

Status: Point in time view as at 29/06/2015.

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SCHEDULES

SCHEDULE 8

Section 53.

LICENSED CONVEYANCERS ^[F1] AND LICENSED CLC PRACTITIONERS]

Textual Amendments

- F1** Words in Sch. 8 heading inserted (29.6.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(6)(b), [Sch. 19 para. 13\(2\)](#); S.I. 2015/1402, art. 2(b)

PART I

ADDITIONAL POWERS OF COUNCIL FOR LICENSED CONVEYANCERS IN CONNECTION WITH SECTIONS 27, 28, AND 53

General

1 In this Schedule—

“the ^{M1}Act of 1985” means the Administration of Justice Act 1985;

[^{F2}“advocacy licence”, “litigation licence” and “probate licence” have the meaning given by section 53;]

“the Council” means the Council for Licensed Conveyancers;

“the Discipline and Appeals Committee” means the committee established under section 25 of the Act of 1985;

^{F3}
...

^{F4}
...

“relevant licence” means a licence under Part II of the Act of 1985 or an advocacy, litigation or probate licence.

[^{F5}“reserved legal activity” has the same meaning as in the Legal Services Act 2007 (see section 12 of and Schedule 2 to that Act).]

Textual Amendments

- F2** Words in Sch. 8 para. 1 substituted (29.6.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(6)(b), [Sch. 19 para. 13\(3\)\(a\)](#); S.I. 2015/1402, art. 2(b)
- F3** Words in Sch. 8 para. 1 omitted (29.6.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(6)(b), [Sch. 19 para. 13\(3\)\(b\)\(i\)](#); S.I. 2015/1402, art. 2(b)
- F4** Words in Sch. 8 para. 1 omitted (29.6.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(6)(b), [Sch. 19 para. 13\(3\)\(b\)\(ii\)](#); S.I. 2015/1402, art. 2(b)
- F5** Sch. 8 para. 1: definition of “reserved legal activity” inserted (1.1.2010) by [Legal Services Act 2007 \(c. 29\)](#), ss. 182, 211, [Sch. 17 para. 35\(2\)\(d\)](#) (with ss. 29, 192, 193); S.I. 2009/3250, [art. 2\(f\)\(iii\)](#) (with art. 9)

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Commencement Information

- I1** Sch. 8 Pt. 1 para. 1 wholly in force at 7.12.2004; Sch. 8 Pt. 1 para. 1 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.](#); Sch. 8 Pt. 1 para. 1 otherwise in force at 7.12.2004 by [S.I. 2004/2950, art. 2](#)

Marginal Citations

- M1** 1985 c. 61.

Qualification regulations and rules of conduct

- 2 (1) For the purpose of exercising the powers conferred by section 53 the Council may make such qualification regulations and [^{F6}conduct rules] as it considers appropriate in connection with the [^{F7}carrying on of the reserved legal activities] in question.
- (2) In making any such regulations or rules the Council may, in particular, do anything which it has power to do in making rules under section 13 of the Act of 1985 (training rules).

Textual Amendments

- F6** Words in Sch. 8 para. 2(1) substituted (1.1.2010) by [Legal Services Act 2007 \(c. 29\), ss. 182, 211, Sch. 17 para. 35\(3\)\(a\)](#) (with [ss. 29, 192, 193](#)); [S.I. 2009/3250, art. 2\(f\)\(iii\)](#) (with art. 9)
- F7** Words in Sch. 8 para. 2(1) substituted (1.1.2010) by [Legal Services Act 2007 \(c. 29\), ss. 182, 211, Sch. 17 para. 35\(3\)\(b\)](#) (with [ss. 29, 192, 193](#)); [S.I. 2009/3250, art. 2\(f\)\(iii\)](#) (with art. 9)

Commencement Information

- I2** Sch. 8 para. 2 wholly in force at 7.12.2004; Sch. 8 para. 2 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.](#); Sch. 8 para. 2 otherwise in force at 7.12.2004 by [S.I. 2004/2950, art. 2](#)

Applications for licences

- 3 (1) An application for an advocacy licence, litigation licence or probate licence shall be made to the Council in such manner, and shall be accompanied by such fee, as may be prescribed by rules made by the Council under this paragraph.
- (2) Any such rules—
- (a) may prescribe the forms to be used in connection with applications for any such licence; and
 - (b) may provide for applications of any description specified in the rules to be exempt from any of the requirements of the rules.
- (3) Rules made under section 14 of the Act of 1985 and this paragraph may make provision with respect to applications for composite licences.

Commencement Information

- I3** Sch. 8 Pt. 1 para. 3 wholly in force at 7.12.2004; Sch. 8 Pt. 1 para. 3 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.](#); Sch. 8 Pt. 1 para. 3 otherwise in force at 7.12.2004 by [S.I. 2004/2950, art. 2](#)

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Issue of licences

- 4 (1) If, on an application for an advocacy, litigation or probate licence, the Council is satisfied that—
- (a) the applicant has complied with such qualification regulations, [^{F8}conduct rules] or other requirements as are applicable in his case in relation to the licence applied for;
 - (b) that he has made adequate arrangements for the purpose of complying with any provisions which are applicable in his case in relation to the licence applied for; and
 - (c) that he is a fit and proper person to [^{F9}carry on the reserved legal activities] in question,
- the Council may issue the applicant either with a licence free of conditions or with a licence subject to such conditions as it sees fit to impose.
- (2) If the Council is for any reason not so satisfied, or for any other reason refuses the application, it shall notify the applicant of its refusal and of the grounds on which the application has been refused.
- (3) Subsections (3) to (6) of section 15 of the Act of 1985 (issue of licences under section 14 of that Act) shall apply, with the necessary modifications, [^{F10}with respect to—
- (a) any application under paragraph 3 for an advocacy licence and any advocacy licence in force under section 53;
 - (b) any application under paragraph 3 for a litigation licence and any litigation licence in force under section 53; and
 - (c) any application under paragraph 3 for a probate licence and any probate licence in force under section 53 (as the case may be),
- as they] apply with respect to any application under section 14 of that Act and any licence under Part II of that Act.

Textual Amendments

- F8** Words in Sch. 8 para. 4(1)(a) substituted (1.1.2010) by [Legal Services Act 2007 \(c. 29\)](#), ss. 182, 211, [Sch. 17 para. 35\(4\)\(a\)](#) (with ss. 29, 192, 193); [S.I. 2009/3250](#), [art. 2\(f\)\(iii\)](#) (with art. 9)
- F9** Words in Sch. 8 para. 4(1)(c) substituted (1.1.2010) by [Legal Services Act 2007 \(c. 29\)](#), ss. 182, 211, [Sch. 17 para. 35\(4\)\(b\)](#) (with ss. 29, 192, 193); [S.I. 2009/3250](#), [art. 2\(f\)\(iii\)](#) (with art. 9)
- F10** Words in Sch. 8 para. 4(3) substituted (29.6.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(6)(b), [Sch. 19 para. 13\(4\)](#); [S.I. 2015/1402](#), art. 2(b)

Commencement Information

- I4** Sch. 8 Pt. 1 para. 4 wholly in force at 7.12.2004; Sch. 8 Pt. 1 para. 4 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.](#); Sch. 8 Pt. 1 para. 4 otherwise in force at 7.12.2004 by [S.I. 2004/2950](#), [art. 2](#)

Conditional licences

- 5 (1) This paragraph has effect in any case where a person applies for an advocacy, litigation or probate licence—
- (a) for the first time;

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- [^{F11}(b) when conditions under this paragraph have been imposed on an advocacy, litigation or probate licence previously issued to him;
- (ba) when conditions under section 16 of the Act of 1985 have been imposed on a licence under Part 2 of the Act of 1985 previously issued to him;]
- (c) when, on the first day of the period to which the licence applied for would (if granted) relate, a period of twelve months or more will have elapsed since he held [^{F12}an advocacy, litigation or probate licence or a licence under Part 2 of the Act of 1985] ;
- [^{F13}(d) after the Investigating Committee have made any order in his case under section 24A(1) of the Act of 1985 [^{F14}(including section 24A(1) as applied by section 53)] or the Discipline and Appeals Committee have made any order in his case under section 26(1) of that Act [^{F15}(including section 26(1) as applied by section 53)] .]
- (2) This paragraph also has effect in any case where a person applies for such a licence and any of the circumstances mentioned in paragraphs (e) to (j) of section 16 of the Act of 1985 (conditional licences) apply in his case.
- (3) Sub-paragraphs (1) and (2) are subject to subsection (4) of section 16 of the Act of 1985, as applied by sub-paragraph (7) of this paragraph.
- (4) In any case where this paragraph has effect the Council may, on issuing an advocacy, litigation or probate licence to the applicant, issue it subject to such conditions as the Council thinks fit.
- (5) The Council’s decision in any such case to impose any particular conditions under this paragraph may be made by reference to such criteria of general application as may have been determined by the Council.
- (6) Without prejudice to the generality of sub-paragraph (4), conditions may be imposed under that sub-paragraph—
- (a) for restricting the kinds of [^{F16}activities that may be carried on] by the applicant by virtue of his having the advocacy, litigation or probate licence in question; ^{F17}...
- (b) [^{F18}in the case of an applicant who is a licensed conveyancer,] 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 who [^{F19}carries on the additional activities] authorised by that licence[^{F20}; or
- (c) 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 CLC practitioner,]
- and conditions may be imposed under that sub-paragraph (whether for the purposes mentioned in paragraph (b) [^{F21}or (c)] or otherwise) as they may be under Part II of the Act of 1985.
- (7) Subsections (4) and (5) of section 16 of the Act of 1985 shall have effect, with the necessary modifications, with respect to an advocacy, litigation or probate licence as they have effect with respect to a licence issued under Part II of that Act.
- [^{F22}(8) Where a person applies for an advocacy, litigation or probate licence at a time when this paragraph has effect in relation to that person by reason of the circumstances

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mentioned in section 16(1)(ea) of the Act of 1985, section 16A(2) of that Act has effect as it has effect in relation to an application for a licence under Part 2 of that Act.]

Textual Amendments

- F11** Sch. 8 para. 5(1)(b) (ba) substituted for para. 5(1)(b) (29.6.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(6)(b), [Sch. 19 para. 13\(5\)\(a\)](#); S.I. 2015/1402, art. 2(b)
- F12** Words in Sch. 8 para. 5(1)(c) substituted (29.6.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(6)(b), [Sch. 19 para. 13\(5\)\(b\)](#); S.I. 2015/1402, art. 2(b)
- F13** Sch. 8 para. 5(1)(d) substituted (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 182, 211, [Sch. 17 para. 35\(5\)\(a\)](#) (with ss. 29, 192, 193); S.I. 2009/503, [art. 2\(c\)\(ii\)](#)
- F14** Words in Sch. 8 para. 5(1)(d) inserted (29.6.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(6)(b), [Sch. 19 para. 13\(5\)\(c\)\(i\)](#); S.I. 2015/1402, art. 2(b)
- F15** Words in Sch. 8 para. 5(1)(d) inserted (29.6.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(6)(b), [Sch. 19 para. 13\(5\)\(c\)\(ii\)](#); S.I. 2015/1402, art. 2(b)
- F16** Words in Sch. 8 para. 5(6)(a) substituted (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 182, 211, [Sch. 17 para. 35\(5\)\(b\)\(i\)](#) (with ss. 29, 192, 193); S.I. 2009/503, [art. 2\(c\)\(ii\)](#)
- F17** Word in Sch. 8 para. 5(6) omitted (29.6.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(6)(b), [Sch. 19 para. 13\(5\)\(d\)](#); S.I. 2015/1402, art. 2(b)
- F18** Words in Sch. 8 para. 5(6)(b) inserted (29.6.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(6)(b), [Sch. 19 para. 13\(5\)\(e\)](#); S.I. 2015/1402, art. 2(b)
- F19** Words in Sch. 8 para. 5(6)(b) substituted (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 182, 211, [Sch. 17 para. 35\(5\)\(b\)\(ii\)](#) (with ss. 29, 192, 193); S.I. 2009/503, [art. 2\(c\)\(ii\)](#)
- F20** Sch. 8 para. 5(6)(c) and word inserted (29.6.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(6)(b), [Sch. 19 para. 13\(5\)\(f\)](#); S.I. 2015/1402, art. 2(b)
- F21** Words in Sch. 8 para. 5(6) inserted (29.6.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(6)(b), [Sch. 19 para. 13\(5\)\(g\)](#); S.I. 2015/1402, art. 2(b)
- F22** Sch. 8 para. 5(8) inserted (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 182, 211, [Sch. 17 para. 35\(5\)\(c\)](#) (with ss. 29, 192, 193); S.I. 2009/503, [art. 2\(c\)\(ii\)](#)

Commencement Information

- I5** Sch. 8 Pt. 1 para. 5 wholly in force at 7.12.2004; Sch. 8 Pt. 1 para. 5 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.](#); Sch. 8 Pt. 1 para. 5 otherwise in force at 7.12.2004 by [S.I. 2004/2950](#), [art. 2](#)

Register of licensed conveyancers

- 6 (1) Where an advocacy, litigation or probate licence is in force with respect to a licensed conveyancer, the Council shall enter details of the licence in the appropriate place in the register of licensed conveyancers maintained by it under section 19 of the Act of 1985.
- (2) The Council shall accordingly cause the appropriate entries to be made on the issue of any advocacy, litigation or probate licence and deletions on any such licence ceasing to be in force.
- (3) Where any such licence is for the time being suspended, the Council shall cause that fact to be noted in the register against the name of the licensed conveyancer concerned.

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Commencement Information

- I6** Sch. 8 Pt. 1 para. 6 wholly in force at 7.12.2004; Sch. 8 Pt. 1 para. 6 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.; Sch. 8 Pt. 1 para. 6 otherwise in force at 7.12.2004 by S.I. 2004/2950, art. 2

[^{F23}Register of licensed CLC practitioners

Textual Amendments

- F23** Sch. 8 para. 6A and cross-heading inserted (29.6.2015) by *Deregulation Act 2015 (c. 20), s. 115(6)(b), Sch. 19 para. 13(6); S.I. 2015/1402, art. 2(b)*

- 6A (1) The Council must establish and maintain, in such form as the Council may determine, a register containing the names and places of business of all persons who for the time being hold an advocacy, litigation or probate licence and are not licensed conveyancers.
- (2) The Council may make rules specifying the further information, including information about disciplinary measures taken, to be recorded in the register in relation to a person.
- (3) The Council must cause the appropriate entries and deletions to be made in the register on the issue and termination of advocacy, litigation and probate licences; and where any licence held by a person is for the time being suspended by virtue of any provision of Part 2 of the Act of 1985 as applied by this Act the Council must cause that fact to be noted in the register against that person's name.
- (4) Any change in a licensed CLC practitioner's place or places of business must be notified by that person to the Council within the period of fourteen days beginning with the date on which the change takes effect.
- (5) The Council must provide facilities for making the information contained in the entries in the register available for inspection in visible and legible form by any person during office hours and without payment.
- (6) A certificate signed by an officer of the Council appointed for the purpose and stating—
- (a) that any person does or does not, or did or did not at any time, hold an advocacy, litigation or probate licence, or
 - (b) that any licence held by any person is or was at any time either free of conditions or subject to any particular conditions,
- is, unless the contrary is proved, evidence of the facts stated in the certificate; and a certificate purporting to be so signed is to be taken to have been so signed unless the contrary is proved.]

Code of conduct

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Textual Amendments

F24 Sch. 8 para. 7 repealed (1.1.2010) by [Legal Services Act 2007 \(c. 29\)](#), ss. 182, 210, 211, Sch. 17 para. 35(6), [Sch. 23](#) (with ss. 29, 192, 193); S.I. 2009/3250, [art. 2\(f\)\(iii\)\(i\)\(viii\)\(oo\)](#) (with art. 9)

[^{F25}Effect of suspension or revocation

Textual Amendments

F25 Sch. 8 para. 8 and cross-heading substituted (29.6.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(6)(b), [Sch. 19 para. 13\(7\)](#); S.I. 2015/1402, art. 2(b)

8 Where a relevant licence ceases to be in force because of—
 (a) a direction under section 24(5) of the Act of 1985, or
 (b) an order under section 26(2)(a) or (c) of the Act of 1985,
any other relevant licence in force with respect to that person at the time shall cease to have effect to the same extent as the licence in question.]

Removal of disqualification from holding a licence

^{F26}9

Textual Amendments

F26 Sch. 8 para. 9 omitted (29.6.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(6)(b), [Sch. 19 para. 13\(8\)](#); S.I. 2015/1402, art. 2(b)

Revocation on grounds of error or fraud

^{F27}10

Textual Amendments

F27 Sch. 8 para. 10 omitted (29.6.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(6)(b), [Sch. 19 para. 13\(9\)](#); S.I. 2015/1402, art. 2(b)

Recognised bodies

11 ^{F28}

Textual Amendments

F28 Sch. 8 para. 11 repealed (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 182, 210, 211, Sch. 17 para. 35(9), [Sch. 23](#) (with ss. 29, 192, 193); S.I. 2009/503, [art. 2\(c\)\(ii\)\(f\)\(i\)\(vi\)\(cc\)](#)

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PART II

AMENDMENTS OF PROVISIONS RELATING TO POWERS OF COUNCIL ETC.

Delegation of powers etc.

- 12 (1) [^{F29}The] Council may arrange for any of its functions (other than those of making rules, schemes or standing orders under Part II of the Act of 1985) to be discharged—
- (a) by a committee of the Council; or
 - [^{F30}(b) by a sub-committee of such a committee; or
 - (c) by an individual (whether or not a member of the Council's staff).]
- [^{F31}(1A) Where by virtue of sub-paragraph (1) any function may be discharged by a committee, the committee may arrange for the discharge of that function by—
- (a) a sub-committee of that committee; or
 - (b) an individual, whether or not a member of the Council's staff.
- (1B) Sub-paragraph (1A) is subject to any contrary direction given by the Council.
- (1C) Arrangements made under sub-paragraph (1) or (1A) in respect of a function may provide that the function is to be exercised in accordance with the arrangements only (and not by the delegating body).
- (1D) For this purpose “the delegating body” means—
- (a) in the case of arrangements under sub-paragraph (1), the Council, and
 - (b) in the case of arrangements under sub-paragraph (1A), the committee.]
- (2) The Council may make rules providing for functions conferred by Part II of the Act of 1985 on any committee established under that Part to be discharged by a committee established under this paragraph.
- [^{F32}(3) Any power conferred by sub-paragraph (1), (1A) or (2) may be exercised so as to impose restrictions or conditions on the body or individual by whom the function is to be discharged.]
- (4) The Council may make rules providing for any of its committees (including one established under Part II of the Act of 1985) to refer any matter of a kind specified in the rules, in such circumstances as may be so specified, to any other such committee, or to the Council.
- (5) Where any matter is referred under sub-paragraph (4) to a committee of the Council or to the Council, that committee or (as the case may be) the Council shall have the same power to deal with it as the committee referring it.
- [^{F33}(6) A committee or sub-committee established under this paragraph may include or consist of individuals other than—
- (a) members of the Council;
 - (b) licensed conveyancers.
- (7) A sub-committee of a committee established under this paragraph may also include or consist of individuals other than members of the committee.
- (7A) The Council may make arrangements for the appointment and removal of members of any committee to be made other than by the Council.

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(7B) A committee or sub-committee may regulate its own procedure, including quorum.]

(8) The validity of any proceedings of such a committee shall not be affected by any casual vacancy among its members.

(9) Any rules made under this paragraph—

(a) may make such incidental and supplemental provision as the Council considers appropriate; and

(b) may make different provision for different circumstances.

[^{F34}(10) This paragraph is subject to any provision to the contrary made by or under any enactment.]

Textual Amendments

F29 Words in Sch. 8 para. 12(1) substituted (31.3.2009) by [Legal Services Act 2007 \(c. 29\), ss. 182, 211, Sch. 17 para. 35\(10\)\(a\)](#) (with [ss. 29, 192, 193](#)); [S.I. 2009/503, art. 2\(c\)\(ii\)](#)

F30 Sch. 8 para. 12(1)(b)(c) substituted (31.3.2009) for Sch. 8 para. 12(1)(b) by [Legal Services Act 2007 \(c. 29\), ss. 182, 211, Sch. 17 para. 35\(10\)\(b\)](#) (with [ss. 29, 192, 193](#)); [S.I. 2009/503, art. 2\(c\)\(ii\)](#)

F31 Sch. 8 para. 12(1A)-(1D) inserted (31.3.2009) by [Legal Services Act 2007 \(c. 29\), ss. 182, 211, Sch. 17 para. 35\(10\)\(c\)](#) (with [ss. 29, 192, 193](#)); [S.I. 2009/503, art. 2\(c\)\(ii\)](#)

F32 Sch. 8 para. 12(3) substituted (31.3.2009) by [Legal Services Act 2007 \(c. 29\), ss. 182, 211, Sch. 17 para. 35\(10\)\(d\)](#) (with [ss. 29, 192, 193](#)); [S.I. 2009/503, art. 2\(c\)\(ii\)](#)

F33 Sch. 8 para. 12(6)-(7B) substituted (31.3.2009) for Sch. 8 para. 12(6)(7) by [Legal Services Act 2007 \(c. 29\), ss. 182, 211, Sch. 17 para. 35\(10\)\(e\)](#) (with [ss. 29, 192, 193](#)); [S.I. 2009/503, art. 2\(c\)\(ii\)](#)

F34 Sch. 8 para. 12(10) inserted (31.3.2009) by [Legal Services Act 2007 \(c. 29\), ss. 182, 211, Sch. 17 para. 35\(10\)\(f\)](#) (with [ss. 29, 192, 193](#)); [S.I. 2009/503, art. 2\(c\)\(ii\)](#)

Commencement Information

I7 Sch. 8 para. 12 in force 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.](#)

Council’s intervention powers

13 ^{F35}

Textual Amendments

F35 Sch. 8 para. 13 repealed (31.3.2009) by [Legal Services Act 2007 \(c. 29\), ss. 182, 210, 211, Sch. 17 para. 35\(11\), Sch. 23](#) (with [ss. 29, 192, 193](#)); [S.I. 2009/503, art. 2\(c\)\(ii\)\(f\)\(vi\)\(cc\)](#)

Inadequate professional services

14 ^{F36}

Textual Amendments

F36 Sch. 8 paras. 14-20 repealed (1.1.2010) by [Legal Services Act 2007 \(c. 29\), ss. 208, 210, 211, Sch. 21 para. 100\(e\), Sch. 23](#) (with [ss. 29, 192, 193](#)); [S.I. 2009/3250, art. 2\(h\)](#) (with art. 9)

Status: Point in time view as at 29/06/2015.

Changes to legislation: Courts and Legal Services Act 1990, SCHEDULE 8 is up to date with all changes known to be in force on or before 09 June 2024. 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)

Inadequate professional services: steps that may be taken

15 F37

Textual Amendments

F37 Sch. 8 paras. 14-20 repealed (1.1.2010) by [Legal Services Act 2007 \(c. 29\)](#), ss. 208, 210, 211, [Sch. 21 para. 100\(e\)](#), [Sch. 23](#) (with ss. 29, 192, 193); S.I. 2009/3250, [art. 2\(h\)](#) (with art. 9)

Inadequate professional services: compensation

16 F38

Textual Amendments

F38 Sch. 8 paras. 14-20 repealed (1.1.2010) by [Legal Services Act 2007 \(c. 29\)](#), ss. 208, 210, 211, [Sch. 21 para. 100\(e\)](#), [Sch. 23](#) (with ss. 29, 192, 193); S.I. 2009/3250, [art. 2\(h\)](#) (with art. 9)

Inadequate professional services: failure to comply with direction

17 F39

Textual Amendments

F39 Sch. 8 paras. 14-20 repealed (1.1.2010) by [Legal Services Act 2007 \(c. 29\)](#), ss. 208, 210, 211, [Sch. 21 para. 100\(e\)](#), [Sch. 23](#) (with ss. 29, 192, 193); S.I. 2009/3250, [art. 2\(h\)](#) (with art. 9)

Inadequate professional services: fees

18 F40

Textual Amendments

F40 Sch. 8 paras. 14-20 repealed (1.1.2010) by [Legal Services Act 2007 \(c. 29\)](#), ss. 208, 210, 211, [Sch. 21 para. 100\(e\)](#), [Sch. 23](#) (with ss. 29, 192, 193); S.I. 2009/3250, [art. 2\(h\)](#) (with art. 9)

Inadequate professional services: costs

19 F41

Textual Amendments

F41 Sch. 8 paras. 14-20 repealed (1.1.2010) by [Legal Services Act 2007 \(c. 29\)](#), ss. 208, 210, 211, [Sch. 21 para. 100\(e\)](#), [Sch. 23](#) (with ss. 29, 192, 193); S.I. 2009/3250, [art. 2\(h\)](#) (with art. 9)

Duty of Discipline and Appeals Committee

20 F42

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Textual Amendments

F42 Sch. 8 paras. 14-20 repealed (1.1.2010) by [Legal Services Act 2007 \(c. 29\)](#), ss. 208, 210, 211, [Sch. 21 para. 100\(e\)](#), [Sch. 23](#) (with ss. 29, 192, 193); S.I. 2009/3250, [art. 2\(h\)](#) (with art. 9)

Power to examine files

- 21 (1) Where the Council is satisfied that it is necessary to do so for the purpose of investigating any complaint made to it—
- (a) alleging professional misconduct by a licensed conveyancer [^{F43}or licensed CLC practitioner] ; or
 - (b) ^{F44}
- the Council may give notice to [^{F45}the person complained of] or his firm requiring the production or delivery to any person appointed by the Council, at a time and place to be fixed by the Council, of all documents in the possession of [^{F45}the person complained of] or his firm in connection with the matters to which the complaint relates (whether or not they relate also to other matters).
- (2) The provisions of paragraphs 9(2) to (12), 11 and 12 of Schedule 5 to the Act of 1985 shall apply in relation to the powers conferred by sub-paragraph (1) as they apply in relation to the powers conferred by paragraph 9(1) of that Schedule.

Textual Amendments

F43 Words in Sch. 8 para. 21(1)(a) inserted (29.6.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(6)(b), [Sch. 19 para. 13\(10\)\(a\)](#); S.I. 2015/1402, [art. 2\(b\)](#)

F44 Sch. 8 para. 21(1)(b) repealed (1.1.2010) by [Legal Services Act 2007 \(c. 29\)](#), ss. 208, 210, 211, [Sch. 21 para. 100\(e\)](#), [Sch. 23](#) (with ss. 29, 192, 193); S.I. 2009/3250, [art. 2\(h\)](#) (with art. 9)

F45 Words in Sch. 8 para. 21(1) substituted (29.6.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(6)(b), [Sch. 19 para. 13\(10\)\(b\)](#); S.I. 2015/1402, [art. 2\(b\)](#)

Commencement Information

I8 Sch. 8 para. 21 in force 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.](#)

Interest on clients' money

- 22 Where a licensed conveyancer [^{F46}or licensed CLC practitioner] —
- (a) is required by rules made under section 23 of the Act of 1985 to place any sum of money in a separate deposit account; but
 - (b) fails to do so as soon as is reasonably practicable,
- the Council may give a direction requiring him to account to the client in question for any interest which has not been earned but which would have been earned if that sum had been placed in a separate deposit account as soon as was reasonably practicable.

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Textual Amendments

F46 Words in Sch. 8 para. 22 inserted (29.6.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(6)(b), [Sch. 19 para. 13\(11\)](#); [S.I. 2015/1402](#), art. 2(b)

Commencement Information

I9 Sch. 8 para. 22 in force 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.](#)

Full and limited licences

^{F47}23

Textual Amendments

F47 Sch. 8 para. 23 repealed (31.3.2009) by [Planning Act 2008 \(c. 29\)](#), [Sch. 23](#) (with ss. 29, 192, 194); [S.I. 2009/503](#), [art. 2\(f\)\(vi\)\(cc\)](#) (with art. 5)

Cases in which conditions may be attached to licences

24 In section 16(1) of the Act of 1985 (cases in which conditions may be attached to licences), the following shall be substituted for paragraph (i)—

“(i) after having been committed to prison in civil proceedings;

(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”.

Commencement Information

I10 Sch. 8 para. 24 in force 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.](#)

Status:

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