



# Deregulation Act 2015

## 2015 CHAPTER 20

### *Administration of justice*

#### **86 CLC practitioner services bodies**

- (1) Section 32 of the Administration of Justice Act 1985 (provision of conveyancing services by recognised bodies) is amended as follows.
- (2) In the heading, after “conveyancing” insert “or other”.
- (3) In subsection (1)—
  - (a) in paragraph (a), after “bodies” insert “or CLC practitioner services bodies”;
  - (b) in paragraph (b), for “such bodies” substitute “conveyancing services bodies”;
  - (c) in paragraph (b), for the words from “undertake” to the end substitute “undertake—
    - (i) the provision of conveyancing services,
    - (ii) the exercise of a right of audience,
    - (iii) the conduct of litigation,
    - (iv) probate activities,
    - (v) the administration of oaths, or
    - (vi) the provision of relevant legal services not covered by sub-paragraphs (i) to (v);”;
  - (d) after paragraph (b) insert—
    - “(bza) prescribing the circumstances in which CLC practitioner services bodies may be recognised by the Council as being suitable bodies to undertake—
      - (i) the exercise of a right of audience,
      - (ii) the conduct of litigation,
      - (iii) probate activities,
      - (iv) the administration of oaths, or
      - (v) the provision of relevant legal services not covered by sub-paragraphs (i) to (iv);”;

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*Status: This is the original version (as it was originally enacted).*

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- (e) in paragraph (ba), for the words from “bodies” to the end substitute “bodies to carry on—
    - (i) the exercise of a right of audience,
    - (ii) the conduct of litigation,
    - (iii) reserved instrument activities, where the recognised body is a conveyancing services body,
    - (iv) probate activities, or
    - (v) the administration of oaths;”;
  - (f) in paragraph (c), after “requirements” insert “, including requirements about the carrying on of activities which are not reserved legal activities,”.
- (4) In subsection (3)(e), after “those bodies” insert “(including information about disciplinary measures taken)”.
- (5) In subsection (3C), after paragraph (a) insert—
- “(aa) conditions restricting the kinds of CLC practitioner services that may be provided by the body;”.
- (6) For subsection (8) substitute—
- “(8) In this section—
    - “administration of oaths” has the same meaning as in the Legal Services Act 2007 (see section 12 of, and Schedule 2 to, that Act);
    - “CLC practitioner services” has the meaning given by section 32B;
    - “CLC practitioner services body” has the meaning given by section 32B;
    - “conduct of litigation” has the same meaning as in the Legal Services Act 2007 (see section 12 of, and Schedule 2 to, that Act);
    - “conveyancing services body” has the meaning given by section 32A;
    - “probate activities” has the same meaning as in the Legal Services Act 2007 (see section 12 of, and Schedule 2 to, that Act);
    - “relevant legal services”—
      - (a) in relation to a conveyancing services body, has the meaning given by section 32A; and
      - (b) in relation to a CLC practitioner services body, has the meaning given by section 32B;
    - “reserved instrument activities” has the same meaning as in the Legal Services Act 2007 (see section 12 of, and Schedule 2 to, that Act);
    - “right of audience” has the same meaning as in the Legal Services Act 2007 (see section 12 of, and Schedule 2 to, that Act).”
- (7) After subsection (8) insert—
- “(8A) Nothing in this section affects section 13 of the Legal Services Act 2007 (entitlement to carry on a reserved legal activity).”
- (8) After section 32A (definition of “conveyancing services body”) insert—

### **“32B CLC practitioner services bodies**

- (1) For the purposes of section 32 a “CLC practitioner services body” means a body (corporate or unincorporate) in respect of which—
  - (a) the management and control condition,
  - (b) the services condition, and
  - (c) the authorised person condition,are satisfied.
- (2) The management and control condition is satisfied in the case of a partnership if at least one of the partners is a licensed conveyancer or a licensed CLC practitioner.
- (3) The management and control condition is satisfied in the case of an unincorporated body (other than a partnership), or a body corporate which is managed by its members, if at least one of those members is a licensed conveyancer or a licensed CLC practitioner.
- (4) The management and control condition is satisfied in the case of any other body corporate if at least one director of the body is a licensed conveyancer or a licensed CLC practitioner.
- (5) The services condition is satisfied in respect of a body if—
  - (a) the body is carrying on a business consisting of the provision of—
    - (i) CLC practitioner services; or
    - (ii) CLC practitioner services and other relevant legal services; and
  - (b) the body does not provide conveyancing services.
- (6) The authorised person condition is satisfied if the licensed conveyancer or licensed CLC practitioner by reference to whom the management and control condition is satisfied, or one of the persons by reference to whom that condition is satisfied, is an authorised person in relation to any reserved legal activity involved in the CLC practitioner services that are provided by the body.
- (7) For the purposes of this section—
  - (a) a reference to CLC practitioner services is a reference to services involving the carrying on of such of the following as are reserved legal activities in relation to which the Council is designated as an approved regulator—
    - (i) the exercise of a right of audience;
    - (ii) the conduct of litigation;
    - (iii) probate activities;
    - (iv) the administration of oaths;
  - (b) a reference to designation as an approved regulator is a reference to designation as an approved regulator—
    - (i) by Part 1 of Schedule 4 to the Legal Services Act 2007, or
    - (ii) under Part 2 of Schedule 4 to that Act;

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- (c) a person has an interest in a body if the person has an interest in the body within the meaning of Part 5 of the Legal Services Act 2007 (see sections 72 and 109 of that Act).

(8) In this section—

“administration of oaths” has the same meaning as in the Legal Services Act 2007 (see section 12 of, and Schedule 2 to, that Act);

“authorised person” means an authorised person in relation to an activity which is a reserved legal activity (within the meaning of the Legal Services Act 2007);

“conduct of litigation” has the same meaning as in the Legal Services Act 2007 (see section 12 of, and Schedule 2 to, that Act);

“probate activities” has the same meaning as in the Legal Services Act 2007 (see section 12 of, and Schedule 2 to, that Act);

“relevant legal services”, in relation to a body, means—

(a) CLC practitioner services, and

(b) where authorised persons are managers or employees of, or have an interest in, the body, services such as are provided by individuals practising as such authorised persons (whether or not those services involve the carrying on of reserved legal activities), except for conveyancing services;

“reserved legal activity” has the same meaning as in the Legal Services Act 2007 (see section 12 of, and Schedule 2 to, that Act);

“right of audience” has the same meaning as in the Legal Services Act 2007 (see section 12 of, and Schedule 2 to, that Act).”