



Administration of Justice Act 1985

1985 CHAPTER 61

PART II

LICENSED CONVEYANCING

Disciplinary and other proceedings

26 Proceedings in disciplinary cases.

- (1) Where on the hearing of any allegation [^{F1}referred to them under section 24(1A)(b)] the Discipline and Appeals Committee are satisfied that a licensed conveyancer—
- (a) has been convicted as mentioned in section 24(1)(a)(i) of an offence which renders him unfit to practise as a licensed conveyancer;
 - (b) has, while holding a licence in force under this Part, failed to comply with any condition to which that licence was subject; or
 - (c) has failed to comply with any rules made by the Council under this Part,
- the Committee may, if they think fit, make one or more of the orders referred to in subsection (2).
- (2) Those orders are—
- (a) an order revoking any licence [^{F2}under this Part] held by the licensed conveyancer;
 - (b) an order directing that the licensed conveyancer shall be disqualified (either permanently or during a specified period) from holding [^{F3}any relevant licence] ;
 - (c) an order suspending any licence [^{F4}under this Part] held by the licensed conveyancer;
 - (d) an order that any such licence shall have effect subject to such conditions as may be specified in the order;
 - (e) an order directing the payment by the licensed conveyancer of a penalty not exceeding [^{F5}such amount as may be prescribed by rules made by the Council for the purposes of this paragraph], to be forfeited to Her Majesty;

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- [^{F6}(f) an order reprimanding the licensed conveyancer.]
- (g) ^{F7}

[^{F8}(2A) In relation to proceedings before the Discipline and Appeals Committee under this section, the Committee may make such order as they consider fit as to the payment of costs by—

- (a) the Council;
- (b) the licensed conveyancer 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.

(2B) In subsection (2A), for the purposes of paragraph (a) or (b) of that subsection, the reference to costs includes costs incurred in connection with a preliminary investigation of the allegation under section 24(1A).]

(3) ^{F9}

(4) References in this section to a licensed conveyancer include, in relation to an allegation or complaint which has been referred to the Committee in pursuance of section 24 (3), references to any such person as is mentioned in that provision.

(5) ^{F10}

(6) ^{F10}

[^{F11}(7) Where the Discipline and Appeals Committee make an order by virtue of subsection (1)—

- (a) the person against whom the order is made, or
- (b) the Council,

may appeal to the First-tier Tribunal, and on any such appeal the First-tier Tribunal may make such order as it thinks fit.]

[^{F12}(7A) Where the Discipline and Appeals Committee make an order under subsection (2A), a person listed in paragraphs (a) to (c) of that subsection may appeal to the [^{F13}First-tier Tribunal] , and on any such appeal the [^{F13}First-tier Tribunal] may make such order as it thinks fit.]

^{F14}(8)

[^{F15}(9) In this section “relevant licence” means—

- (a) a licence under this Part, or
- (b) a licence under section 53 of the Courts and Legal Services Act 1990.]

Textual Amendments

- F1** Words in s. 26(1) inserted (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 182, 211, [Sch. 17 para. 15\(2\)](#) (with ss. 29, 192, 193); S.I. 2009/503, [art. 2\(c\)\(i\)](#)
- F2** Words in s. 26(2)(a) inserted (29.6.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(6)(b), [Sch. 19 para. 3\(2\)\(a\)](#); S.I. 2015/1402, [art. 2\(b\)](#)
- F3** Words in s. 26(2)(b) substituted (29.6.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(6)(b), [Sch. 19 para. 3\(2\)\(b\)](#); S.I. 2015/1402, [art. 2\(b\)](#)
- F4** Words in s. 26(2)(c) inserted (29.6.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(6)(b), [Sch. 19 para. 3\(2\)\(c\)](#); S.I. 2015/1402, [art. 2\(b\)](#)

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- F5** Words in s. 26(2)(e) substituted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 182, 211, **Sch. 17 para. 15(3)(a)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(c)(i)**
- F6** S. 26(2)(f) substituted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 182, 211, **Sch. 17 para. 15(3)(b)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(c)(i)**
- F7** S. 26(2)(g) repealed (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 182, 210, 211, Sch. 17 para. 15(3)(c), **Sch. 23** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(c)(i)(f)(v)(aa)**
- F8** S. 26(2A)(2B) inserted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 182, 211, **Sch. 17 para. 15(4)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(c)(i)**
- F9** S. 26(3) repealed (*I. 4. 1991*) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 125(6)(7), Sch. 20 (with **Sch. 19 para. 15(1)(b)**); S.I. 1991/608, art. 2, **Sch.**
- F10** S. 26(5)(6) repealed (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 182, 210, 211, Sch. 17 para. 15(5), **Sch. 23** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(c)(i)(f)(v)(aa)**
- F11** S. 26(7) substituted (29.6.2015) by Deregulation Act 2015 (c. 20), s. 115(6)(c), **Sch. 20 para. 8(2)**; S.I. 2015/1402, art. 2(c) (with art. 3(3))
- F12** S. 26(7A) inserted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 182, 211, **Sch. 17 para. 15(6)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(c)(i)**
- F13** Words in s. 26(7A) substituted (29.6.2015) by Deregulation Act 2015 (c. 20), s. 115(6)(c), **Sch. 20 para. 8(3)**; S.I. 2015/1402, art. 2(c) (with art. 3(3))
- F14** S. 26(8) omitted (29.6.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(6)(c), **Sch. 20 para. 8(4)**; S.I. 2015/1402, art. 2(c) (with art. 3(3))
- F15** S. 26(9) inserted (29.6.2015) by Deregulation Act 2015 (c. 20), s. 115(6)(b), **Sch. 19 para. 3(3)**; S.I. 2015/1402, art. 2(b)

Changes to legislation:

There are currently no known outstanding effects for the Administration of Justice Act 1985, Section 26.