



# Courts and Legal Services Act 1990

## 1990 CHAPTER 41

### PART II

#### LEGAL SERVICES

##### *Licensed conveyancers [F1 and licensed CLC practitioners]*

#### **53 The Council for Licensed Conveyancers.**

[F1(1) The Council for Licensed Conveyancers has the powers necessary to enable it to become designated as an approved regulator in relation to one or more of the reserved legal activities within subsection (1A).

(1A) The reserved legal activities to which this subsection applies are—

- (a) the exercise of a right of audience;
- (b) the conduct of litigation;
- (c) probate activities.

(2) If the Council becomes an approved regulator in relation to one or more of those activities, it may, in that capacity, authorise a person to carry on a relevant activity [F2]....

(3) Where the Council authorises [F3 a person ] to carry on a relevant activity, it is to do so by issuing a licence to [F4 the person in respect of that activity] .]

(4) [F5 If the person granted a licence under this section is a licensed conveyancer, the ] licence may be granted as a separate licence or as part of a composite licence comprising the licensed conveyancer's licence issued under Part II of the Administration of Justice Act 1985 and any other licence which the Council may grant to the licensed conveyancer concerned.

[F6(4A) If the person granted a licence under this section is not a licensed conveyancer, the licence may be granted as a separate licence or as part of a composite licence comprising that and any other licence under this section which the Council may grant to the person.

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*Changes to legislation: Courts and Legal Services Act 1990, Section 53 is up to date with all changes known to be in force on or before 25 May 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*

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- (4B) A licence under this section granted to a person who is not a licensed conveyancer ceases to have effect if the person becomes a licensed conveyancer.]
- (5) <sup>F7</sup> .....
- [<sup>F8</sup>(6) Where the Council exercises any of its powers in connection with—
- (a) an application for designation as an approved regulator in relation to a reserved legal activity within subsection (1A), or
  - (b) the authorising of a person to carry on a relevant activity,
- it is to do so subject to any requirements to which it is subject in accordance with the provisions of the Legal Services Act 2007.]
- (7) Schedule 8 makes further provision in connection with the powers given to the Council by this section and the provision made by the Act of 1985 in relation to licensed conveyancers, including amendments of Part II of that Act.
- (8) The [<sup>F9</sup>Lord Chancellor] may by order make such—
- (a) amendments of, or modifications to, the provisions of Part II of the Act of 1985; or
  - (b) transitional or consequential provision,
- as he considers necessary or expedient in connection with the provision made by this section and Schedule 8.
- (9) Subject to any provision made by this section, Schedule 8 or any order made by the [<sup>F10</sup>Lord Chancellor] under subsection (8), the provisions of Part II of the Act of 1985 shall, with the necessary modifications, apply with respect to [<sup>F11</sup>persons who apply for, or hold, an advocacy, litigation or probate licence and ] —
- (a) any application for an advocacy, litigation or probate licence;
  - (b) any such licence;
  - (c) the practice of any [<sup>F12</sup>person] which is carried on by virtue of any such licence;
  - (d) rules made by the Council under Schedule 8;
  - [<sup>F13</sup>(da) any case of an individual who describes himself or herself, or holds himself or herself out, as a licensed CLC practitioner without holding a licence in force under this section;]
  - (e) <sup>F14</sup> .....
  - (f) any other matter dealt with by this section or Schedule 8,
- as they apply with respect to [<sup>F15</sup>persons who apply for, or hold, a licence under Part 2 of the Act of 1985 and ] the corresponding matters dealt with by Part II of that Act.
- [<sup>F16</sup>(9A) The modifications mentioned in subsection (9) may differ depending on whether the person applying for, or holding, an advocacy, litigation or probate licence is or is not a licensed conveyancer.
- (9B) Subsection (9) does not apply to section 34 of the Act of 1985 (modification of existing enactments relating to conveyancing etc).]
- [<sup>F17</sup>(10) For the purposes of this section—
- (a) “right of audience”, “conduct of litigation”, “probate activities” and “reserved legal activity” have the same meaning as in the Legal Services Act 2007;
  - (b) references to designation as an approved regulator are to designation as an approved regulator—

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- (i) by Part 1 of Schedule 4 to the Legal Services Act 2007, by virtue of an order under paragraph 5 of Schedule 22 to that Act, or
- (ii) under Part 2 of Schedule 4 to that Act;
- (c) “relevant activity” means an activity which is a reserved legal activity—
  - (i) which is within subsection (1A), and
  - (ii) in relation to which the Council is designated as an approved regulator by Part 1 of Schedule 4 to that Act (by virtue of an order under paragraph 5 of Schedule 22 to that Act) or under Part 2 of that Schedule.]

[<sup>F18</sup>(11) In this section—

“advocacy licence” means a licence issued under this section by which the Council authorises the person concerned to exercise a right of audience;

“CLC practitioner services” has the same meaning as in section 32B of the Act of 1985;

“licensed CLC practitioner” means a person, other than a licensed conveyancer, who holds a licence under this section;

“litigation licence” means a licence issued under this section by which the Council authorises the person concerned to carry on activities which constitute the conduct of litigation;

“the practice of a licensed CLC practitioner” means the provision by a person, as the holder of a licence under this section, of CLC practitioner services in accordance with the licence; and

“probate licence” means a licence issued under this section by which the Council authorises the person concerned to carry on activities that constitute probate activities.]

#### Textual Amendments

- F1** S. 53(1)(1A)(2)(3) substituted (1.1.2010) for s. 53(1)-(3) by [Legal Services Act 2007 \(c. 29\)](#), ss. 182, 211, [Sch. 17 para. 34\(2\)](#) (with ss. 29, 192, 193); S.I. 2009/3250, [art. 2\(f\)\(iii\)](#) (with art. 9)
- F2** Words in s. 53(2) omitted (29.6.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), [ss. 87\(2\)](#), 115(6)(a); S.I. 2015/1402, [art. 2\(a\)](#)
- F3** Words in s. 53(3) substituted (29.6.2015) by [Deregulation Act 2015 \(c. 20\)](#), [ss. 87\(3\)\(a\)](#), 115(6)(a); S.I. 2015/1402, [art. 2\(a\)](#)
- F4** Words in s. 53(3) substituted (29.6.2015) by [Deregulation Act 2015 \(c. 20\)](#), [ss. 87\(3\)\(b\)](#), 115(6)(a); S.I. 2015/1402, [art. 2\(a\)](#)
- F5** Words in s. 53(4) substituted (29.6.2015) by [Deregulation Act 2015 \(c. 20\)](#), [ss. 87\(4\)](#), 115(6)(a); S.I. 2015/1402, [art. 2\(a\)](#)
- F6** S. 53(4A)(4B) inserted (29.6.2015) by [Deregulation Act 2015 \(c. 20\)](#), [ss. 87\(5\)](#), 115(6)(a); S.I. 2015/1402, [art. 2\(a\)](#)
- F7** S. 53(5) repealed (1.1.2010) by [Legal Services Act 2007 \(c. 29\)](#), ss. 182, 210, 211, [Sch. 17 para. 34\(3\)](#), [Sch. 23](#) (with ss. 29, 192, 193); S.I. 2009/3250, [arts. 2\(f\)\(iii\)\(i\)\(viii\)\(dd\)](#) (with art. 9)
- F8** S. 53(6) substituted (1.1.2010) by [Legal Services Act 2007 \(c. 29\)](#), ss. 182, 211, [Sch. 17 para. 34\(4\)](#) (with ss. 29, 192, 193); S.I. 2009/3250, [art. 2\(f\)\(iii\)](#) (with art. 9)
- F9** Words in s. 53(8) substituted (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 182, 211, [Sch. 17 para. 34\(5\)](#) (with ss. 29, 192, 193); S.I. 2009/503, [art. 2\(c\)\(ii\)](#)
- F10** Words in s. 53(9) substituted (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 182, 211, [Sch. 17 para. 34\(6\)\(a\)](#) (with ss. 29, 192, 193); S.I. 2009/503, [art. 2\(c\)\(ii\)](#)
- F11** Words in s. 53(9) inserted (29.6.2015) by [Deregulation Act 2015 \(c. 20\)](#), [ss. 87\(6\)\(a\)](#), 115(6)(a); S.I. 2015/1402, [art. 2\(a\)](#)

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- F12** Word in s. 53(9)(c) substituted (29.6.2015) by Deregulation Act 2015 (c. 20), **ss. 87(6)(b)**, 115(6)(a); S.I. 2015/1402, art. 2(a)
- F13** S. 53(9)(da) inserted (29.6.2015) by Deregulation Act 2015 (c. 20), **ss. 87(6)(c)**, 115(6)(a); S.I. 2015/1402, art. 2(a)
- F14** S. 53(9)(e) repealed (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 182, 210, 211, Sch. 17 para. 34(6)(b), **Sch. 23** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(c)(ii)(i)(vi)(aa)**
- F15** Words in s. 53(9) inserted (29.6.2015) by Deregulation Act 2015 (c. 20), **ss. 87(6)(d)**, 115(6)(a); S.I. 2015/1402, art. 2(a)
- F16** S. 53(9A)(9B) inserted (29.6.2015) by Deregulation Act 2015 (c. 20), **ss. 87(7)**, 115(6)(a); S.I. 2015/1402, art. 2(a)
- F17** S. 53(10) inserted (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 182, 211, **Sch. 17 para. 34(7)** (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(f)(iii)** (with art. 9)
- F18** S. 53(11) inserted (29.6.2015) by Deregulation Act 2015 (c. 20), **ss. 87(8)**, 115(6)(a); S.I. 2015/1402, art. 2(a)

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#### **Commencement Information**

- II** S. 53 wholly in force at 7.12.2004; s. 53 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.; s. 53 otherwise in force at 7.12.2004 by S.I. 2004/2950, **art. 2**

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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](#)