

Status: Point in time view as at 06/10/2010.

Changes to legislation: There are currently no known outstanding effects for the Administration of Justice Act 1985, SCHEDULE 6. (See end of Document for details)

SCHEDULES

SCHEDULE 6

Section 32.

BODIES RECOGNISED UNDER S.32: SUPPLEMENTARY PROVISIONS

Construction of references to recognised bodies

- 1 (1) Subject to sub-paragraph (2), references in this Schedule to a recognised body are references to a body^{F1} . . . for the time being recognised under section 32.
- (2) In relation to any such allegation^{F2} . . . as is mentioned in paragraph 3(1)(a)(ii)^{F3} . . . of this Schedule references in this Schedule to a recognised body include references to a body^{F1} . . . that was recognised under section 32 at the time when the conduct to which the allegation^{F2} . . . relates took place.

Textual Amendments

- F1** Word in Sch. 6 para. 1 repealed (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 182, 210, 211, [Sch. 17 para. 32\(2\)\(a\)](#), [Sch. 23](#) (with ss. 29, 192, 193); S.I. 2009/503, [art. 2\(c\)\(i\)\(f\)\(v\)\(ff\)](#) (subject to art. 4)
- F2** Words in Sch. 6 para. 1(2) repealed (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 182, 210, 211, [Sch. 17 para. 32\(2\)\(b\)\(i\)](#), [Sch. 23](#) (with ss. 29, 192, 193); S.I. 2009/503, [art. 2\(c\)\(i\)\(f\)\(v\)\(ff\)](#) (subject to art. 4)
- F3** Words in Sch. 6 para. 1(2) repealed (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 182, 210, 211, [Sch. 17 para. 32\(2\)\(b\)\(ii\)](#), [Sch. 23](#) (with ss. 29, 192, 193); S.I. 2009/503, [art. 2\(c\)\(i\)\(f\)\(v\)\(ff\)](#) (subject to art. 4)

Disciplinary control of recognised bodies

- 2 In addition to the functions conferred on them by sections 24 [^{F4}, 24A] and 25 the Investigating Committee and the Discipline and Appeals Committee shall have the functions conferred on them by the following provisions of this Schedule.

Textual Amendments

- F4** Words in [Sch. 6 para. 2](#) inserted (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 182, 211, [Sch. 17 para. 32\(3\)](#), (with ss. 29, 192, 193); S.I. 2009/503, [art. 2\(c\)\(i\)](#) (subject to art. 4)

- 3 (1) The Investigating Committee shall carry out a preliminary investigation of any case in which—
 - (a) it is alleged that a recognised body—
 - (i) has (while a recognised body) been convicted^{F5} . . . of a criminal offence which renders it unsuitable to be recognised under section 32; or
 - (ii) has failed to comply with any rules applicable to it by virtue of that section; or

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- [^{F6}(aa) it is alleged that a manager or employee of a recognised body who is not a licensed conveyancer has failed to comply with any rules applicable to him by virtue of section 32;
- (ab) it is alleged that a recognised body (while a recognised body) has failed to comply with a condition subject to which its recognition has effect.]
- (b) ^{F7}
- ^{F8} ...

- [^{F9}(1A) After making such an investigation, the Investigating Committee may—
 - (a) hear and determine the allegation, or
 - (b) refer the allegation to the Discipline and Appeals Committee for hearing and determination by that Committee under paragraph 4.

(1B) The Council shall make rules as to the cases in which the Investigating Committee may hear and determine an allegation, and the cases in which they must refer an allegation to the Discipline and Appeals Committee.]

^{F10}(2)

Textual Amendments

F5 Words in Sch. 3(1)(a)(i) repealed (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 182, 210, 211, [Sch. 17 para. 32\(4\)\(a\)](#), [Sch. 23](#) (with ss. 29, 192, 193); S.I. 2009/503, [art. 2\(c\)\(i\)\(f\)\(v\)\(ff\)](#) (subject to art. 4)

F6 Sch. 6 para. 3(1)(aa)(ab) inserted (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 182, 211, [Sch. 17 para. 32\(4\)\(b\)](#), (with ss. 29, 192, 193); S.I. 2009/503, [art. 2\(c\)\(i\)](#) (subject to art. 4)

F7 Sch. 6 para. 3(1)(b) repealed (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 182, 210, 211, [Sch. 17 para. 32\(4\)\(c\)\(i\)](#), [Sch. 23](#) (with ss. 29, 192, 193); S.I. 2009/503, [art. 2\(c\)\(i\)\(f\)\(v\)\(ff\)](#) (subject to art. 4)

F8 Words in Sch. 6 para. 3(1) repealed (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 182, 210, 211, [Sch. 17 para. 32\(4\)\(c\)\(ii\)](#), [Sch. 23](#) (with ss. 29, 192, 193); S.I. 2009/503, [art. 2\(c\)\(i\)\(f\)\(v\)\(ff\)](#) (subject to art. 4)

F9 Sch. 6 para. 3(1A)(1B) inserted (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 182, 211, [Sch. 17 para. 32\(4\)\(d\)](#), (with ss. 29, 192, 193); S.I. 2009/503, [art. 2\(c\)\(i\)](#) (subject to art. 4)

F10 Sch. 6 para. 3(2) repealed (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 210, 211, [Sch. 23](#) (with ss. 29, 192, 193); S.I. 2009/503, [art. 2\(f\)\(v\)](#)

[^{F11}3A (1) Where, on hearing an allegation by virtue of paragraph 3(1A)(a), the Investigating Committee are satisfied—

- (a) in a case within paragraph 3(1)(a), that a recognised body has failed to comply with any such rules as are mentioned in sub-paragraph (ii) of that paragraph, or
- (b) in a case within paragraph 3(1)(aa), that a manager or employee has failed to comply with any such rules as are mentioned in that paragraph, or
- (c) in a case within paragraph 3(1)(ab), that a recognised body has failed to comply with any condition mentioned in that paragraph,

the Committee may make an order directing the payment by the recognised body, manager or employee of a penalty to be forfeited to Her Majesty.

(2) In relation to proceedings before the Investigating Committee by virtue of paragraph 3(1A)(a), the Committee may make such order as they consider fit as to the payment of costs by—

- (a) the Council;

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- (b) the recognised body, manager or employee against whom the proceedings were brought;
 - (c) if the person on whose allegation the proceedings were brought was heard (in person, or through a representative) by the Committee in the course of the proceedings, that person.
- (3) In sub-paragraph (2), for the purposes of paragraph (a) or (b) of that sub-paragraph, the reference to costs includes costs incurred in connection with a preliminary investigation of the allegation under paragraph 3.
- (4) The amount of any penalty required to be paid under sub-paragraph (1) may not exceed such amount as is prescribed by rules made by the Council for the purposes of this sub-paragraph.
- (5) Paragraphs 1, 2(1) and (3) and 4 of Schedule 4 have effect in relation to—
- (a) proceedings for the hearing and determination of an allegation by the Investigating Committee, as they have effect in relation to proceedings before the Discipline and Appeals Committee under section 26, and
 - (b) orders of the Investigating Committee, as they have effect in relation to orders of the Discipline and Appeals Committee.
- (6) A person against whom an order is made by the Investigating Committee by virtue of sub-paragraph (1) may appeal to the Discipline and Appeals Committee, and on any such appeal the Discipline and Appeals Committee may make such order as they think fit.
- (7) If an order is made by the Investigating Committee by virtue of sub-paragraph (2), a person listed in paragraphs (a) to (c) of that sub-paragraph may appeal to the Discipline and Appeals Committee, and on any such appeal the Discipline and Appeals Committee may make such order as they think fit.
- (8) Where an order is made by the Discipline and Appeals Committee under sub-paragraph (6) or (7)—
- (a) a party to the appeal, or
 - (b) if not within paragraph (a), the Council,
- may appeal against the order to the High Court.
- (9) On an appeal under sub-paragraph (8) the High Court may make such order as it thinks fit.
- (10) The decision of the High Court on an appeal under sub-paragraph (8) shall be final.]

Textual Amendments

F11 Sch. 6 para. 3A inserted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 182, 211, Sch. 17 para. 32(5), (with ss. 29, 192, 193); S.I. 2009/503, art. 2(c)(i) (subject to art. 4)

- 4 (1) Where on the hearing of any allegation [^{F12}within paragraph 3(1)(a) or (ab)] the Discipline and Appeals Committee are satisfied that a recognised body—
- (a) has been convicted as mentioned in sub-paragraph (i) of paragraph (3)(1)(a); or
 - (b) has failed to comply with any such rules as are mentioned in sub-paragraph (ii) of that paragraph,

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[^{F13}, or

- (c) has failed to comply with any such condition as is mentioned in paragraph 3(1)(ab),]

the Committee may, if they think fit, make one or more of the orders referred to in sub-paragraph (2).

(2) Those orders are—

- (a) an order revoking the recognition under section 32 of the body to which the allegation relates;
- (b) an order directing the payment by that body of a penalty not exceeding [^{F14}such amount as may be prescribed by rules made by the Council for the purposes of this sub-paragraph], to be forfeited to Her Majesty;
- [^{F15}(ba) an order reprimanding that body;
- (bb) an order that the recognition of that body under section 32 is to have effect subject to such conditions as may be specified in the order;]
- (c) ^{F16}

[^{F17}(2A) Where on the hearing of any allegation within paragraph 3(1)(aa) the Discipline and Appeals Committee are satisfied that a manager or employee has failed to comply with any such rules as are mentioned in sub-paragraph (ii) of that paragraph, the Committee may, if they think fit, make one or more of the orders referred to in sub-paragraph (2B).

(2B) Those orders are—

- (a) an order directing the payment by the manager or employee of a penalty not exceeding such amount as may be prescribed by rules made by the Council for the purposes of this sub-paragraph;
- (b) an order requiring the Council to consider taking such steps as the Committee may specify in relation to the manager or employee;
- (c) an order requiring the Council to refer to an appropriate regulator any matter relating to the conduct of the manager or employee.

(2C) For the purposes of sub-paragraph (2B)(c) an “appropriate regulator” in relation to a manager or employee means—

- (a) if the person is an authorised person in relation to a reserved legal activity for the purposes of the Legal Services Act 2007, any relevant approved regulator (within the meaning of that Act) in relation to that person, and
- (b) if the person carries on activities which are not reserved legal activities, any person who exercises regulatory functions in relation to the carrying on of such activities by the person.

(2D) In relation to proceedings under this paragraph, the Committee may make such order as they consider fit as to the payment of costs by—

- (a) the Council;
- (b) the recognised body or manager or employee against whom the proceedings were brought;
- (c) if the person on whose allegation the proceedings were brought was heard (in person, or through a representative) by the Committee in the course of the proceedings, that person.

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(2E) In sub-paragraph (2D), for the purposes of paragraph (a) or (b) of that sub-paragraph, the reference to costs includes costs incurred in connection with a preliminary investigation of the allegation under paragraph 3.]

^{F18}(3)

^{F18}(3A)

^{F19}(4)

Textual Amendments

- F12** Words in Sch. 6 para. 4(1) inserted (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 182, 211, [Sch. 17 para. 32\(6\)\(a\)](#), (with ss. 29, 192, 193); S.I. 2009/503, [art. 2\(c\)\(i\)](#) (subject to art. 4)
- F13** Sch. 6 para. 4(1)(c) and preceding word inserted (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 182, 211, [Sch. 17 para. 32\(6\)\(b\)](#), (with ss. 29, 192, 193); S.I. 2009/503, [art. 2\(c\)\(i\)](#) (subject to art. 4)
- F14** Words in Sch. 6 para. 4(2)(b) substituted (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 182, 211, [Sch. 17 para. 32\(6\)\(c\)](#), (with ss. 29, 192, 193); S.I. 2009/503, [art. 2\(c\)\(i\)](#) (subject to art. 4)
- F15** Sch. 6 para. 4(2)(ba)(bb) inserted (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 182, 211, [Sch. 17 para. 32\(6\)\(d\)](#), (with ss. 29, 192, 193); S.I. 2009/503, [art. 2\(c\)\(i\)](#) (subject to art. 4)
- F16** Sch. 6 para. 4(1)(c) repealed (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 182, 210, 211, [Sch. 17 para. 32\(6\)\(e\)](#), [Sch. 23](#) (with ss. 29, 192, 193); S.I. 2009/503, [art. 2\(c\)\(i\)\(f\)\(v\)\(ff\)](#) (subject to art. 4)
- F17** Sch. 6 para. 4(2A)-(2E) inserted (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 182, 211, [Sch. 17 para. 32\(6\)\(f\)](#), (with ss. 29, 192, 193); S.I. 2009/503, [art. 2\(c\)\(i\)](#) (subject to art. 4)
- F18** Sch. 6 para. 4(3)(3A) repealed (6.10.2010) by [Legal Services Act 2007 \(c. 29\)](#), ss. 182, 210, 211, [Sch. 17 para. 32\(6\)\(g\)](#), [Sch. 23](#) (with ss. 29, 192, 193); S.I. 2010/2089, [art. 2\(c\)\(e\)\(v\)](#)
- F19** Sch. 6 para. 4(4) repealed (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 182, 210, 211, [Sch. 17 para. 32\(6\)\(g\)](#), [Sch. 23](#) (with ss. 29, 192, 193); S.I. 2009/503, [art. 2\(c\)\(i\)\(f\)\(v\)\(ff\)](#)

- 5 (1) Where—
- (a) any order is made by the Discipline and Appeals Committee under section 26 [^{F20}or paragraph 4] in the case of a [^{F21}manager] of a recognised body; or
 - (b) any such order is made in the case of a person employed by a recognised body and the act or omission constituting the ground on which the order was made was instigated or connived at by a [^{F21}manager] of the recognised body, or, if the act or omission was a continuing act or omission, a [^{F21}manager] of the body had or reasonably ought to have had knowledge of its continuance, the Discipline and Appeals Committee may, if they think fit, by order revoke the recognition of that body under section 32.
- (2) The Committee shall not take a case into consideration during any period within which proceedings by way of appeal may be brought which may result in sub-paragraph (1) being rendered inapplicable in that case, or while any such proceedings are pending.
- (3) The reference to a [^{F22}manager] of a recognised body in paragraph (a) or (b) of sub-paragraph (1) includes a reference to a person who was a [^{F22}manager] of the body at the time of the conduct leading to the making of the order referred to in that paragraph.

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- [^{F23}(4) In relation to proceedings for the revocation of a recognition under sub-paragraph (1), the Discipline and Appeals Committee may make such order as they consider fit as to the payment of costs by—
- (a) the Council;
 - (b) the body to whose recognition the proceedings relate.]

Textual Amendments

- F20** Words in Sch. 6 para. 5(1) inserted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 182, 211, Sch. 17 para. 32(7)(a)(i) (with ss. 29, 192, 193); S.I. 2009/503, art. 2(c)(i)
- F21** Words in Sch. 6 para. 5(1) substituted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 182, 211, Sch. 17 para. 32(7)(a)(ii) (with ss. 29, 192, 193); S.I. 2009/503, art. 2(c)(i)
- F22** Words in Sch. 6 para. 5(3) substituted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 182, 211, Sch. 17 para. 32(7)(b) (with ss. 29, 192, 193); S.I. 2009/503, art. 2(c)(i)
- F23** Sch. 6 para. 5(4) inserted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 182, 211, Sch. 17 para. 32(7)(c) (with ss. 29, 192, 193); S.I. 2009/503, art. 2(c)(i)

Appeals against orders of the Committee

- 6 (1) A [^{F24}person] in whose case an order is made by the Committee by virtue of paragraph 4(1) [^{F25}or (2A)] or [^{F26}5(1)] may appeal to the High Court, and on any such appeal the High Court may make such order as it thinks fit.
- [^{F27}(1A) Where an order is made by the Committee under paragraph 4(2D) or 5(4) a person listed in that paragraph may appeal to the High Court, and on any such appeal the High Court may make such order as it thinks fit.]
- (2) The decision of the High Court on an appeal under this paragraph shall be final.

Textual Amendments

- F24** Words in Sch. 6 para. 6(1) substituted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 182, 211, Sch. 17 para. 32(8)(a)(i) (with ss. 29, 192, 193); S.I. 2009/503, art. 2(c)(i)
- F25** Words in Sch. 6 para. 6(1) inserted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 182, 211, Sch. 17 para. 32(8)(a)(ii) (with ss. 29, 192, 193); S.I. 2009/503, art. 2(c)(i)
- F26** Word in Sch. 6 para. 6(1) substituted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 182, 211, Sch. 17 para. 32(8)(a)(iii) (with ss. 29, 192, 193); S.I. 2009/503, art. 2(c)(i)
- F27** Sch. 6 para. 6(1A) inserted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 182, 211, Sch. 17 para. 32(8)(b) (with ss. 29, 192, 193); S.I. 2009/503, art. 2(c)(i)

Revocation of recognition on grounds of fraud or error

- 7 (1) Where the Discipline and Appeals Committee are satisfied that the recognition of a body ^{F28} . . . under section 32 was granted as a result of any error, or as a result of fraud on the part of that body, the Committee may, if they think fit, by order revoke that body's recognition.
- (2) A body ^{F28} . . . may be granted recognition under that section notwithstanding that any recognition previously granted to it has been revoked under this paragraph; but if any such recognition was so revoked on the ground of fraud that body shall not be

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granted recognition under that section except on an application made in that behalf to the Committee.

- [^{F29}(3) In relation to proceedings for the revocation of a recognition under sub-paragraph (1), the Discipline and Appeals Committee may make such order as they consider fit as to the payment of costs by—
- (a) the Council;
 - (b) the body to whose recognition the proceedings relate.
- (4) In relation to proceedings on an application under sub-paragraph (2), the Discipline and Appeals Committee may make such order as they consider fit as to the payment of costs by—
- (a) the Council;
 - (b) the applicant.]

Textual Amendments

- F28** Word in Sch. 6 para. 7(1)(2) repealed (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 182, 210, 211, [Sch. 17 para. 32\(9\)\(a\)](#), [Sch. 23](#) (with ss. 29, 192, 193); S.I. 2009/503, [art. 2\(c\)\(i\)\(f\)\(v\)\(ff\)](#)
- F29** Sch. 6 para. 7(3)(4) inserted (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 182, 211, [Sch. 17 para. 32\(9\)\(b\)](#) (with ss. 29, 192, 193); S.I. 2009/503, [art. 2\(c\)\(i\)](#)

Appeal against decision of Council in relation to grant of recognition

- 8 (1) Where, in the case of any body ^{F30} . . . , the Council—
- (a) refuses an application by that body for recognition under section 32; or
 - (b) decides to grant recognition of that body under that section subject to any [^{F31}conditions], [^{F32} or
 - (c) decides to give a direction in relation to that body under section 32(3B), or
 - (d) refuses an application by that body under section 32(3D),]
- that body may appeal to the Discipline and Appeals Committee against that refusal or decision within one month of being notified of it.
- (2) On an appeal under [^{F33}sub-paragraph (1)(a) or (b)] the Discipline and Appeals Committee may—
- (a) by order direct the Council to grant recognition of the body in question under section 32, either without [^{F34}conditions] or subject to such [^{F35}conditions] as may be specified by the Committee in the direction; or
 - (b) affirm the refusal or decision of the Council;
- and the Committee may make such order as to the payment of costs by the Council or by that body as they think fit.
- [^{F36}(2A) On an appeal under sub-paragraph (1)(c), the Discipline and Appeals Committee may—
- (a) revoke the direction of the Council under section 32(3B),
 - (b) direct that the body's recognition is to have effect subject to such conditions as may be specified by the Council in the direction, or
 - (c) affirm the decision of the Council,
- and the Committee may make such order as to the payment of costs by the Council or by that body as they think fit.

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- (2B) On an appeal under sub-paragraph (1)(d), the Discipline and Appeals Committee may—
 - (a) direct the Council to grant the application, or
 - (b) affirm the decision of the Council,
 and the Committee may make such order as to the payment of costs by the Council or by that body as they think fit.]
- (3) Rules made by the Council may make provision, as respects any application for recognition that is neither granted nor refused by the Council within such period as may be specified in the rules, for enabling an appeal to be brought under this paragraph in relation to the application as if it had been refused by the Council.

Textual Amendments

F30 Word in Sch. 6 para. 8(1) repealed (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 182, 210, 211, Sch. 17 para. 32(10)(a), **Sch. 23** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(c)(i)(f)(v)(ff)**

F31 Word in Sch. 6 para. 8(1)(b) substituted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 182, 211, **Sch. 17 para. 32(10)(b)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(c)(i)**

F32 Sch. 6 para. 8(1)(c)(d) and preceding word inserted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 182, 211, **Sch. 17 para. 32(10)(c)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(c)(i)**

F33 Words in Sch. 6 para. 8(2) substituted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 182, 211, **Sch. 17 para. 32(10)(d)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(c)(i)**

F34 Words in Sch. 6 para. 8(2)(a) substituted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 182, 211, **Sch. 17 para. 32(10)(e)(i)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(c)(i)**

F35 Words in Sch. 6 para. 8(2)(a) substituted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 182, 211, **Sch. 17 para. 32(10)(e)(ii)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(c)(i)**

F36 Sch. 6 para. 8(2A)(2B) inserted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 182, 211, **Sch. 17 para. 32(10)(f)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(c)(i)**

Rules of procedure, etc.

- 9 (1) Paragraphs 1(2) [^{F37} and 2] of Schedule 4 shall have effect in relation to proceedings under [^{F38} paragraph 3A, 4 or 5] of this Schedule as they have effect in relation to proceedings under section 26.

^{F39}(2)

Textual Amendments

F37 Words in Sch. 6 para. 9(1) substituted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 182, 211, **Sch. 17 para. 32(11)(a)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(c)(i)**

F38 Words in Sch. 6 para. 9(1) substituted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 182, 211, **Sch. 17 para. 32(11)(b)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(c)(i)**

F39 Sch. 6 para. 9(2) repealed (1.1.2010) by Legal Services Act 2007 (c. 29), s. 211(2), **Sch. 23** (with ss. 29, 192, 194); S.I. 2009/3250, **art. 2(i)(iv)**

Intervention by Council

- 10 (1) Subject to sub-paragraph (2), where—

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- (a) the Council is satisfied that a recognised body [^{F40}or a manager of such a body] has failed to comply with any rules applicable to it by virtue of section 32; or
- [^{F41}(aa) the Council is satisfied that a recognised body has been carrying on business in breach of any condition subject to which the body's recognition under section 32 of this Act has effect; or]
- (b) a person has been appointed receiver or manager of property of a recognised body ; or
- [^{F42}(c) a relevant insolvency event occurs in relation to a recognised body; or]
- (d) the Council has reason to suspect dishonesty on the part of any [^{F43}manager] or employee of a recognised body in connection with
 - [^{F44}(i) that body's business,
 - (ii) any trust of which that body is or was a trustee,
 - (iii) any trust of which the manager or employee is or was a trustee in his capacity as such a manager or employee, or
 - (iv) the business of another body in which the manager or employee is or was a manager or employee or the practice (or former practice) of the manager or employee;]
- [^{F45}or
- (e) the Council is satisfied that it is necessary to exercise the powers conferred by Part 2 of Schedule 5 (or any of them) in relation to a recognised body to protect—
 - (i) the interests of clients (or former or potential clients) of the recognised body,
 - (ii) the interests of the beneficiaries of any trust of which the recognised body is or was a trustee, or
 - (iii) the interests of the beneficiaries of any trust of which a person who is or was a manager or employee of the recognised body is or was a trustee in that person's capacity as such a manager or employee.]

the powers conferred by Part II of Schedule 5 shall be exercisable in relation to the recognised body and its business in like manner as they are exercisable in relation to a licensed conveyancer and his practice.

- [^{F46}(1A) For the purposes of this paragraph a relevant insolvency event occurs in relation to a recognised body if—
 - (a) a resolution for a voluntary winding-up of the body is passed without a declaration of solvency under section 89 of the Insolvency Act 1986;
 - (b) the body enters administration within the meaning of paragraph 1(2)(b) of Schedule B1 to that Act;
 - (c) an administrative receiver within the meaning of section 251 of that Act is appointed;
 - (d) a meeting of creditors is held in relation to the body under section 95 of that Act (creditors' meeting which has the effect of converting a members' voluntary winding up into a creditors' voluntary winding up);
 - (e) an order for the winding up of the body is made.]

(2) ^{F47}

Status: Point in time view as at 06/10/2010.

Changes to legislation: There are currently no known outstanding effects for the Administration of Justice Act 1985, SCHEDULE 6. (See end of Document for details)

Textual Amendments

- F40** Words in Sch. 6 para. 10(1)(a) inserted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 182, 211, **Sch. 17 para. 32(12)(a)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(c)(i)**
- F41** Sch. 6 para. 10(1)(aa) inserted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 182, 211, **Sch. 17 para. 32(12)(b)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(c)(i)**
- F42** Sch. 6 para. 10(1)(c) substituted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 182, 211, **Sch. 17 para. 32(12)(c)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(c)(i)**
- F43** Word in Sch. 6 para. 10(1)(d) substituted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 182, 211, **Sch. 17 para. 32(12)(d)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(c)(i)**
- F44** Words in Sch. 6 para. 10(1)(d) substituted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 182, 211, **Sch. 17 para. 32(12)(e)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(c)(i)**
- F45** Sch. 6 para. 10(1)(e) and preceding word inserted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 182, 211, **Sch. 17 para. 32(12)(f)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(c)(i)**
- F46** Sch. 6 para. 10(1A) inserted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 182, 211, **Sch. 17 para. 32(12)(g)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(c)(i)**
- F47** Sch. 6 para. 10(2) repealed (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 182, 210, 211, Sch. 17 para. 32(12)(h), **Sch. 23** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(c)(i)(f)(v)(ff)**

11 The powers conferred by Part II of Schedule 5 shall also be exercisable as mentioned in paragraph 10(1) of this Schedule where—

- [^{F48}(a) the Council is satisfied that there has been undue delay on the part of—
- (i) a recognised body in connection with any matter in which it is or was acting on behalf of a client or with any trust of which it is or was a trustee, or
 - (ii) a person who is or was a manager or employee of a recognised body in connection with any trust of which he is or was a trustee in his capacity as such a manager or employee; and]
- (b) the Council by notice in writing invites the body to give an explanation within such period following the giving of the notice as may be specified in it, being a period of not less than eight days; and
 - (c) the body fails within that period to give an explanation which the Council regards as satisfactory; and
 - (d) the Council gives notice of the failure to the body and (at the same or any later time) notice that the powers conferred by Part II of Schedule 5 are accordingly exercisable in its case by virtue of this paragraph.

Textual Amendments

- F48** Sch. 6 para. 11(a) substituted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 182, 211, **Sch. 17 para. 32(13)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(c)(i)**

12 (1) Where the recognition of a body ^{F49} . . . under section 32—

- (a) has been revoked by an order of the Discipline and Appeals Committee under this Schedule; or
- (b) has expired and no further recognition of that body has been granted under that section,

the powers conferred by Part II of Schedule 5 shall be exercisable in relation to the body ^{F49} . . . and its former business as a recognised body as they are exercisable in relation to a licensed conveyancer and his practice.

Status: Point in time view as at 06/10/2010.

Changes to legislation: There are currently no known outstanding effects for the Administration of Justice Act 1985, SCHEDULE 6. (See end of Document for details)

- (2) Where the powers conferred by Part II of Schedule 5 are exercisable in relation to a recognised body in accordance with paragraph 10 or 11 of this Schedule they shall continue to be exercisable after that body's recognition under section 32 has been revoked or has otherwise ceased to be in force.

Textual Amendments

F49 Words in Sch. 6 para. 12(1) repealed (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 182, 210, 211, Sch. 17 para. 32(14), Sch. 23 (with ss. 29, 192, 193); S.I. 2009/503, art. 2(c)(i)(f)(v)(ff)

- 13 In connection with the application of Part II of Schedule 5 for the purposes of this Schedule, in that Part of that Schedule—
- (a) any reference to the licensed conveyancer or to his practice shall be construed as including a reference to the body^{F50} . . . in relation to which the powers conferred by that Part of that Schedule are exercisable by virtue of paragraph 10, 11 or 12(1) of this Schedule or to its business (or former business) as a recognised body;
 - (b) any reference to paragraph 1 of that Schedule shall be construed as including a reference to paragraph 10 or 12(1) of this Schedule;^{F51} . . .
 - (c) any reference to paragraph 3 of that Schedule shall be construed as including a reference to paragraph 11 of this Schedule.
 - [^{F52}(d) paragraph 6(2)(a) of that Schedule is to be construed as including a reference to sums of money held by or on behalf of the recognised body in connection with any trust of which a person who is or was manager or employee of that body is or was a trustee in his capacity as such a manager or employee;
 - (e) paragraph 9 of that Schedule is to be construed—
 - (i) as if sub-paragraph (1) included a reference to documents in the possession or under the control of the recognised body in connection with any trust of which a person who is or was a manager or employee of that body is or was a trustee in his capacity as such a manager or employee, and
 - (ii) as applying to a person who is or was a manager or employee of the recognised body and documents and property in his possession or under his control in connection with such a trust as it applies to a recognised body and documents and property in the possession or under the control of that body;
 - (f) paragraph 10A(1) of that Schedule is to be construed as including power for the Council to apply to the High Court for an order for the appointment of a new trustee to a trust in substitution for a person who is a trustee in his capacity as a manager or employee of the recognised body; and
 - (g) paragraph 12A of that Schedule is to be read as if the references to a former partner were references—
 - (i) in the case of a recognised body which is a partnership, to a former partner in the partnership, and
 - (ii) in any other case to a manager or former manager of the recognised body.]

Status: Point in time view as at 06/10/2010.

Changes to legislation: There are currently no known outstanding effects for the Administration of Justice Act 1985, SCHEDULE 6. (See end of Document for details)

Textual Amendments

- F50** Word in Sch. 6 para. 13(a) repealed (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 182, 210, 211, Sch. 17 para. 32(15)(a), **Sch. 23** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(c)(i)(f)(v)(ff)**
- F51** Word in Sch. 6 para. 13(b) repealed (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 182, 210, 211, Sch. 17 para. 32(15)(b), **Sch. 23** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(c)(i)(f)(v)(ff)**
- F52** Sch. 6 para. 13(d)-(g) inserted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 182, 211, **Sch. 17 para. 32(15)(b)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(c)(i)**

Examination of files

14 ^{F53}(1) Where the Investigating Committee are satisfied that it is necessary to do so for the purpose of investigating any such allegation as is mentioned in paragraph 3(1)(a)(ii), (aa) or (ab), the Committee may give an information notice to a relevant person.

(1A) An information notice is a notice requiring the production or delivery to any person appointed by the Committee, at a time and a place to be fixed by the Committee, of all documents in the possession or under the control of the relevant person in connection with the matters to which the allegation relates (whether or not they relate also to other matters).

(1B) In this section “relevant person” means—

- (a) in the case of an allegation against a recognised body, the recognised body or any of its managers or employees, and
- (b) in the case of an allegation against a manager or employee of a recognised body, the manager or employee, the recognised body or any other manager or employee of the recognised body.]

(2) Sub-paragraphs (2) to (12) of paragraph 9 of Schedule 5, together with paragraphs 11 ^{F54}to 12A] of that Schedule, shall apply in relation to the powers conferred on the Investigating Committee by ^{F55}sub-paragraphs (1) and (1A) of this paragraph] as they apply in relation to the powers conferred on the Council by sub-paragraph (1) of paragraph 9, and accordingly in those provisions—

- (a) any reference to the Council shall be construed as including a reference to the Committee;
- (b) any reference to the licensed conveyancer shall be construed as including a reference to the body ^{F56}, manager or employee] with respect to which the powers are exercisable by virtue of ^{F55}sub-paragraphs (1) and (1A) of this paragraph];
- (c) any reference to a person appointed, or to a requirement, under paragraph 9(1) shall be construed as including a reference to a person appointed, or to a requirement, under ^{F55}sub-paragraphs (1) and (1A) of this paragraph]; and
- (d) any reference to any such documents as are mentioned in paragraph 9(1) shall be construed as including a reference to any such documents as are mentioned in ^{F57}sub-paragraph (1A)] of this paragraph.

Textual Amendments

- F53** Sch. 6 para. 14(1)-(1B) substituted (31.3.2009) for Sch. 6 para. 14(1) by Legal Services Act 2007 (c. 29), ss. 182, 211, **Sch. 17 para. 32(16)(a)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(c)(i)**

Status: Point in time view as at 06/10/2010.

Changes to legislation: There are currently no known outstanding effects for the Administration of Justice Act 1985, SCHEDULE 6. (See end of Document for details)

- F54** Words in Sch. 6 para. 14(2) substituted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 182, 211, **Sch. 17 para. 32(16)(b)(i)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(c)(i)**
- F55** Words in Sch. 6 para. 14(2) substituted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 182, 211, **Sch. 17 para. 32(16)(b)(ii)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(c)(i)**
- F56** Words in Sch. 6 para. 14(2)(b) inserted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 182, 211, **Sch. 17 para. 32(16)(b)(iii)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(c)(i)**
- F57** Words in Sch. 6 para. 14(2)(d) substituted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 182, 211, **Sch. 17 para. 32(16)(b)(iv)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(c)(i)**

Application of rules relating to accounts and interest on client's money

15 **F58**

- 16 (1) Where rules made under section 22(2) and containing any such provision as is referred to in section 23(1) are applied to recognised bodies [^{F59}or managers or employees of such bodies,] in accordance with section 32(3), then, except as provided by the rules and subject to sub-paragraph (2), a recognised body [^{F60}, manager or employee] which in pursuance of the rules maintains an account in which [^{F61}it or he keeps] money received or held for or on account of [^{F62}clients of the recognised body] generally shall not be liable to account to any person for interest received by it [^{F63}or him] on money in that account.
- (2) Nothing in any such rules or in sub-paragraph (1) shall affect any arrangement in writing between a recognised body [^{F64}, or any manager or employee of such a body, and any of the clients of the recognised body] as to the application of the client's money or the payment of interest on it.

Textual Amendments

- F59** Words in Sch. 6 para. 16(1) inserted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 182, 211, **Sch. 17 para. 32(18)(a)(i)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(c)(i)**
- F60** Words in Sch. 6 para. 16(1) inserted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 182, 211, **Sch. 17 para. 32(18)(a)(ii)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(c)(i)**
- F61** Words in Sch. 6 para. 16(1) substituted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 182, 211, **Sch. 17 para. 32(18)(a)(iii)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(c)(i)**
- F62** Words in Sch. 6 para. 16(1) substituted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 182, 211, **Sch. 17 para. 32(18)(a)(iv)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(c)(i)**
- F63** Words in Sch. 6 para. 16(1) inserted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 182, 211, **Sch. 17 para. 32(18)(a)(v)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(c)(i)**
- F64** Words in Sch. 6 para. 16(2) substituted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 182, 211, **Sch. 17 para. 32(18)(b)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(c)(i)**

Status:

Point in time view as at 06/10/2010.

Changes to legislation:

There are currently no known outstanding effects for the Administration of Justice Act 1985, SCHEDULE 6.