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

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## 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 [<sup>F1</sup>or former practice or in connection with any trust of which that licensed conveyancer is or was a trustee];
  - [<sup>F2</sup>(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 [<sup>F3</sup>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 [<sup>F4</sup>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;
    - [<sup>F5</sup>(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 [<sup>F6</sup>, injury] or accident to such an extent as to be unable to attend to his practice;
    - [<sup>F7</sup>(g) a licensed conveyancer lacks capacity (within the meaning of the Mental Capacity Act 2005) to act as a licensed conveyancer and powers under

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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.

<sup>F8</sup>(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) <sup>F9</sup>.....

(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)

2 On the death of a licensed conveyancer who immediately before his death was practising as a sole practitioner paragraphs 6 to 8 shall apply to the client accounts of his practice.

3 The powers conferred by Part II of this Schedule shall also be exercisable, subject to paragraphs 5(4) and [<sup>F10</sup>10(9)], where—

- (a) [<sup>F11</sup>the Council is satisfied] that there has been undue delay on the part of a licensed conveyancer in connection with any matter in which he or his

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- firm [<sup>F12</sup>is or was acting] on behalf of a client [<sup>F13</sup>or in connection with any trust]; and
- (b) the Council by notice in writing invites the conveyancer to give an explanation within such period following the giving of the notice as may be specified in it, being a period of not less than eight days; and
  - (c) the conveyancer fails within that period to give an explanation which the Council regards as satisfactory; and
  - (d) the Council gives notice of the failure to the conveyancer and (at the same or any later time) notice that the powers conferred by Part II of this Schedule are accordingly exercisable in his case.

#### Textual Amendments

- F10** Words in Sch. 5 para. 3 substituted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 182, 211, Sch. 17 para. 31(3)(a), (with ss. 29, 192, 193); S.I. 2009/503, art. 2(c)(i)
- F11** Words in Sch. 5 para. 3(a) substituted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 182, 211, Sch. 17 para. 31(3)(b), (with ss. 29, 192, 193); S.I. 2009/503, art. 2(c)(i)
- F12** Words in Sch. 5 para. 3(a) substituted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 182, 211, Sch. 17 para. 31(3)(c), (with ss. 29, 192, 193); S.I. 2009/503, art. 2(c)(i)
- F13** Words in Sch. 5 para. 3(a) inserted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 182, 211, Sch. 17 para. 31(3)(d), (with ss. 29, 192, 193); S.I. 2009/503, art. 2(c)(i)

- 4 (1) Where the powers conferred by Part II of this Schedule are exercisable in relation to a licensed conveyancer, they shall continue to be exercisable after his death or after his licence has been revoked or suspended or has otherwise ceased to be in force under this Part of this Act.
- (2) The references to the licensed conveyancer or his firm in paragraphs 5(1), 6(2) and (3) [<sup>F14</sup>, 6A], 8, 9(1) [<sup>F15</sup>, (5) and (6)] and [<sup>F16</sup>10(2) and (7)] include, in any case where the licensed conveyancer has died, references to his personal representatives.

#### Textual Amendments

- F14** Words in Sch. 5 para. 4(2) inserted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 182, 211, Sch. 17 para. 31(4)(a), (with ss. 29, 192, 193); S.I. 2009/503, art. 2(c)(i)
- F15** Words in Sch. 5 para. 4(2) substituted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 182, 211, Sch. 17 para. 31(4)(b), (with ss. 29, 192, 193); S.I. 2009/503, art. 2(c)(i)
- F16** Words in Sch. 5 para. 4(2) substituted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 182, 211, Sch. 17 para. 31(4)(c), (with ss. 29, 192, 193); S.I. 2009/503, art. 2(c)(i)

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