



Administration of Justice Act 1985

1985 CHAPTER 61

PART II

LICENSED CONVEYANCING

Training and licensing of persons seeking to practise as licensed conveyancers

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;
 - [^{F1}(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 [^{F2}or a licence in force under section 53 of the Courts and Legal Services Act 1990] ;
 - [^{F3}(ca) after the Investigating Committee established under section 24 has made any order in his case under section 24A [^{F4}(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 [^{F5}(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;

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- ^{F6}^{F7}(ea) when, having been required by rules made under section 22 [^{F8}(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;
- ^{F6}(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);
- ^{F6}(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 . . . ^{F9};
- ^{F10}(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 [^{F11}made] bankrupt [^{F12}and discharged] or after having entered into a composition with his creditors ^{F13}...;
- ^{F14}(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);
- ^{F15}(i) after having been committed to prison in civil proceedings;
- (ia) after having been convicted of an offence involving dishonesty or deception or [^{F16}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.

^{F17}(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 [^{F18}(ca),](d), (e), [^{F19}(ea), (eb), (ec),](f), [^{F20}(fa)], (g), [^{F21}(ga)] , (h), (i) or (j) of subsection (1), then, except in the case of any

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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);
 - [^{F22}(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.

[^{F23}(6) In this section—

“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

- F1** 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)
- F2** 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)
- F3** 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\(c\)\(i\)](#)
- F4** 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)
- F5** 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)
- F6** 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)
- F7** 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)
- F8** 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)
- F9** 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](#))
- F10** 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)

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- F11** 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**
- F12** 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**)
- F13** 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)
- F14** 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)
- F15** 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)**
- F16** 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)**
- F17** 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)
- F18** 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)**
- F19** 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)
- F20** 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)
- F21** 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)
- F22** 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)
- F23** 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)

- C1** 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.

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