



# Administration of Justice Act 1985

## 1985 CHAPTER 61

### PART II

#### LICENSED CONVEYANCING

##### *Training and licensing of persons seeking to practise as licensed conveyancers*

#### **18 Suspension or termination of licences.**

- (1) Where an adjudication in bankruptcy is made against a licensed conveyancer [<sup>F1</sup>or a debt relief order (under Part 7A of the Insolvency Act 1986) is made in respect of a licensed conveyancer] , any such adjudication [<sup>F2</sup>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.

[<sup>F3</sup>(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 [<sup>F4</sup>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]

[<sup>F5</sup>(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.

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- (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  
<sup>F6</sup>(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.
- (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

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- (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.]
- (2D) Subject to subsection (2E), where a licence is suspended by virtue of subsection (2A) [<sup>F7</sup>, (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 [<sup>F8</sup>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.
- <sup>F9</sup>(2H)] . . . . .
- (3) A licence held by a person under this Part shall terminate if [<sup>F10</sup>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**

- F1** 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)
- F2** 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)
- F3** 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)
- F4** 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**

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- F5** 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)**
- F6** 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))
- F7** 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))
- F8** 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))
- F9** 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))
- F10** 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)**

**Changes to legislation:**

There are currently no known outstanding effects for the Administration of Justice Act 1985, Section 18.