

Status: Point in time view as at 19/08/2003.

Changes to legislation: Courts and Legal Services Act 1990, SCHEDULE 5 is up to date with all changes known to be in force on or before 05 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

^{F1}SCHEDULE 5

Section 34(8).

THE AUTHORISED CONVEYANCING PRACTITIONERS BOARD

Textual Amendments

- F1** Sch. 5 repealed (prosp.) by Legal Services Act 2007 (c. 29), ss. 208, 210, 211, Sch. 21 para. 100(b), Sch. 23 (with ss. 29, 192, 193)

Appointment of members

- 1 (1) Every member of the Board—
- (a) shall be appointed for such term, not exceeding three years, as the [^{F2}Secretary of State] may specify; and
 - (b) shall hold and vacate office in accordance with the terms of his appointment.
- (2) Any person who ceases to be a member of the Board shall be eligible for re-appointment.
- (3) A member of the Board may at any time resign his office by giving notice in writing to the [^{F2}Secretary of State] .
- (4) The [^{F2}Secretary of State] may remove a member of the Board if satisfied—
- (a) that he has failed to carry out his duties;
 - (b) that a bankruptcy order has been made against him or that his estate has been sequestrated or that he has made a composition or arrangement with, or granted a trust deed for, his creditors; or
 - (c) that he is otherwise unable or unfit to discharge the functions of a member of the Board.

Textual Amendments

- F2** Words in Schs. 3-6 substituted (19.8.2003) by The Secretary of State for Constitutional Affairs Order 2003 (S.I. 2003/1887), art. 9, Sch. 2 para. 8(1)(d) (with arts. 6, 8)

Commencement Information

- I1** Sch. 5 para. 1 in force 1. 4. 1991 see s. 124(3) and S.I. 1991/608, art. 2, Sch.

Proceedings of the Board

- 2 The Board may regulate its own procedure.

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Commencement Information

I2 Sch. 5 para. 2 in force 1. 4. 1991 see s. 124(3) and S.I. 1991/608, art. 2, Sch.

Delegation of powers

- 3 Anything authorised or required by or under any enactment to be done by the Board, other than the making of rules, may be done—
- (a) by any member of the Board, or of the Board’s staff, who has been authorised for the purpose, whether generally or specifically, by the Board; or
 - (b) by any committee or sub-committee of the Board which has been so authorised.

Commencement Information

I3 Sch. 5 para. 3 in force 1. 4. 1991 see s. 124(3) and S.I. 1991/608, art. 2, Sch.

Vacancies and defective appointments

- 4 The validity of any proceedings of the Board shall not be affected by a vacancy amongst the members or by any defect in the appointment of a member.

Commencement Information

I4 Sch. 5 para. 4 in force 1. 4. 1991 see s. 124(3) and S.I. 1991/608, art. 2, Sch.

Application of seal and proof of instruments

- 5 The application of the seal of the Board shall be authenticated by the signature of—
- (a) the Chairman or any other member of the Board; and
 - (b) a member of the Board’s staff who has been authorised by the Board for the purpose, whether generally or specifically.

Commencement Information

I5 Sch. 5 para. 5 in force 1. 4. 1991 see s. 124(3) and S.I. 1991/608, art. 2, Sch.

Documents served etc. by the Board

- 6 (1) Any document which the Board is authorised or required by or under any enactment to serve, make or issue may be signed on behalf of the Board by any member of the

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Board or of its staff who has been authorised for the purpose, whether generally or specifically, by the Board.

- (2) Every document purporting to be an instrument made or issued by or on behalf of the Board and—
- (a) to be duly executed under the seal of the Board; or
 - (b) to be signed or executed by a person authorised by the Board for the purpose,
- shall be received in evidence and treated, without further proof, as being so made or issued unless the contrary is proved.

Commencement Information

I6 Sch. 5 para.6 in force 1. 4. 1991 see s. 124(3) and S.I. 1991/608, art. 2, Sch.

Remuneration

- 7
- (1) The Board shall pay to its members such remuneration, and such travelling and other allowances, as it may determine.
- (2) If a member of the Board ceases to hold office and it appears to the Board that there are special circumstances which make it right that he should receive compensation, the Board may pay him such sum as it may determine.

Commencement Information

I7 Sch. 5 para. 7 in force 1. 4. 1991 see s. 124(3) and S.I. 1991/608, art. 2, Sch.

Staff

- 8
- (1) The Board may appoint such staff, and shall pay them such remuneration, as it may determine.
- (2) The Board may, as regards any of its staff—
- (a) pay to or in respect of them such pensions, allowances or gratuities, as it may determine; or
 - (b) provide and maintain for them such schemes (whether or not contributory) for the payment to or in respect of them of such pensions, allowances or gratuities, as it may determine.
- (3) The references in sub-paragraph (2) to pensions, allowances or gratuities include references to pensions, allowances or gratuities by way of compensation to or in respect of any of the Board's staff who suffer loss of employment or loss or diminution of emoluments.

Commencement Information

I8 Sch. 5 para. 8 in force 1. 4. 1991 see s. 124(3) and S.I. 1991/608, art. 2, Sch.

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Accounts

- 9 (1) The Board shall keep proper accounts of all sums received and paid by it and proper records in relation to those accounts.
- (2) The Board shall appoint auditors and cause its accounts to be audited annually by the auditors.
- (3) As soon as is practicable after the accounts for any period have been audited, the Board shall cause them to be published and shall send a copy of them to the [F3Secretary of State] together with a copy of any report of the auditors on the accounts.
- [F4(4) No person shall be appointed as an auditor under this paragraph unless he is eligible for appointment as a company auditor under section 25 of the Companies Act 1989 or is a member of the Chartered Institute of Public Finance and Accountancy.]

Textual Amendments

- F3** Words in Schs. 3-6 substituted (19.8.2003) by [The Secretary of State for Constitutional Affairs Order 2003 \(S.I. 2003/1887\)](#), art. 9, **Sch. 2 para. 8(1)(d)** (with arts. 6, 8)
- F4** Sch. 5 para. 9(4) and (5) substituted (1.10.1991) by [S.I. 1991/1997](#), reg. 2, **Sch. para. 76(3)**

Commencement Information

- I9** Sch. 5 para. 9 in force 1. 4. 1991 see s. 124(3) and [S.I. 1991/608](#), art. 2, **Sch.**

Annual report of Board

- 10 (1) The Board shall submit to the [F5Secretary of State] an annual report on the discharge of its functions.
- (2) The [F5Secretary of State] shall lay the Board's annual report before Parliament.

Textual Amendments

- F5** Words in Schs. 3-6 substituted (19.8.2003) by [The Secretary of State for Constitutional Affairs Order 2003 \(S.I. 2003/1887\)](#), art. 9, **Sch. 2 para. 8(1)(d)** (with arts. 6, 8)

Commencement Information

- I10** Sch. 5 para. 10 in force 1. 4. 1991 see s. 124(3) and [S.I. 1991/608](#), art. 2, **Sch.**

Parliamentary disqualification etc.

- 11 (1) In Part II of Schedule 1 to the ^{M1}House of Commons Disqualification Act 1975 (bodies of which all members are disqualified) the following entry shall be inserted at the appropriate place— “ The Authorised Conveyancing Practitioners Board ”.

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(2) The same entry shall be inserted at the appropriate place in Part II of Schedule 1 to the ^{M2}Northern Ireland Assembly Disqualification Act 1975.

Commencement Information

I11 Sch. 5 para. 11 in force 1. 4. 1991 see s. 124(3) and S.I. 1991/608, art. 2, Sch.

Marginal Citations

M1 1975 c. 24.

M2 1975 c. 25.

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