
Changes to legislation: There are currently no known outstanding effects for the Administration of Justice Act 1985, Paragraph 1. (See end of Document for details)

SCHEDULES

SCHEDULE 5

INTERVENTION IN LICENSED CONVEYANCER'S PRACTICE

PART I

CIRCUMSTANCES IN WHICH COUNCIL MAY INTERVENE

- 1 (1) Subject to sub-paragraph (2), the powers conferred by Part II of this Schedule shall be exercisable where—
- (a) the Council has reason to suspect dishonesty on the part of—
 - (i) a licensed conveyancer, or
 - (ii) an employee or associate of a licensed conveyancer, or
 - (iii) the personal representatives of a deceased licensed conveyancer,in connection with that licensed conveyancer's practice [^{F1}or former practice or in connection with any trust of which that licensed conveyancer is or was a trustee];
 - [^{F2}(aa) the Council has reason to suspect dishonesty on the part of a licensed conveyancer ("L") in connection with—
 - (i) the business of any person of whom L is or was an employee, or of any body of which L is or was a manager, or
 - (ii) any business which is or was carried on by L as a sole trader;]
 - (b) following the death of a licensed conveyancer who, immediately before his death was practising as a sole practitioner, the Council considers that there has been undue delay on the part of the personal representatives of that person in connection with his practice [^{F3}or in connection with any trust];
 - (c) the Council is satisfied that a licensed conveyancer has failed to comply with any rules made by virtue of section [^{F4}20, 21(3)(c),] 22 or 23;
 - (d) a licensed conveyancer has made a composition or arrangement with his creditors;
 - (e) a licensed conveyancer has been committed to prison in any civil or criminal proceedings;
 - [^{F5}(ea) the Council is satisfied that a licensed conveyancer has abandoned his practice;
 - (eb) the Council is satisfied that a licensed conveyancer has been practising in breach of any conditions subject to which his licence has effect;]
 - (f) the Council is satisfied that a licensed conveyancer practising as a sole practitioner is incapacitated by illness [^{F6}, injury] or accident to such an extent as to be unable to attend to his practice;
 - [^{F7}(g) a licensed conveyancer lacks capacity (within the meaning of the Mental Capacity Act 2005) to act as a licensed conveyancer and powers under

Changes to legislation: There are currently no known outstanding effects for the Administration of Justice Act 1985, Paragraph 1. (See end of Document for details)

- section 15 to 20 or section 48 of that Act are exercisable in relation to the licensed conveyancer;]
- (h) the licence held by any person—
- (i) has been suspended or has terminated in accordance with section 18; or
 - (ii) has been revoked or suspended by an order of the Discipline and Appeals Committee under section 26; or
 - (iii) has expired and no further licence has been issued to him under this Part of this Act.
- [^{F8}(i) the Council is satisfied that it is necessary to exercise the powers conferred by Part 2 of this Schedule (or any of them) in relation to a licensed conveyancer to protect—
- (i) the interests of clients (or former or potential clients) of the licensed conveyancer or his firm, or
 - (ii) the interests of the beneficiaries of any trust of which the licensed conveyancer is or was a trustee.]
- (2) ^{F9}.....
- (3) For the purposes of the following provisions of this Schedule any person in relation to whom the powers conferred by Part II are exercisable by virtue of sub-paragraph (1) (h) shall be deemed to be a licensed conveyancer.

Textual Amendments

- F1** Words in Sch. 5 para. 1(1)(a) inserted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 182, 211, **Sch. 17 para. 31(2)(a)**, (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(c)(i)**
- F2** Sch. 5 para. 1(1)(aa) inserted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 182, 211, **Sch. 17 para. 31(2)(b)**, (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(c)(i)**
- F3** Words in Sch. 5 para. 1(1)(b) inserted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 182, 211, **Sch. 17 para. 31(2)(c)**, (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(c)(i)**
- F4** Words in Sch. 5 para. 1(1)(c) inserted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 182, 211, **Sch. 17 para. 31(2)(d)**, (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(c)(i)**
- F5** Sch. 5 para. 1(1)(ea)(eb) inserted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 182, 211, **Sch. 17 para. 31(2)(e)**, (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(c)(i)**
- F6** Words in Sch. 5 para. 1(1)(f) inserted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 182, 211, **Sch. 17 para. 31(2)(f)**, (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(c)(i)**
- F7** Sch. 5 para. 1(1)(g) substituted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 182, 211, **Sch. 17 para. 31(2)(g)**, (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(c)(i)**
- F8** Sch. 5 para. 1(1)(i) inserted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 182, 211, **Sch. 17 para. 31(2)(h)**, (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(c)(i)**
- F9** Sch. 5 para. 1(2) repealed (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 182, 211, Sch. 17 para. 31(2)(i), **Sch. 23**, (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(c)(i)(f)(v)(ee)**

Changes to legislation:

There are currently no known outstanding effects for the Administration of Justice Act 1985, Paragraph 1.