



# Courts and Legal Services Act 1990

## 1990 CHAPTER 41

### PART II

#### LEGAL SERVICES

##### *Extension of conveyancing services*

#### **40 Regulations about competence and conduct etc. of authorised practitioners.**

- (1) The [<sup>F1</sup>Secretary of State] may by regulation make such provision as he considers expedient with a view to securing—
- (a) that authorised practitioners maintain satisfactory standards of competence and conduct in connection with the provision by them of conveyancing services;
  - (b) that in providing such services (and in particular in fixing their charges) they act in a manner which is consistent with the maintenance of fair competition between authorised practitioners and others providing conveyancing services; and
  - (c) that the interests of their clients are satisfactorily protected.
- (2) The regulations may, in particular, make provision—
- (a) designed to—
    - (i) provide for the efficient transaction of business;
    - (ii) avoid unnecessary delays;
  - (b) as to the supervision, by persons with such qualifications as may be prescribed, of such descriptions of work as may be prescribed;
  - (c) requiring authorised practitioners to arrange, so far as is reasonably practicable, for each transaction to be under the overall control of one individual;
  - (d) designed to avoid conflicts of interest;
  - (e) as to the terms and conditions on which authorised practitioners may provide conveyancing services;

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*Status: Point in time view as at 19/08/2003. This version of this provision has been superseded.*

*Changes to legislation: Courts and Legal Services Act 1990, Section 40 is up to date with all changes known to be in force on or before 06 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)*

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- (f) as to the information to be given to prospective clients, the manner in which or person by whom it is to be given and the circumstances in which it is to be given free of charge;
- (g) as to the handling by authorised practitioners of their clients' money;
- (h) as to the disclosure of and accounting for commissions.

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#### **Textual Amendments**

- F1** Words in *ss. 39–41* substituted (19.8.2003) by [The Secretary of State for Constitutional Affairs Order 2003 \(S.I. 2003/1887\)](#), [art. 9](#), [Sch. 2 para. 8\(1\)\(a\)](#) (with [arts. 6, 8](#))

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#### **Commencement Information**

- II** [S. 40](#) wholly in force at 1.4.1991 see [s. 124\(3\)](#) and [S.I. 1991/608](#), [art. 2](#).

**Status:**

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**Changes to legislation:**

Courts and Legal Services Act 1990, Section 40 is up to date with all changes known to be in force on or before 06 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.