - (a) an application for a licence has been made in accordance with section 14; and
 - (b) the Council has within [^{F1}the period prescribed under subsection (3A)] neither issued a licence in pursuance of the application nor refused the application under subsection (2),

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then, for the purposes of this Part, the application shall be deemed to have been so refused by the Council, and the applicant shall be deemed to have been notified of the refusal at the end of the said period.

[^{F2}(3A) The Council must by rules prescribe the period that applies for the purposes of subsection (3)(b).]

(4) Subject to the provisions of this Part, the period for which a licence shall be in force under this Part shall be [^{F3}such period, beginning with the date of issue of the licence, as may be specified in the licence.]

[^{F4}(4A) The period specified in a licence under subsection (4) may be a fixed or indefinite period.]

(5) Where—

- (a) an application for a licence is made in accordance with section 14 by a person who, at the date of the application, already holds a licence under this Part; and
- (b) no new licence is issued to him in pursuance of the application before the time when his existing licence would, apart from this subsection, expire in accordance with subsection (4),

his existing licence shall not expire at that time but shall continue in force until a new licence is issued to him in pursuance of the application or, if the application is refused by the Council—

- (i) until the end of the period within which an appeal may be brought against the refusal under section 29(1)(a); or
- (ii) if such an appeal is brought, until the appeal is determined or abandoned.

(6) Where an applicant for a licence under this Part has held such a licence at any time within the period of twelve months ending with the date of his application, any licence granted to him in pursuance of the application shall, unless the Council directs otherwise, be deemed to have been issued on the day following the date when his previous licence expired in accordance with subsection (4) (or would have so expired but for subsection (5)) and accordingly to have been held by him as from that day.

(7) ^{F5}.....

(8) ^{F5}.....

Textual Amendments

- F1** Words in s. 15(3)(b) substituted (29.6.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(6)(c), [Sch. 20 para. 2\(2\)](#); S.I. 2015/1402, art. 2(c) (with art. 3(1))
- F2** S. 15(3A) inserted (29.6.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(6)(c), [Sch. 20 para. 2\(3\)](#); S.I. 2015/1402, art. 2(c) (with art. 3(1))
- F3** Words in s. 15(4) substituted (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 182, 211, [Sch. 17 para. 4\(3\)](#) (with ss. 29, 192, 193); S.I. 2009/503, [art. 2\(c\)\(i\)](#)
- F4** S. 15(4A) inserted (13.7.2011) by [The Legal Services Act 2007 \(The Law Society and The Council for Licensed Conveyancers\) \(Modification of Functions\) Order 2011 \(S.I. 2011/1716\)](#), arts. 2(1), 7
- F5** S. 15(7)(8) repealed (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 182, 210, 211, [Sch. 17 para. 4\(4\)](#), [Sch. 23](#) (with ss. 29, 192, 193); S.I. 2009/503, [art. 2\(c\)\(i\)\(f\)\(v\)\(aa\)](#)

Changes to legislation: There are currently no known outstanding effects for the Administration of Justice Act 1985, Cross Heading: Training and licensing of persons seeking to practise as licensed conveyancers. (See end of Document for details)

Modifications etc. (not altering text)

- C1** S. 15(3)-(6) applied (with modifications) (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. 4(3)** (with s. 59(1)); S.I. 1991/608, **art. 2**, Sch; S.I. 2004/2950, **art. 2(a)**

16 Conditional licences.

- (1) Subject to subsection (4), this section has effect in any case where a person applies for a licence under this Part—
- (a) for the first time;
 - ^{F6}(b) when conditions under this section have been imposed on a licence under this Part previously issued to him;
 - (ba) when conditions under paragraph 5 of Schedule 8 to the Courts and Legal Services Act 1990 have been imposed on a licence under section 53 of that Act previously issued to him;]
 - (c) when, on the first day of the period to which the licence would (if granted) relate, a period of twelve months or more will have elapsed since he held a licence in force under this Part ^{F7}or a licence in force under section 53 of the Courts and Legal Services Act 1990] ;
 - ^{F8}(ca) after the Investigating Committee established under section 24 has made any order in his case under section 24A ^{F9}(including that section as applied by section 53 of the Courts and Legal Services Act 1990)] ;
 - (d) after the Discipline and Appeals Committee established under section 25 have made any order in his case under section 26 ^{F10}(including that section as applied by section 53 of the Courts and Legal Services Act 1990)] ;
 - (e) after he has been invited by the Council to give an explanation in respect of any matter relating to his conduct and has failed to give an explanation in respect of that matter which the Council regards as satisfactory, and has been notified in writing by the Council that he has so failed;
 - ^{F11}^{F12}(ea) when, having been required by rules made under section 22 ^{F13}(including that section as applied by section 53 of the Courts and Legal Services Act 1990)] to deliver to the Council a report by an accountant, he has not delivered such a report within the period required by the rules;
 - ^{F11}(eb) after having been disqualified under section 99 of the Legal Services Act 2007 (disqualification from being manager or employee of a licensed body etc);
 - ^{F11}(ec) after his holding of a restricted interest in a licensed body has been approved subject to conditions under paragraph 17, 28 or 33 of Schedule 13 to that Act (ownership of licensed bodies) or objected to under paragraph 19, 31 or 36 of that Schedule;]
 - (f) while he is an undischarged bankrupt . . . ^{F14};
 - ^{F15}(fa) while a moratorium under a debt relief order applies in relation to him (under Part 7A of the Insolvency Act 1986);]
 - (g) after having been ^{F16}made] bankrupt ^{F17}and discharged] or after having entered into a composition with his creditors ^{F18}...;
 - ^{F19}(ga) after a debt relief order has been made in respect of him and at the end of the moratorium period applicable to the order he has been discharged from all the qualifying debts specified in the order;]
 - (h) while he is a person as to whom powers have been exercised under section 98 of the ^{M1}Mental Health Act 1983 (judge's powers in cases of emergency);

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- ^{F20}(i) after having been committed to prison in civil proceedings;
- (ia) after having been convicted of an offence involving dishonesty or deception or ^{F21}an indictable offence]; or]
- (j) after having had given against him any judgment which involves the payment of money, not being a judgment—
- (i) limited to the payment of costs; or
 - (ii) as to whose whole effect upon him he is entitled to indemnity or relief from some other person; or
 - (iii) evidence of whose satisfaction has been produced to the Council.
- (2) In any case where this section has effect the Council may, on issuing a licence to the applicant under section 15, issue it subject to such conditions as the Council thinks fit; and the Council's decision in any such case to impose any particular conditions under this subsection may be made by reference to such criteria of general application as may have been determined by the Council.
- (3) Without prejudice to the generality of subsection (2), conditions may be imposed under that subsection—
- (a) for restricting the kinds of conveyancing services that may be provided by the applicant as a licensed conveyancer; or
 - (b) for requiring the applicant to take any specified steps that will, in the opinion of the Council, be conducive to his carrying on an efficient practice as a licensed conveyancer;
- and conditions may be imposed under that subsection (whether for the purpose mentioned in paragraph (b) or otherwise) notwithstanding that they may result in expenditure being incurred by the applicant.
- ^{F22}(4) Where a licence free of conditions is issued by the Council under section 15 to an applicant in relation to whom this section has effect by reason of any such circumstances as are mentioned in paragraph [^{F23}(ca),](d), (e), [^{F24}(ea), (eb), (ec),](f), [^{F25}(fa)], (g), [^{F26}(ga)] , (h), (i) or (j) of subsection (1), then, except in the case of any circumstances of whose existence the Council is unaware at the time the licence is issued, this section shall not thereafter have effect in relation to that person by reason of those circumstances.
- (5) Where the Council decides to issue an applicant with a licence subject to conditions, it may, if it thinks fit, direct that the conditions shall not have effect—
- (a) pending the hearing and determination of any appeal brought by the applicant under section 29(1)(b);
 - ^{F27}(aa) pending the hearing and determination of any appeal brought by the applicant under paragraph 18, 20, 29, 32, 34 or 37 of Schedule 13 to the Legal Services Act 2007;
 - (ab) pending the review by a licensing authority, in accordance with its licensing rules, of a determination that the applicant should be disqualified under section 99 of the Legal Services Act 2007; or]
 - (b) if this section has effect in relation to the applicant by reason only of any such circumstances as are mentioned in paragraph (f), (i) or (j) of subsection (1) and an appeal has been made to the appropriate court against the order or judgment in question, pending the hearing and determination of that appeal.
- ^{F28}(6) In this section—

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“licensed body”, “licensing authority” and “licensing rules” have the same meaning as in the Legal Services Act 2007 (see sections 71, 73 and 83 of that Act);

“restricted interest”, in relation to a body, has the same meaning as in Schedule 13 to that Act (ownership of licensed bodies).]

Textual Amendments

- F6** S. 16(1)(b)(ba) substituted for s. 16(1)(b) (29.6.2015) by Deregulation Act 2015 (c. 20), s. 115(6)(b), **Sch. 19 para. 2(2)**; S.I. 2015/1402, art. 2(b)
- F7** Words in s. 16(1)(c) inserted (29.6.2015) by Deregulation Act 2015 (c. 20), s. 115(6)(b), **Sch. 19 para. 2(3)**; S.I. 2015/1402, art. 2(b)
- F8** S. 16(1)(ca) inserted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 182, 211, **Sch. 17 para. 5(2)(a)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(c)(i)**
- F9** Words in s. 16(1)(ca) inserted (29.6.2015) by Deregulation Act 2015 (c. 20), s. 115(6)(b), **Sch. 19 para. 2(4)**; S.I. 2015/1402, art. 2(b)
- F10** Words in s. 16(1)(d) inserted (29.6.2015) by Deregulation Act 2015 (c. 20), s. 115(6)(b), **Sch. 19 para. 2(5)**; S.I. 2015/1402, art. 2(b)
- F11** S. 16(1)(ea)-(ec) inserted (31.3.2009 for specified purposes, 1.10.2011 in so far as not already in force) by Legal Services Act 2007 (c. 29), s. 211(2), **Sch. 17 para. 5(2)(b)** (with ss. 29, 192, 193); S.I. 2009/503, art. 2(c)(i); S.I. 2011/2196, art. 2(1)(g)
- F12** S. 16(1)(ea)-(ec) inserted (31.3.2009 for specified purposes, 1.10.2011 in so far as not already in force) by Legal Services Act 2007 (c. 29), s. 182, s. 211(2), **Sch. 17 para. 5(2)(b)** (with ss. 29, 192, 193); S.I. 2009/503, art. 2(c)(i); S.I. 2011/2196, art. 2(1)(g)
- F13** Words in s. 16(1)(ea) inserted (29.6.2015) by Deregulation Act 2015 (c. 20), s. 115(6)(b), **Sch. 19 para. 2(6)**; S.I. 2015/1402, art. 2(b)
- F14** Words repealed by Insolvency Act 1985 (c. 65, SIF 66), s. 235(3), **Sch. 10 Pt. III** (with saving in Insolvency Act 1986 (c. 45, SIF 66), s. 437, **Sch. 11 para. 10**)
- F15** S. 16(1)(fa) inserted (1.10.2012) by The Tribunals, Courts and Enforcement Act 2007 (Consequential Amendments) Order 2012 (S.I. 2012/2404), art. 1, **Sch. 2 para. 20(2)(a)(i)** (with art. 5)
- F16** Word in s. 16(1)(g) substituted (6.4.2016) by The Enterprise and Regulatory Reform Act 2013 (Consequential Amendments) (Bankruptcy) and the Small Business, Enterprise and Employment Act 2015 (Consequential Amendments) Regulations 2016 (S.I. 2016/481), reg. 1, **Sch. 1 para. 18**
- F17** Words substituted by Insolvency Act 1985 (c. 65, SIF 66), s. 235(1), **Sch. 8 para. 40** (with saving in Insolvency Act 1986 (c. 45, SIF 66), s. 437, **Sch. 11 para. 10**)
- F18** Words in s. 16(1)(g) omitted (1.10.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(7), **Sch. 6 para. 2(9)(a)** (with Sch. 6 para. 3); S.I. 2015/1732, art. 2(e)(i)
- F19** S. 16(1)(ga) inserted (1.10.2012) by The Tribunals, Courts and Enforcement Act 2007 (Consequential Amendments) Order 2012 (S.I. 2012/2404), art. 1, **Sch. 2 para. 20(2)(a)(ii)** (with art. 5)
- F20** S. 16(1)(i)(ia) substituted (1. 4. 1991 for certain purposes, otherwise 7.12.2004) for s. 16(1)(i) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 53, Sch. 8 para.24 (with s. 59(1)); S.I.1991/608, art. 2, Sch; S.I. 2004/2950, **art. 2(a)**
- F21** Words in s. 16(1)(ia) substituted (1.1.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 111, 178, **Sch. 7 para. 44**; S.I. 2005/3495, **art. 2(m)**
- F22** Words in s. 16(4) inserted (31.3.2009 for specified purposes, 1.10.2011 in so far as not already in force) by Legal Services Act 2007 (c. 29), s. 211(2), **Sch. 17 para. 5(3)(b)** (with ss. 29, 192, 193); S.I. 2009/503, art. 2(c)(i); S.I. 2011/2196, art. 2(1)(g)
- F23** Words in s. 16(4) inserted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 182, 211, **Sch. 17 para. 5(3)(a)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(c)(i)**
- F24** Words in s. 16(4) inserted (31.3.2009 for specified purposes, 1.10.2011 in so far as not already in force) by Legal Services Act 2007 (c. 29), s. 182, s. 211(2), **Sch. 17 para. 5(3)(b)** (with ss. 29, 192, 193); S.I. 2009/503, art. 2(c)(i); S.I. 2011/2196, art. 2(1)(g)

Changes to legislation: There are currently no known outstanding effects for the Administration of Justice Act 1985, Cross Heading: Training and licensing of persons seeking to practise as licensed conveyancers. (See end of Document for details)

- F25** Word in s. 16(4) inserted (1.10.2012) by [The Tribunals, Courts and Enforcement Act 2007 \(Consequential Amendments\) Order 2012 \(S.I. 2012/2404\)](#), art. 1, **Sch. 2 para. 20(2)(b)(i)** (with art. 5)
- F26** Word in s. 16(4) inserted (1.10.2012) by [The Tribunals, Courts and Enforcement Act 2007 \(Consequential Amendments\) Order 2012 \(S.I. 2012/2404\)](#), art. 1, **Sch. 2 para. 20(2)(b)(ii)** (with art. 5)
- F27** S. 16(5)(aa)(ab) substituted (1.10.2011) by [Legal Services Act 2007 \(c. 29\)](#), s. 211(2), **Sch. 17 para. 5(4)** (with ss. 29, 192, 193); S.I. 2011/2196, art. 2(1)(g)
- F28** S. 16(6) inserted (1.10.2011) by [Legal Services Act 2007 \(c. 29\)](#), s. 211(2), **Sch. 17 para. 5(5)** (with ss. 29, 192, 193); S.I. 2011/2196, art. 2(1)(g)

Modifications etc. (not altering text)

- C2** S. 16(4)(5) extended (with modifications) (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. 5(7)** (with s. 59(1)); S.I. 1991/608, **art. 2**, Sch; S.I. 2004/2950, **art. 2(a)**

Marginal Citations

- M1** 1983 c. 20.

[^{F29}**16A Additional fee payable by certain persons when applying for licences**

- (1) This section applies where a person applies for a licence at a time when section 16 has effect in relation to him by reason of the circumstances mentioned in section 16(1)(ea).
- (2) The application must be accompanied by an additional fee of an amount prescribed by rules made by the Council for the purposes of this section.]

Textual Amendments

- F29** S. 16A inserted (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 182, 211, **Sch. 17 para. 6** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(c)(i)**

17 Imposition of conditions during currency of licence.

- (1) Subject to the provisions of this section the Council may in the case of any licensed conveyancer direct that his licence shall have effect subject to such conditions as the Council thinks fit.
- (2) The power to give a direction under this section in the case of any licensed conveyancer shall be exercisable by the Council at any time during the period for which his licence is in force if—
 - ^{F30}(a) in the event of an application for a licence being made by him at that time, section 16 would have effect in relation to him by reason of any such circumstances as are mentioned in paragraph [^{F31}(ca)],(d), (e), [^{F32}(ea), (eb), (ec)],(i) or (j) of subsection (1) of that section; or
 - (b)
 - (c) he has entered into a composition with his creditors ^{F34}....
- (3) Subject to subsection (4), the conditions specified in a direction under this section shall have effect as from the time when the licensed conveyancer concerned is notified of the Council's decision to give the direction.

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- (4) The Council may, if it thinks fit, provide in a direction given under this section in the case of any licensed conveyancer that the conditions specified in the direction shall not have effect—
- (a) pending the hearing and determination of any appeal brought by the licensed conveyancer under section 29(1)(c);
 - [^{F35}(aa) pending the hearing and determination of any appeal brought by the licensed conveyancer under paragraph 18, 20, 29, 32, 34 or 37 of Schedule 13 to the Legal Services Act 2007;
 - (ab) pending the review by a licensing authority, in accordance with its licensing rules, of a determination that the licensed conveyancer should be disqualified under section 99 of the Legal Services Act 2007; or]
 - (b) if an appeal has been made by the licensed conveyancer to the appropriate court against any order or judgment which, if successful, would result in subsection (2) no longer being applicable to him, pending the hearing and determination of that appeal.
- (5) Subsection (3) of section 16 shall apply for the purposes of subsection (1) of this section as it applies for the purposes of subsection (2) of that section.
- [^{F36}(6) In this section “licensing authority” and “licensing rules” have the same meaning as in the Legal Services Act 2007 (see sections 73 and 83 of that Act).]

Textual Amendments

- F30** Words in s. 17(2)(a) inserted (31.3.2009 for specified purposes, 1.10.2011 in so far as not already in force) by [Legal Services Act 2007 \(c. 29\)](#), s. 211(2), [Sch. 17 para. 7\(2\)\(b\)](#) (with ss. 29, 192, 193); S.I. 2009/503, art. 2(c)(i); S.I. 2011/2196, art. 2(1)(g)
- F31** Words in s. 17(2)(a) inserted (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 182, 211, [Sch. 17 para. 7\(2\)\(a\)](#) (with ss. 29, 192, 193); S.I. 2009/503, art. 2(c)(i)
- F32** Words in s. 17(2)(a) inserted (31.3.2009 for specified purposes, 1.10.2011 in so far as not already in force) by [Legal Services Act 2007 \(c. 29\)](#), s. 182, s. 211(2), [Sch. 17 para. 7\(2\)\(b\)](#) (with ss. 29, 192, 193); S.I. 2009/503, art. 2(c)(i); S.I. 2011/2196, art. 2(1)(g)
- F33** S. 17(2)(b) repealed by [Insolvency Act 1985 \(c. 65, SIF 66\)](#), s. 235(3), [Sch. 10 Pt. III](#) (with saving in [Insolvency Act 1986 \(c. 45, SIF 66\)](#), s. 437, [Sch. 11 para. 10](#))
- F34** Words in s. 17(2)(c) omitted (1.10.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(7), [Sch. 6 para. 2\(9\)\(b\)](#) (with [Sch. 6 para. 3](#)); S.I. 2015/1732, art. 2(e)(i)
- F35** S. 17(4)(aa)(ab) substituted (1.10.2011) by [Legal Services Act 2007 \(c. 29\)](#), s. 211(2), [Sch. 17 para. 7\(3\)](#) (with ss. 29, 192, 193); S.I. 2011/2196, art. 2(1)(g)
- F36** S. 17(6) inserted (1.10.2011) by [Legal Services Act 2007 \(c. 29\)](#), s. 211(2), [Sch. 17 para. 7\(4\)](#) (with ss. 29, 192, 193); S.I. 2011/2196, art. 2(1)(g)

[^{F37}17A Variation of conditions

- (1) This section applies where a licensed conveyancer's licence has effect subject to conditions.
- (2) On an application made by the licensed conveyancer, the Council may in prescribed circumstances direct—
- (a) the removal of a condition;
 - (b) the variation of a condition in the manner described in the application.

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- (3) “Prescribed” means prescribed by rules made by the Council.
- (4) Section 14 (applications for licences) applies in relation to an application under this section as it applies in relation to applications for a licence under this Part.]

Textual Amendments

F37 S. 17A inserted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 182, 211, Sch. 17 para. 8 (with ss. 29, 192, 193); S.I. 2009/503, art. 2(c)(i)

18 Suspension or termination of licences.

- (1) Where an adjudication in bankruptcy is made against a licensed conveyancer [^{F38}or a debt relief order (under Part 7A of the Insolvency Act 1986) is made in respect of a licensed conveyancer] , any such adjudication [^{F39}or any such order] shall operate immediately to suspend the licence held by that person under this Part; and, subject to subsection (2), the suspension of the licence shall continue until the licence expires.
- (2) The suspension of a licence by virtue of subsection (1) shall terminate if the adjudication in question is annulled and an office copy of the order annulling the adjudication is served on the Council.

[^{F40}(2ZA) The suspension of a licence by virtue of subsection (1) shall terminate—

- (a) if the debt relief order is revoked for reasons falling within section 251L(2)(d) of the Insolvency Act 1986 and a copy of the notice of the decision to revoke given to the debtor pursuant to [^{F41}Rule 9.18 of the Insolvency (England and Wales) Rules 2016] is provided to the Council or the debt relief order is revoked by the court under section 251M(e) and a copy of the order is provided to the Council; or
- (b) if the debt relief order is revoked and a period of one year has elapsed beginning with the effective date of the order]

[^{F42}(2A) Where the power conferred by paragraph 6(1) or 9(1) of Schedule 5 has been exercised in relation to a licensed conveyancer by virtue of paragraph 1(1)(a)(i), (aa), (c) or (e) of that Schedule, the exercise of that power shall operate immediately to suspend any licence held by that person under this Part.

(2B) Subsection (2A) does not apply if, at the time when the power referred to there is exercised, the Council directs that subsection (2A) is not to apply in relation to the licensed conveyancer concerned.

(2C) If, at the time when the power referred to in subsection (2A) is exercised, the Council gives a direction to that effect, the licensed conveyancer concerned may continue to act in relation to any matter specified in the direction as if the licence had not been suspended by virtue of subsection (2A), but subject to such conditions (if any) as the Council sees fit to impose.

[Where the power conferred by paragraph 6(1) or 9(1) of Schedule 5 is exercised
^{F43}(2CA) 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.

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- (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—
- (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.]

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- (2D) Subject to subsection (2E), where a licence is suspended by virtue of subsection (2A) [^{F44}, (2CA), (2CB) or (2CC)] the suspension of the licence shall continue until the licence expires.
- (2E) The licensed conveyancer may, at any time before the licence expires, apply to the Council to terminate the suspension.
- (2F) On an application under subsection (2E), the Council may in its discretion—
- (a) by order terminate the suspension either unconditionally or subject to such conditions as the Council may think fit, or
 - (b) refuse the application.
- (2G) If on an application by a licensed conveyancer under subsection (2E) the Council refuses the application or terminates the suspension subject to conditions, the licensed conveyancer may appeal against the decision of the Council to the [^{F45}First-tier Tribunal] which may—
- (a) affirm the decision, or
 - (b) terminate the suspension either unconditionally or subject to such conditions as it may think fit.

^{F46}(2H)]

- (3) A licence held by a person under this Part shall terminate if [^{F47}he becomes a person who lacks capacity (within the meaning of the Mental Capacity Act 2005) to practise as a licensed conveyancer.]
- (4) For the purposes of this Part a licence shall be treated as not being in force at any time while it is suspended by virtue of any provision of this Part.

Textual Amendments

- F38** Words in s. 18(1) inserted (1.10.2012) by The Tribunals, Courts and Enforcement Act 2007 (Consequential Amendments) Order 2012 (S.I. 2012/2404), art. 1, **Sch. 2 para. 20(3)(a)(i)** (with art. 5)
- F39** Words in s. 18(1) inserted (1.10.2012) by The Tribunals, Courts and Enforcement Act 2007 (Consequential Amendments) Order 2012 (S.I. 2012/2404), art. 1, **Sch. 2 para. 20(3)(a)(ii)** (with art. 5)
- F40** S. 18(2ZA) inserted (1.10.2012) by The Tribunals, Courts and Enforcement Act 2007 (Consequential Amendments) Order 2012 (S.I. 2012/2404), art. 1, **Sch. 2 para. 20(3)(b)** (with art. 5)
- F41** Words in s. 18(2ZA) substituted (6.4.2017) by The Insolvency (England and Wales) Rules 2016 (Consequential Amendments and Savings) Rules 2017 (S.I. 2017/369), rule 1, **Sch. 1 para. 2**
- F42** S. 18A(2A)-(2H) inserted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 182, 211, **Sch. 17 para. 9** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(c)(i)**
- F43** S. 18(2CA)-(2CF) inserted (29.6.2015) by Deregulation Act 2015 (c. 20), s. 115(6)(c), **Sch. 20 para. 3(2)**; S.I. 2015/1402, art. 2(c) (with art. 3(2))
- F44** Words in s. 18(2D) inserted (29.6.2015) by Deregulation Act 2015 (c. 20), s. 115(6)(c), **Sch. 20 para. 3(3)**; S.I. 2015/1402, art. 2(c) (with art. 3(2))
- F45** Words in s. 18(2G) substituted (29.6.2015) by Deregulation Act 2015 (c. 20), s. 115(6)(c), **Sch. 20 para. 3(4)**; S.I. 2015/1402, art. 2(c) (with art. 3(3))
- F46** S. 18(2H) omitted (29.6.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(6)(c), **Sch. 20 para. 3(5)**; S.I. 2015/1402, art. 2(c) (with art. 3(3))
- F47** Words in s. 18(3) substituted (1.10.2007) by Mental Capacity Act 2005 (c. 9), ss. 67(1), 68(1)-(3), **Sch. 6 para. 30** (with ss. 27, 28, 29 and 62); S.I. 2007/1897, **art. 2(1)(c)(d)**

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19 Register of licensed conveyancers.

- (1) The Council shall establish and maintain, in such form as the Council may determine, a register containing the names and places of business of all persons who for the time being hold licences in force under this Part.
- [^{F48}(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.]
- (2) The Council shall ^{F49}... cause the appropriate entries and deletions to be made in the register on the issue and termination of licences under this Part; and where any licence held by a person is for the time being suspended by virtue of any provision of this Part the Council shall cause that fact to be noted in the register against that person's name.
- (3) Any change in a licensed conveyancer's place or places of business shall be notified by him to the Council within the period of fourteen days beginning with the date on which the change takes effect.
- (4) The Council shall provide facilities for making the information contained in the entries in the register available for inspection in visible and legible form by any person during office hours and without payment.
- (5) A certificate signed by an officer of the Council appointed for the purpose and stating—
 - (a) that any person does or does not, or did or did not at any time, hold a licence in force under this Part; or
 - (b) that any licence held by any person is or was at any time either free of conditions or subject to any particular conditions,
 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.

Textual Amendments

F48 S. 19(1A) inserted (29.6.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(6)(c), [Sch. 20 para. 4\(2\)](#); S.I. 2015/1402, art. 2(c)

F49 Word in s. 19(2) omitted (29.6.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(6)(c), [Sch. 20 para. 4\(3\)](#); S.I. 2015/1402, art. 2(c)

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