



# Administration of Justice Act 1985

## 1985 CHAPTER 61

### PART II

#### LICENSED CONVEYANCING

##### *Miscellaneous and supplemental*

### 33 Legal professional privilege.

(1) Any communication made—

(a) to or by a licensed conveyancer in the course of his acting as such for a client;  
or

(b) to or by a recognised body in the course of its acting as such for a client,  
shall in any legal proceedings be privileged from disclosure in like manner as if the licensed conveyancer or body had at all material times been acting as the client's solicitor.

VALID FROM 01/01/2010

#### [<sup>F1</sup>33A Administration of oaths by licensed conveyancers

The Council may make rules prescribing its arrangements for authorising licensed conveyancers, for the purposes of the Legal Services Act 2007, to carry on activities which consist of the administration of oaths.]

#### Textual Amendments

**F1** S. 33A inserted (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 182, 211, Sch. 17 para. 23 (with ss. 29, 192, 193); S.I. 2009/3250, art. 2(f)(iii) (with art. 9)

*Status: Point in time view as at 01/12/2001. This version of this cross heading contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Administration of Justice Act 1985, Cross Heading: Miscellaneous and supplemental. (See end of Document for details)*

**34 Modification of existing enactments relating to conveyancing etc.**

- (1) In the following provisions, namely—
  - (a) sections 69 and 75(1) of the <sup>M1</sup>Law of Property Act 1925; and
  - (b) sections 14(1) and 144(1)(iii) and (xiv) of the <sup>M2</sup>Land Registration Act 1925, any reference to a solicitor shall be construed as including a reference to a licensed conveyancer and any reference to a person’s solicitor shall be construed as including a reference to a licensed conveyancer acting for that person.
  
- (2) In the following provisions, namely—
  - (a) sections 10(2), 48 and 182 of the Law of Property Act 1925;
  - (b) sections 113 and 144(1)(xxiv) of the Land Registration Act 1925;
  - (c) section 12 of the <sup>M3</sup>Land Charges Act 1972;
  - (d) section 13 of the <sup>M4</sup>Local Land Charges Act 1975;
  - (e) section 11(8) of the <sup>M5</sup>Estate Agents Act 1979; <sup>F2</sup> . . .
  - (f) . . . . . <sup>F2</sup>

any reference to a solicitor shall be construed as including a reference to a licensed conveyancer or to a recognised body, and any reference to a person’s solicitor shall be construed as including a reference to a licensed conveyancer or recognised body acting for that person.
  
- (3) The Estate Agents Act 1979 shall not, by virtue of section 1 of that Act, apply to things done in the course of the provision of conveyancing services by a licensed conveyancer or a recognised body.

**Textual Amendments**

**F2** S. 34(2)(f) and the word immediately preceding it repealed (1.10.1997) by 1996 c. 27, s. 66(3), Sch.10 (with Sch. 9 para. 5); S.I. 1996/1892, art. 3(1)(iv)

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**Marginal Citations**

**M1** 1925 c. 20.  
**M2** 1925 c. 21.  
**M3** 1972 c. 61.  
**M4** 1975 c. 76.  
**M5** 1979 c. 38.

**35 Penalty for pretending to be a licensed conveyancer or recognised body.**

- (1) An individual shall not describe himself or hold himself out as a licensed conveyancer unless he holds a licence in force under this Part.
- (2) A body corporate shall not describe itself or hold itself out as a recognised body unless it is for the time being recognised under section 32.
- (3) Any person who contravenes subsection (1) or (2) shall be guilty of an offence and liable on summary conviction to a fine not exceeding the fourth level on the standard scale.

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### 36 Offences by bodies corporate.

Where an offence under this Part which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person purporting to act in any such capacity, he as well as the body corporate shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

### 37 Service of documents.

Any notice or other document authorised or required to be given or served under this Part may be sent by post; and for the purpose of the application to this section of section 7 of the <sup>M6</sup>Interpretation Act 1978 (service by post) the proper address of a licensed conveyancer shall be the address of any place specified in the register as his place of business or one of his places of business.

#### Marginal Citations

M6 1978 c. 30.

### 38 Rules.

- (1) Any rules made by the Council under this Part shall be made with the concurrence of the Lord Chancellor.
- (2) Any such rules may make different provision for different circumstances.
- (3) Without prejudice to the generality of subsection (2), any rules prescribing a fee may provide for that fee to be reduced, or to be waived by the Council, in such circumstances as may be specified in the rules.

### 39 Interpretation of Part II.

- (1) In this Part—

“associate” means, in the case of a licensed conveyancer practising in partnership with other persons, any partner of his not holding a licence in force under this Part or any employee of such a partner;

“client” means—

- (a) in relation to a licensed conveyancer, any person by whom or on whose behalf instructions regarding the provision of conveyancing services are given to the licensed conveyancer or his firm;
- (b) in relation to a recognised body, any person by whom or on whose behalf such instructions are given to the body;

and “client account” means an account in whose title the word “client” is required by rules under section 22(2);

“conveyancing services” shall be construed in accordance with section 11(3);

“the Council” means the Council for Licensed Conveyancers;

[<sup>F3</sup>“director”, in relation to a limited liability partnership, means a member of the limited liability partnership;]

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“fees” includes charges, disbursements, expenses and remuneration;  
 “functions” includes powers and duties;  
 “licence” and “licensed conveyancer” have the meaning given by section 11(2);  
 “officer”, in relation to a recognised body, includes a director, manager or secretary;  
 “recognised body” means a body corporate for the time being recognised under section 32;

F4 . . .  
 F5 . . .

- (2) Any reference in this Part to a licensed conveyancer practising as a sole practitioner is a reference to a licensed conveyancer practising either as the sole principal in the practice or in partnership with other persons of whom none are licensed conveyancers.

#### Textual Amendments

- F3** Definition of “director” in s. 39(1) inserted (6.4.2001) by [S.I. 2001/1090, reg. 9, Sch. 5 para. 13](#)  
**F4** Definition in s. 39(1) omitted (1.10.1991) by virtue of [S.I. 1991/1997, regs. 1, 2, Sch. para. 55\(3\)](#) (with [reg. 4](#))  
**F5** [S. 39\(1\)](#): definition repealed (5.11.1993) by [1993 c. 50, s. 1\(1\), Sch. 1 Pt. XIV](#).

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