
Changes to legislation: There are currently no known outstanding effects for the Administration of Justice Act 1985, Paragraph 3A. (See end of Document for details)

SCHEDULES

SCHEDULE 6

BODIES RECOGNISED UNDER S.32: SUPPLEMENTARY PROVISIONS

Disciplinary control of recognised bodies

- [^{F1}3A (1) Where, on hearing an allegation by virtue of paragraph 3(1A)(a), the Investigating Committee are satisfied—
- (a) in a case within paragraph 3(1)(a), that a recognised body has failed to comply with any such rules as are mentioned in sub-paragraph (ii) of that paragraph, or
 - (b) in a case within paragraph 3(1)(aa) [^{F2}or (aaa)] , that a manager or employee has failed to comply with any such rules as are mentioned in [^{F3}paragraph 3(1)(aa) or (aaa) (as the case may be)] , or
 - (c) in a case within paragraph 3(1)(ab), that a recognised body has failed to comply with any condition mentioned in that paragraph,
- the Committee may make an order directing the payment by the recognised body, manager or employee of a penalty to be forfeited to Her Majesty.
- (2) In relation to proceedings before the Investigating Committee by virtue of paragraph 3(1A)(a), the Committee may make such order as they consider fit as to the payment of costs by—
- (a) the Council;
 - (b) the recognised body, manager or employee against whom the proceedings were brought;
 - (c) if the person on whose allegation the proceedings were brought was heard (in person, or through a representative) by the Committee in the course of the proceedings, that person.
- (3) In sub-paragraph (2), for the purposes of paragraph (a) or (b) of that sub-paragraph, the reference to costs includes costs incurred in connection with a preliminary investigation of the allegation under paragraph 3.
- (4) The amount of any penalty required to be paid under sub-paragraph (1) may not exceed such amount as is prescribed by rules made by the Council for the purposes of this sub-paragraph.
- (5) Paragraphs 1, 2(1) and (3) and 4 of Schedule 4 have effect in relation to—
- (a) proceedings for the hearing and determination of an allegation by the Investigating Committee, as they have effect in relation to proceedings before the Discipline and Appeals Committee under section 26, and
 - (b) orders of the Investigating Committee, as they have effect in relation to orders of the Discipline and Appeals Committee.
- (6) A person against whom an order is made by the Investigating Committee by virtue of sub-paragraph (1) may appeal to the Discipline and Appeals Committee, and on

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any such appeal the Discipline and Appeals Committee may make such order as they think fit.

- (7) If an order is made by the Investigating Committee by virtue of sub-paragraph (2), a person listed in paragraphs (a) to (c) of that sub-paragraph may appeal to the Discipline and Appeals Committee, and on any such appeal the Discipline and Appeals Committee may make such order as they think fit.
- (8) Where an order is made by the Discipline and Appeals Committee under sub-paragraph (6) or (7)—
- (a) a party to the appeal, or
 - (b) if not within paragraph (a), the Council,
- may appeal against the order to the ^{F4}First-tier Tribunal .
- (9) On an appeal under sub-paragraph (8) the ^{F5}First-tier Tribunal] may make such order as it thinks fit.

^{F6}(10)]

Textual Amendments

- F1** Sch. 6 para. 3A inserted (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 182, 211, [Sch. 17 para. 32\(5\)](#), (with ss. 29, 192, 193); [S.I. 2009/503, art. 2\(c\)\(i\)](#) (subject to art. 4)
- F2** Words in [Sch. 6 para. 3A\(1\)\(b\)](#) inserted (29.6.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(6)(b), [Sch. 19 para. 9\(3\)\(a\)](#); [S.I. 2015/1402, art. 2\(b\)](#)
- F3** Words in [Sch. 6 para. 3A\(1\)\(b\)](#) substituted (29.6.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(6)(b), [Sch. 19 para. 9\(3\)\(b\)](#); [S.I. 2015/1402, art. 2\(b\)](#)
- F4** Words in [Sch. 6 para. 3A\(8\)](#) substituted (29.6.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(6)(c), [Sch. 20 para. 10\(2\)\(a\)](#); [S.I. 2015/1402, art. 2\(c\)](#) (with art. 3(3))
- F5** Words in [Sch. 6 para. 3A\(9\)](#) substituted (29.6.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(6)(c), [Sch. 20 para. 10\(2\)\(b\)](#); [S.I. 2015/1402, art. 2\(c\)](#) (with art. 3(3))
- F6** [Sch. 6 para. 3A\(10\)](#) omitted (29.6.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(6)(c), [Sch. 20 para. 10\(2\)\(c\)](#); [S.I. 2015/1402, art. 2\(c\)](#) (with art. 3(3))

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