



# Administration of Justice Act 1985

## 1985 CHAPTER 61

### PART II

#### LICENSED CONVEYANCING

##### *Training and licensing of persons seeking to practise as licensed conveyancers*

#### 16 Conditional licences.

- (1) Subject to subsection (4), this section has effect in any case where a person applies for a licence under this Part—
- (a) for the first time;
  - (b) when each licence previously held by him under this Part has been subject to conditions under this section;
  - (c) when, on the first day of the period to which the licence would (if granted) relate, a period of twelve months or more will have elapsed since he held a licence in force under this Part;
  - (d) after the Discipline and Appeals Committee established under section 25 have made any order in his case under section 26;
  - (e) after he has been invited by the Council to give an explanation in respect of any matter relating to his conduct and has failed to give an explanation in respect of that matter which the Council regards as satisfactory, and has been notified in writing by the Council that he has so failed;
  - (f) while he is an undischarged bankrupt . . . <sup>F1</sup>;
  - (g) after having been adjudged bankrupt [<sup>F2</sup>and discharged] or after having entered into a composition with his creditors or a deed of arrangement for the benefit of his creditors;
  - (h) while he is a person as to whom powers have been exercised under section 98 of the <sup>M1</sup>Mental Health Act 1983 (judge's powers in cases of emergency);
  - [<sup>F3</sup>(i) after having been committed to prison in civil proceedings;

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- (ia) after having been convicted of an offence involving dishonesty or deception or a serious arrestable offence (as defined by section 116 of the Police and Criminal Evidence Act 1984); or]
  - (j) after having had given against him any judgment which involves the payment of money, not being a judgment—
    - (i) limited to the payment of costs; or
    - (ii) as to whose whole effect upon him he is entitled to indemnity or relief from some other person; or
    - (iii) evidence of whose satisfaction has been produced to the Council.
- (2) In any case where this section has effect the Council may, on issuing a licence to the applicant under section 15, issue it subject to such conditions as the Council thinks fit; and the Council's decision in any such case to impose any particular conditions under this subsection may be made by reference to such criteria of general application as may have been determined by the Council.
- (3) Without prejudice to the generality of subsection (2), conditions may be imposed under that subsection—
- (a) for restricting the kinds of conveyancing services that may be provided by the applicant as a licensed conveyancer; or
  - (b) for requiring the applicant to take any specified steps that will, in the opinion of the Council, be conducive to his carrying on an efficient practice as a licensed conveyancer;
- and conditions may be imposed under that subsection (whether for the purpose mentioned in paragraph (b) or otherwise) notwithstanding that they may result in expenditure being incurred by the applicant.
- (4) Where a licence free of conditions is issued by the Council under section 15 to an applicant in relation to whom this section has effect by reason of any such circumstances as are mentioned in paragraph (d), (e), (f), (g), (h), (i) or (j) of subsection (1), then, except in the case of any circumstances of whose existence the Council is unaware at the time the licence is issued, this section shall not thereafter have effect in relation to that person by reason of those circumstances.
- (5) Where the Council decides to issue an applicant with a licence subject to conditions, it may, if it thinks fit, direct that the conditions shall not have effect—
- (a) pending the hearing and determination of any appeal brought by the applicant under section 29(1)(b); or
  - (b) if this section has effect in relation to the applicant by reason only of any such circumstances as are mentioned in paragraph (f), (i) or (j) of subsection (1) and an appeal has been made to the appropriate court against the order or judgment in question, pending the hearing and determination of that appeal.

#### Textual Amendments

- F1** Words repealed by *Insolvency Act 1985* (c. 65, SIF 66), s. 235(3), **Sch. 10 Pt. III** (with saving in *Insolvency Act 1986* (c. 45, SIF 66), s. 437, **Sch. 11 para. 10**)
- F2** Words substituted by *Insolvency Act 1985* (c. 65, SIF 66), s. 235(1), **Sch. 8 para. 40** (with saving in *Insolvency Act 1986* (c. 45, SIF 66), s. 437, **Sch. 11 para. 10**)
- F3** S. 16(1)(i)(ia) substituted (1. 4. 1991 for certain purposes, otherwise 7.12.2004) for s. 16(1)(i) by *Courts and Legal Services Act 1990* (c. 41, SIF 76:1), s. 53, **Sch. 8 para.24** (with s. 59(1)); S.I.1991/608, art. 2, Sch; S.I. 2004/2950, **art. 2(a)**

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**Modifications etc. (not altering text)**

- C1** S. 16(4)(5) extended (with modifications) (1.4.1991 for certain purposes, otherwise 7.12.2004) by Courts and Legal Services Act 1990 (c. 41), ss. 53, 124, **Sch. 8 para. 5(7)** (with s. 59(1)); S.I. 1991/608, **art. 2**, Sch; S.I. 2004/2950, **art. 2(a)**

**Marginal Citations**

- M1** 1983 c. 20.

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**Changes to legislation:**

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