

SCHEDULES

SCHEDULE 19

Section 125(6).

TRANSITIONALS AND SAVINGS

Discrimination by, or in relation to, barristers

- 1 Nothing in section 64 shall have effect in relation to anything done before the date on which that section came into force in relation to a pupillage or tenancy which began before that date.

Judicial appointments: barristers

- 2 (1) This paragraph applies—
- (a) to barristers who were called to the Bar on a date (the “call date”) before the commencement of section 31; and
 - (b) for the purpose of determining for how many years such a barrister has had one of the qualifications listed in section 71(3).
- (2) The General Council of the Bar shall be deemed to have granted such a barrister on his call date the rights of audience mentioned in section 31(1)(a).
- (3) The period beginning with his call date and ending with the commencement of section 31 (apart from any part of that period during which he was disbarred) shall, in the case of such a barrister, count towards the period mentioned in section 71(5)(b), whether or not he was entitled to exercise the right of audience in question during that time.

Judicial appointments: solicitors

- 3 (1) This paragraph applies—
- (a) to solicitors who were admitted on a date (the “admission date”) before the commencement of section 32; and
 - (b) for the purpose of determining for how many years such a solicitor has had one of the qualifications listed in section 71(3).
- (2) The Law Society shall be deemed to have granted such a solicitor on his admission date the rights of audience mentioned in section 32(1)(a).
- (3) The period beginning with his admission date and ending with the commencement of section 32 (apart from any part of that period during which he was struck off, or removed from, the roll) shall, in the case of such a solicitor, count towards the period mentioned in section 71(5)(b), whether or not he was entitled to exercise the right of audience in question during that time.
- (4) Such a solicitor who has a right of audience in all proceedings in the Supreme Court shall be deemed to have had a Supreme Court qualification since his admission date.

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- (5) Such a solicitor who has a right of audience in all proceedings in the High Court shall be deemed to have had a High Court qualification since his admission date.

Directions under section 83 of the Supreme Court Act 1981 (c. 54)

- 4 (1) Any direction given under section 83 of the Supreme Court Act 1981 (right of audience for solicitors in Crown Courts) and in force immediately before the commencement of section 67 shall have effect as if validly made under section 83 as substituted by section 67.
- (2) This paragraph is without prejudice to section 17(2)(b) of the Interpretation Act 1978.

District judges

- 5 For the purposes of section 16(3)(c) of the Courts Act 1971 (certain office-holders eligible, after 3 years, for appointment as Circuit judges) a person who holds an office (the “former office”) which, on the coming into force of section 74, becomes the office of district judge shall be deemed to have held that office since his appointment to the former office.

Judicial oaths

- 6 (1) Sub-paragraph (2) applies in relation to any person who, immediately after the coming into force of section 76, holds any of the offices listed in subsection (1) of that section.
- (2) The Promissory Oaths Act 1868 shall have effect as if in section 6 for the words “as soon as may be after his acceptance of office” there were substituted “not later than 6 months after the coming into force of section 76 of the Courts and Legal Services Act 1990”.

Retirement age of certain officers of Supreme Court

- 7 Subsection (2A) of section 92 of the Supreme Court Act 1981 (which reduces the retirement age of the Lord Chancellor’s Permanent Secretary, the Official Solicitor, and the Registrar of Criminal Appeals from 72 to 62 years and is inserted by section 77(1)) shall not have effect in relation to the persons who on 7th December 1989 hold any of the offices to which that subsection applies.

Investigations by lay observers

- 8 (1) Where, before the coming into force of section 21, the Law Society has received a report from a lay observer under section 45 of the Solicitors Act 1974 (investigation by lay observers of Law Society’s treatment of complaints), the Legal Services Ombudsman shall have no power to investigate any allegation in relation to that complaint.
- (2) Where—
- (a) any allegation has been duly made to a lay observer under section 45 of the Act of 1974; but
 - (b) he has not—
 - (i) concluded his examination of the allegation; or

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- (ii) reported to the Law Society,
before the repeal of that section has effect,
the Ombudsman may either exercise the functions of a lay observer under the Act of 1974 in relation to that allegation or treat it as an allegation duly made under this Act.
- (3) Where the Ombudsman decides to exercise the functions of a lay observer, by virtue of sub-paragraph (2), the Act of 1974 shall have effect in relation to his investigation as if this Act had not been passed.

Judicial pensions

- 9 The repeal by this Act of sections 18(3), 20(6) and 24 of the Judicial Pensions Act 1981 shall not apply in relation to any person who is entitled to exercise the option given by paragraph 26 or 27 of the Part IV inserted in Schedule 2 to that Act by Schedule 12 to this Act but does not do so.
- 10 (1) The repeal by this Act of subsection (3) of section 3 of the Superannuation (Miscellaneous Provisions) Act 1967 shall not affect its application in relation to any abatement made under that section.
- (2) The repeal by this Act of subsection (3) of section 1 of the Superannuation (Miscellaneous Provisions) Act (Northern Ireland) 1969 shall not affect its application in relation to any abatement made under that section.
- (3) The repeal by this Act of section 19(5) of the Courts Act 1971 shall not affect its application in relation to any abatement made under section 18(3) of that Act.
- (4) The repeal by this Act of subsection (4) of section 9 of the Administration of Justice Act 1973 shall not affect its application so far as it provides for any abatement which has been made under that subsection to be disregarded.
- (5) The repeal by this Act of subsection (4) of section 12 of the Supreme Court Act 1981 shall not affect its application so far as it provides for any abatement which has been made under that subsection to be disregarded.

Overseas solicitors

- 11 (1) Notwithstanding the repeal by this Act of section 4 of the Solicitors Act 1974 (under which the Overseas Solicitors (Admission) Order 1964 has effect) training regulations made under section 2 of that Act may contain provisions expressed to have effect in relation to territories listed in Schedule 1 to that Order.
- (2) Sub-paragraph (1) is without prejudice to the power in section 2(3)(d) of that Act to make different provision for different classes of person and different circumstances.
- (3) Sub-paragraph (1) shall cease to have effect on the coming into force of any such training regulations which contain provisions applying in relation to any territory—
- (a) which is listed in the Order of 1964; but
 - (b) which is identified in the regulations otherwise than by reference to that list.

Practising certificates

- 12 (1) Section 14 of the Solicitors Act 1974, as substituted by section 86 shall have effect, in relation to any practising certificate which is in force on the commencement of

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section 86, as if it provided for the replacement date for that certificate to be the 31st October following that commencement.

- (2) Sub-paragraph (1) is subject to any direction (whether general or specific) given by the Law Society.
- (3) The definition of “replacement date”, inserted in section 87(1) of the Solicitors Act 1974 by paragraph 17 of Schedule 18 shall have effect subject to the provision made by this paragraph.

Notaries

- 13 (1) Subsection (2) of section 57 and the repeal by this Act of the provisions relating to the serving of apprenticeships mentioned in subsection (3) of that section shall not have effect in relation to any person who, at the date on which subsection (2) of that section comes into force, is serving such an apprenticeship.
- (2) The Master of the Faculties may make rules providing—
 - (a) for a reduction in the period of apprenticeship of any person to whom this paragraph applies with a view to securing that no such person is required to undertake a period of training longer than the period which he would have been required to undertake, by virtue of rules made by the Master, had he started his training after the commencement of subsection (2) of section 57; or
 - (b) for all such apprenticeships to be brought to an end on such day as may be prescribed.

Redress for inadequate professional services

- 14 Section 93 and the repeal by Schedule 20 of—
 - (a) section 44A of the Solicitors Act 1974;
 - (b) section 47A of that Act; and
 - (c) paragraph 19 of Schedule 2 to the Administration of Justice Act 1985,
 shall not affect any case in which the final bill of costs was delivered to the client concerned before the commencement of section 93 or those repeals.

The Council for Licensed Conveyancers

- 15 (1) The following provisions—
 - (a) section 53;
 - (b) the repeal by Schedule 20 of section 26(3) of the Administration of Justice Act 1985; and
 - (c) paragraph 58 of Schedule 18,
 shall not affect any case in which the final bill of costs was delivered to the client concerned before the commencement of section 53.
- (2) Until such date as may be specified by order made by the Lord Chancellor, the provisions of—
 - (a) paragraphs 14 to 20 of Schedule 8; and
 - (b) paragraph 4(3) and (3A) of Schedule 6 to the Administration of Justice Act 1985 (as substituted by paragraph 58 of Schedule 18),

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shall have effect as if they conferred powers on the Discipline and Appeals Committee and not on the Council for Licensed Conveyancers.

- (3) Any order made by the Lord Chancellor under sub-paragraph (2) may make such transitional, consequential or supplemental provision as he thinks necessary or expedient in consequence of the transfer of jurisdiction under the provisions in question from the Discipline and Appeals Committee to the Council.

Immunity of magistrates etc.

- 16 (1) The Justices of the Peace Act 1979 shall continue to apply in relation to any matter arising before the coming into force of section 108, in connection with the exercise or purported exercise of his office by a justice of the peace, as if section 108 had not been enacted.
- (2) The Magistrates' Courts (Northern Ireland) Order 1981 shall continue to apply in relation to any matter arising before the coming into force of section 109, in connection with the exercise or purported exercise of his office by a resident magistrate or justice of the peace, as if section 109 had not been enacted.
- (3) Section 63 of the Administration of Justice Act 1985 shall continue to apply in relation to any matter arising before the coming into force of section 109, in connection with the exercise or purported exercise of his office by a person to whom this sub-paragraph applies, as if section 109 had not been enacted.
- (4) Sub-paragraph (3) applies to—
- (a) a resident magistrate, including a deputy resident magistrate;
 - (b) a justice of the peace; and
 - (c) a person specified in section 63(7) of the Act of 1985 (county court judges sitting in connection with certain appeals and members of juvenile court panels).

Commissioners for Oaths

- 17 The repeal by this Act of section 1(1) of the Commissioners for Oaths Act 1889 shall not affect the power of the Lord Chancellor to revoke any appointment made by him under that provision.