

Changes to legislation: Courts and Legal Services Act 1990, Part I is up to date with all changes known to be in force on or before 28 June 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) View outstanding changes

SCHEDULES

SCHEDULE 8

LICENSED CONVEYANCERS [F1 AND LICENSED CLC PRACTITIONERS]

Textual Amendments

- F1** Words in Sch. 8 heading inserted (29.6.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(6)(b), [Sch. 19 para. 13\(2\)](#); S.I. 2015/1402, art. 2(b)

PART I

ADDITIONAL POWERS OF COUNCIL FOR LICENSED CONVEYANCERS IN CONNECTION WITH SECTIONS 27, 28, AND 53

General

1 In this Schedule—

“the ^{M1}Act of 1985” means the Administration of Justice Act 1985;

[^{F1}“advocacy licence”, “litigation licence” and “probate licence” have the meaning given by section 53;]

“the Council” means the Council for Licensed Conveyancers;

“the Discipline and Appeals Committee” means the committee established under section 25 of the Act of 1985;

^{F2}
...

^{F3}
...

“relevant licence” means a licence under Part II of the Act of 1985 or an advocacy, litigation or probate licence.

[^{F4}“reserved legal activity” has the same meaning as in the Legal Services Act 2007 (see section 12 of and Schedule 2 to that Act).]

Textual Amendments

- F1** Words in Sch. 8 para. 1 substituted (29.6.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(6)(b), [Sch. 19 para. 13\(3\)\(a\)](#); S.I. 2015/1402, art. 2(b)
- F2** Words in Sch. 8 para. 1 omitted (29.6.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(6)(b), [Sch. 19 para. 13\(3\)\(b\)\(i\)](#); S.I. 2015/1402, art. 2(b)
- F3** Words in Sch. 8 para. 1 omitted (29.6.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(6)(b), [Sch. 19 para. 13\(3\)\(b\)\(ii\)](#); S.I. 2015/1402, art. 2(b)
- F4** Sch. 8 para. 1: definition of “reserved legal activity” inserted (1.1.2010) by [Legal Services Act 2007 \(c. 29\)](#), ss. 182, 211, [Sch. 17 para. 35\(2\)\(d\)](#) (with ss. 29, 192, 193); S.I. 2009/3250, [art. 2\(f\)\(iii\)](#) (with art. 9)

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Commencement Information

- I1** Sch. 8 Pt. 1 para. 1 wholly in force at 7.12.2004; Sch. 8 Pt. 1 para. 1 in force at 1.4.1991 (except in so far as it relates to certain exemptions under section 55) see s. 124(3) and [S.I. 1991/608, art. 2, Sch.](#); Sch. 8 Pt. 1 para. 1 otherwise in force at 7.12.2004 by [S.I. 2004/2950, art. 2](#)

Marginal Citations

- M1** 1985 c. 61.

Qualification regulations and rules of conduct

- 2 (1) For the purpose of exercising the powers conferred by section 53 the Council may make such qualification regulations and [^{F5}conduct rules] as it considers appropriate in connection with the [^{F6}carrying on of the reserved legal activities] in question.
- (2) In making any such regulations or rules the Council may, in particular, do anything which it has power to do in making rules under section 13 of the Act of 1985 (training rules).

Textual Amendments

- F5** Words in Sch. 8 para. 2(1) substituted (1.1.2010) by [Legal Services Act 2007 \(c. 29\), ss. 182, 211, Sch. 17 para. 35\(3\)\(a\)](#) (with [ss. 29, 192, 193](#)); [S.I. 2009/3250, art. 2\(f\)\(iii\)](#) (with art. 9)
- F6** Words in Sch. 8 para. 2(1) substituted (1.1.2010) by [Legal Services Act 2007 \(c. 29\), ss. 182, 211, Sch. 17 para. 35\(3\)\(b\)](#) (with [ss. 29, 192, 193](#)); [S.I. 2009/3250, art. 2\(f\)\(iii\)](#) (with art. 9)

Commencement Information

- I2** Sch. 8 para. 2 wholly in force at 7.12.2004; Sch. 8 para. 2 in force at 1.4.1991 (except in so far as it relates to certain exemptions under section 55) see s. 124(3) and [S.I. 1991/608, art. 2, Sch.](#); Sch. 8 para. 2 otherwise in force at 7.12.2004 by [S.I. 2004/2950, art. 2](#)

Applications for licences

- 3 (1) An application for an advocacy licence, litigation licence or probate licence shall be made to the Council in such manner, and shall be accompanied by such fee, as may be prescribed by rules made by the Council under this paragraph.
- (2) Any such rules—
- (a) may prescribe the forms to be used in connection with applications for any such licence; and
 - (b) may provide for applications of any description specified in the rules to be exempt from any of the requirements of the rules.
- (3) Rules made under section 14 of the Act of 1985 and this paragraph may make provision with respect to applications for composite licences.

Commencement Information

- I3** Sch. 8 Pt. 1 para. 3 wholly in force at 7.12.2004; Sch. 8 Pt. 1 para. 3 in force at 1.4.1991 (except in so far as it relates to certain exemptions under section 55) see s. 124(3) and [S.I. 1991/608, art. 2, Sch.](#); Sch. 8 Pt. 1 para. 3 otherwise in force at 7.12.2004 by [S.I. 2004/2950, art. 2](#)

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Issue of licences

- 4 (1) If, on an application for an advocacy, litigation or probate licence, the Council is satisfied that—
- (a) the applicant has complied with such qualification regulations, [^{F7}conduct rules] or other requirements as are applicable in his case in relation to the licence applied for;
 - (b) that he has made adequate arrangements for the purpose of complying with any provisions which are applicable in his case in relation to the licence applied for; and
 - (c) that he is a fit and proper person to [^{F8}carry on the reserved legal activities] in question,
- the Council may issue the applicant either with a licence free of conditions or with a licence subject to such conditions as it sees fit to impose.
- (2) If the Council is for any reason not so satisfied, or for any other reason refuses the application, it shall notify the applicant of its refusal and of the grounds on which the application has been refused.
- (3) Subsections (3) to (6) of section 15 of the Act of 1985 (issue of licences under section 14 of that Act) shall apply, with the necessary modifications, [^{F9}with respect to—
- (a) any application under paragraph 3 for an advocacy licence and any advocacy licence in force under section 53;
 - (b) any application under paragraph 3 for a litigation licence and any litigation licence in force under section 53; and
 - (c) any application under paragraph 3 for a probate licence and any probate licence in force under section 53 (as the case may be),
- as they] apply with respect to any application under section 14 of that Act and any licence under Part II of that Act.

Textual Amendments

- F7** Words in Sch. 8 para. 4(1)(a) substituted (1.1.2010) by [Legal Services Act 2007 \(c. 29\)](#), ss. 182, 211, [Sch. 17 para. 35\(4\)\(a\)](#) (with ss. 29, 192, 193); [S.I. 2009/3250](#), [art. 2\(f\)\(iii\)](#) (with art. 9)
- F8** Words in Sch. 8 para. 4(1)(c) substituted (1.1.2010) by [Legal Services Act 2007 \(c. 29\)](#), ss. 182, 211, [Sch. 17 para. 35\(4\)\(b\)](#) (with ss. 29, 192, 193); [S.I. 2009/3250](#), [art. 2\(f\)\(iii\)](#) (with art. 9)
- F9** Words in Sch. 8 para. 4(3) substituted (29.6.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(6)(b), [Sch. 19 para. 13\(4\)](#); [S.I. 2015/1402](#), art. 2(b)

Commencement Information

- I4** Sch. 8 Pt. 1 para. 4 wholly in force at 7.12.2004; Sch. 8 Pt. 1 para. 4 in force at 1.4.1991 (except in so far as it relates to certain exemptions under section 55) see s. 124(3) and [S.I. 1991/608](#), [art. 2](#), [Sch.](#); Sch. 8 Pt. 1 para. 4 otherwise in force at 7.12.2004 by [S.I. 2004/2950](#), [art. 2](#)

Conditional licences

- 5 (1) This paragraph has effect in any case where a person applies for an advocacy, litigation or probate licence—
- (a) for the first time;

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- [^{F10}(b) when conditions under this paragraph have been imposed on an advocacy, litigation or probate licence previously issued to him;
 - (ba) when conditions under section 16 of the Act of 1985 have been imposed on a licence under Part 2 of the Act of 1985 previously issued to him;]
 - (c) when, on the first day of the period to which the licence applied for would (if granted) relate, a period of twelve months or more will have elapsed since he held [^{F11}an advocacy, litigation or probate licence or a licence under Part 2 of the Act of 1985] ;
 - [^{F12}(d) after the Investigating Committee have made any order in his case under section 24A(1) of the Act of 1985 [^{F13}(including section 24A(1) as applied by section 53)] or the Discipline and Appeals Committee have made any order in his case under section 26(1) of that Act [^{F14}(including section 26(1) as applied by section 53)] .]
- (2) This paragraph also has effect in any case where a person applies for such a licence and any of the circumstances mentioned in paragraphs (e) to (j) of section 16 of the Act of 1985 (conditional licences) apply in his case.
- (3) Sub-paragraphs (1) and (2) are subject to subsection (4) of section 16 of the Act of 1985, as applied by sub-paragraph (7) of this paragraph.
- (4) In any case where this paragraph has effect the Council may, on issuing an advocacy, litigation or probate licence to the applicant, issue it subject to such conditions as the Council thinks fit.
- (5) The Council’s decision in any such case to impose any particular conditions under this paragraph may be made by reference to such criteria of general application as may have been determined by the Council.
- (6) Without prejudice to the generality of sub-paragraph (4), conditions may be imposed under that sub-paragraph—
- (a) for restricting the kinds of [^{F15}activities that may be carried on] by the applicant by virtue of his having the advocacy, litigation or probate licence in question; ^{F16} ...
 - (b) [^{F17}in the case of an applicant who is a licensed conveyancer,] 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 who [^{F18}carries on the additional activities] authorised by that licence[^{F19}; or
 - (c) 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 CLC practitioner,]
- and conditions may be imposed under that sub-paragraph (whether for the purposes mentioned in paragraph (b) [^{F20}or (c)] or otherwise) as they may be under Part II of the Act of 1985.
- (7) Subsections (4) and (5) of section 16 of the Act of 1985 shall have effect, with the necessary modifications, with respect to an advocacy, litigation or probate licence as they have effect with respect to a licence issued under Part II of that Act.
- [^{F21}(8) Where a person applies for an advocacy, litigation or probate licence at a time when this paragraph has effect in relation to that person by reason of the circumstances

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mentioned in section 16(1)(ea) of the Act of 1985, section 16A(2) of that Act has effect as it has effect in relation to an application for a licence under Part 2 of that Act.]

Textual Amendments

- F10** Sch. 8 para. 5(1)(b) (ba) substituted for para. 5(1)(b) (29.6.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(6)(b), [Sch. 19 para. 13\(5\)\(a\)](#); S.I. 2015/1402, art. 2(b)
- F11** Words in Sch. 8 para. 5(1)(c) substituted (29.6.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(6)(b), [Sch. 19 para. 13\(5\)\(b\)](#); S.I. 2015/1402, art. 2(b)
- F12** Sch. 8 para. 5(1)(d) substituted (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 182, 211, [Sch. 17 para. 35\(5\)\(a\)](#) (with ss. 29, 192, 193); S.I. 2009/503, [art. 2\(c\)\(ii\)](#)
- F13** Words in Sch. 8 para. 5(1)(d) inserted (29.6.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(6)(b), [Sch. 19 para. 13\(5\)\(c\)\(i\)](#); S.I. 2015/1402, art. 2(b)
- F14** Words in Sch. 8 para. 5(1)(d) inserted (29.6.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(6)(b), [Sch. 19 para. 13\(5\)\(c\)\(ii\)](#); S.I. 2015/1402, art. 2(b)
- F15** Words in Sch. 8 para. 5(6)(a) substituted (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 182, 211, [Sch. 17 para. 35\(5\)\(b\)\(i\)](#) (with ss. 29, 192, 193); S.I. 2009/503, [art. 2\(c\)\(ii\)](#)
- F16** Word in Sch. 8 para. 5(6) omitted (29.6.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(6)(b), [Sch. 19 para. 13\(5\)\(d\)](#); S.I. 2015/1402, art. 2(b)
- F17** Words in Sch. 8 para. 5(6)(b) inserted (29.6.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(6)(b), [Sch. 19 para. 13\(5\)\(e\)](#); S.I. 2015/1402, art. 2(b)
- F18** Words in Sch. 8 para. 5(6)(b) substituted (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 182, 211, [Sch. 17 para. 35\(5\)\(b\)\(ii\)](#) (with ss. 29, 192, 193); S.I. 2009/503, [art. 2\(c\)\(ii\)](#)
- F19** Sch. 8 para. 5(6)(c) and word inserted (29.6.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(6)(b), [Sch. 19 para. 13\(5\)\(f\)](#); S.I. 2015/1402, art. 2(b)
- F20** Words in Sch. 8 para. 5(6) inserted (29.6.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(6)(b), [Sch. 19 para. 13\(5\)\(g\)](#); S.I. 2015/1402, art. 2(b)
- F21** Sch. 8 para. 5(8) inserted (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 182, 211, [Sch. 17 para. 35\(5\)\(c\)](#) (with ss. 29, 192, 193); S.I. 2009/503, [art. 2\(c\)\(ii\)](#)

Commencement Information

- I5** Sch. 8 Pt. 1 para. 5 wholly in force at 7.12.2004; Sch. 8 Pt. 1 para. 5 in force at 1.4.1991 (except in so far as it relates to certain exemptions under section 55) see s. 124(3) and S.I. 1991/608, [art. 2](#), [Sch.](#); Sch. 8 Pt. 1 para. 5 otherwise in force at 7.12.2004 by S.I. 2004/2950, [art. 2](#)

Register of licensed conveyancers

- 6 (1) Where an advocacy, litigation or probate licence is in force with respect to a licensed conveyancer, the Council shall enter details of the licence in the appropriate place in the register of licensed conveyancers maintained by it under section 19 of the Act of 1985.
- (2) The Council shall accordingly cause the appropriate entries to be made on the issue of any advocacy, litigation or probate licence and deletions on any such licence ceasing to be in force.
- (3) Where any such licence is for the time being suspended, the Council shall cause that fact to be noted in the register against the name of the licensed conveyancer concerned.

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Commencement Information

- I6** Sch. 8 Pt. 1 para. 6 wholly in force at 7.12.2004; Sch. 8 Pt. 1 para. 6 in force at 1.4.1991 (except in so far as it relates to certain exemptions under section 55) see s. 124(3) and [S.I. 1991/608, art. 2, Sch.](#); Sch. 8 Pt. 1 para. 6 otherwise in force at 7.12.2004 by [S.I. 2004/2950, art. 2](#)

[^{F22}Register of licensed CLC practitioners

Textual Amendments

- F22** Sch. 8 para. 6A and cross-heading inserted (29.6.2015) by [Deregulation Act 2015 \(c. 20\), s. 115\(6\)\(b\), Sch. 19 para. 13\(6\); S.I. 2015/1402, art. 2\(b\)](#)

- 6A (1) The Council must establish and maintain, in such form as the Council may determine, a register containing the names and places of business of all persons who for the time being hold an advocacy, litigation or probate licence and are not licensed conveyancers.
- (2) The Council may make rules specifying the further information, including information about disciplinary measures taken, to be recorded in the register in relation to a person.
- (3) The Council must cause the appropriate entries and deletions to be made in the register on the issue and termination of advocacy, litigation and probate licences; and where any licence held by a person is for the time being suspended by virtue of any provision of Part 2 of the Act of 1985 as applied by this Act the Council must cause that fact to be noted in the register against that person's name.
- (4) Any change in a licensed CLC practitioner's place or places of business must be notified by that person to the Council within the period of fourteen days beginning with the date on which the change takes effect.
- (5) The Council must provide facilities for making the information contained in the entries in the register available for inspection in visible and legible form by any person during office hours and without payment.
- (6) A certificate signed by an officer of the Council appointed for the purpose and stating—
- (a) that any person does or does not, or did or did not at any time, hold an advocacy, litigation or probate licence, or
 - (b) that any licence held by any person is or was at any time either free of conditions or subject to any particular conditions,
- is, unless the contrary is proved, evidence of the facts stated in the certificate; and a certificate purporting to be so signed is to be taken to have been so signed unless the contrary is proved.]

Code of conduct

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Textual Amendments

F23 Sch. 8 para. 7 repealed (1.1.2010) by [Legal Services Act 2007 \(c. 29\)](#), ss. 182, 210, 211, Sch. 17 para. 35(6), [Sch. 23](#) (with ss. 29, 192, 193); S.I. 2009/3250, [art. 2\(f\)\(iii\)\(i\)\(viii\)\(oo\)](#) (with art. 9)

[^{F24}Effect of suspension or revocation

Textual Amendments

F24 Sch. 8 para. 8 and cross-heading substituted (29.6.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(6)(b), [Sch. 19 para. 13\(7\)](#); S.I. 2015/1402, art. 2(b)

8 Where a relevant licence ceases to be in force because of—
 (a) a direction under section 24(5) of the Act of 1985, or
 (b) an order under section 26(2)(a) or (c) of the Act of 1985,
any other relevant licence in force with respect to that person at the time shall cease to have effect to the same extent as the licence in question.]

Removal of disqualification from holding a licence

^{F25}9

Textual Amendments

F25 Sch. 8 para. 9 omitted (29.6.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(6)(b), [Sch. 19 para. 13\(8\)](#); S.I. 2015/1402, art. 2(b)

Revocation on grounds of error or fraud

^{F26}10

Textual Amendments

F26 Sch. 8 para. 10 omitted (29.6.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(6)(b), [Sch. 19 para. 13\(9\)](#); S.I. 2015/1402, art. 2(b)

Recognised bodies

11 ^{F27}

Textual Amendments

F27 Sch. 8 para. 11 repealed (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 182, 210, 211, Sch. 17 para. 35(9), [Sch. 23](#) (with ss. 29, 192, 193); S.I. 2009/503, [art. 2\(c\)\(ii\)\(f\)\(i\)\(vi\)\(cc\)](#)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 58A(2)(fe) inserted by [2021 c. 17 s. 53](#)