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*Changes to legislation: There are currently no known outstanding effects for the Administration of Justice Act 1985, SCHEDULE 3. (See end of Document for details)*

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## SCHEDULES

### SCHEDULE 3

Section 12.

#### THE COUNCIL FOR LICENSED CONVEYANCERS: SUPPLEMENTARY PROVISIONS

##### *Status*

1 The Council shall be a body corporate.

##### *Constitution*

- [<sup>F1</sup>2 (1) The Council shall consist of—
- (a) not more than ten persons who are—
    - (i) licensed conveyancers; <sup>F2</sup> ...
    - [<sup>F3</sup>(ia) licensed CLC practitioners; or]
    - (ii) other persons practising as authorised persons in the course of a business which is carried on [<sup>F4</sup>either by a recognised body or by a licensed body which holds a licence granted by the Council] ; and
  - (b) not more than eleven persons who are lay persons,  
being persons appointed as members of the Council in accordance with a scheme under paragraph 4.
- (2) The Council shall in accordance with any such scheme appoint one of its members to be chairman of the Council.
- (3) In sub-paragraph (1)—
- “authorised person” has the meaning given by section 32A;
  - “lay person” has the same meaning as in Schedule 1 to the Legal Services Act 2007 (see paragraph 2 of that Schedule).]
  - [<sup>F5</sup>“licensed body” has the same meaning as in the Legal Services Act 2007 (see section 71).]

##### **Textual Amendments**

- F1** Sch. 3 para. 2 substituted (30.9.2011) by [The Legal Services Act 2007 \(The Law Society and The Council for Licensed Conveyancers\) \(Modification of Functions\) Order 2011 \(S.I. 2011/1716\)](#), arts. 2(3), **9(2)**
- F2** Word in Sch. 3 para. 2(1)(a)(i) omitted (29.6.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(6)(b), **Sch. 19 para. 8(a)**; S.I. 2015/1402, art. 2(b)
- F3** Sch. 3 para. 2(1)(a), (ia) inserted (29.6.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(6)(b), **Sch. 19 para. 8(b)**; S.I. 2015/1402, art. 2(b)
- F4** Words in Sch. 3 para. 2(1)(a)(ii) substituted (12.9.2011) by [The Legal Services Act 2007 \(The Law Society and The Council for Licensed Conveyancers\) \(Modification of Functions\) Order 2011 \(S.I. 2011/1716\)](#), arts. 2(4), 9(3)(a); S.I. 2011/2038

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**F5** Words in Sch. 3 para. 2(3) inserted (12.9.2011) by [The Legal Services Act 2007 \(The Law Society and The Council for Licensed Conveyancers\) \(Modification of Functions\) Order 2011 \(S.I. 2011/1716\)](#), arts. 2(4), 9(3)(b); [S.I. 2011/2038](#)

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**F6** .....

#### Textual Amendments

**F6** Sch. 3 para. 3 repealed (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 182, 210, 211, Sch. 17 para. 29(5), [Sch. 23](#) (with ss. 29, 192, 193); [S.I. 2009/503](#), [art. 2\(c\)\(i\)\(f\)\(v\)\(cc\)](#)

- 4 (1) The Council shall prepare a scheme making provision as to—
- (a) the [<sup>F7</sup>appointment] of persons for the purposes of paragraphs (a) and (b) of paragraph 2(1);
  - (b) the [<sup>F8</sup>appointment of] a person as chairman under paragraph 2(2); and
  - (c) the tenure and vacation of office of persons [<sup>F9</sup>appointed] as aforesaid, and the eligibility of persons for [<sup>F7</sup>appointment].
- [<sup>F10</sup>2) A scheme under this paragraph shall secure that (except during any casual vacancy) the total number of persons appointed for the purposes of paragraph (b) of paragraph 2(1) exceeds <sup>F11</sup>... the total number of persons appointed for the purposes of paragraph (a) of that provision.]
- (3) A scheme under this paragraph shall not come into force until it has been approved by the [<sup>F12</sup>Legal Services Board].
- (4) The [<sup>F13</sup>Legal Services Board] may approve a scheme under this paragraph either as submitted to [<sup>F14</sup>it] or subject to such modifications as [<sup>F15</sup>it] thinks fit; but where the [<sup>F13</sup>Legal Services Board] proposes to approve a scheme subject to modifications [<sup>F15</sup>it] shall notify the modifications to the Council and consider any observations of the Council on them.
- (5) A scheme under this paragraph may be varied or revoked by any subsequent such scheme.

#### Textual Amendments

- F7** Words in Sch. 3 para. 4(1) substituted (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 182, 211, [Sch. 17 para. 29\(6\)\(a\)](#), (with ss. 29, 192, 193); [S.I. 2009/503](#), [art. 2\(c\)\(i\)](#)
- F8** Words in Sch. 3 para. 4(1) substituted (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 182, 211, [Sch. 17 para. 29\(6\)\(b\)](#), (with ss. 29, 192, 193); [S.I. 2009/503](#), [art. 2\(c\)\(i\)](#)
- F9** Words in Sch. 3 para. 4(1) substituted (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 182, 211, [Sch. 17 para. 29\(6\)\(c\)](#), (with ss. 29, 192, 193); [S.I. 2009/503](#), [art. 2\(c\)\(i\)](#)
- F10** Sch. 3 para. 4(2) substituted (30.9.2011) by [The Legal Services Act 2007 \(The Law Society and The Council for Licensed Conveyancers\) \(Modification of Functions\) Order 2011 \(S.I. 2011/1716\)](#), arts. 2(3), 9(4)
- F11** Words in Sch. 3 para. 4(2) omitted (29.6.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(6)(c), [Sch. 20 para. 9](#); [S.I. 2015/1402](#), art. 2(c)
- F12** Words in Sch. 3 para. 4(3) substituted (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 182, 211, [Sch. 17 para. 29\(8\)](#), (with ss. 29, 192, 193); [S.I. 2009/503](#), [art. 2\(c\)\(i\)](#)

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- F13** Words in Sch. 3 para. 4(4) substituted (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 182, 211, [Sch. 17 para. 29\(9\)\(a\)](#), (with ss. 29, 192, 193); [S.I. 2009/503](#), [art. 2\(c\)\(i\)](#)
- F14** Word in Sch. 3 para. 4(4) substituted (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 182, 211, [Sch. 17 para. 29\(9\)\(b\)](#), (with ss. 29, 192, 193); [S.I. 2009/503](#), [art. 2\(c\)\(i\)](#)
- F15** Words in Sch. 3 para. 4(4) substituted (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 182, 211, [Sch. 17 para. 29\(9\)\(c\)](#), (with ss. 29, 192, 193); [S.I. 2009/503](#), [art. 2\(c\)\(i\)](#)

#### *Remuneration of members*

- 5 The Council shall have power to pay to the members of the Council or any of its committees such fees for attendance and such travelling, subsistence or other allowances as the Council may determine.

#### *Incidental powers*

- 6 The Council shall have power to do anything which in its opinion is calculated to facilitate the proper discharge of its functions, including the borrowing of money.

#### *Officers and staff*

- 7 (1) The Council shall have power to appoint such officers and servants as it may determine.
- (2) The Council shall pay to its officers and servants such remuneration as it may determine.
- (3) The Council shall, as regards any officers or servants in whose case it may determine to do so, pay to or in respect of them such pensions, allowances or gratuities, or provide and maintain for them such schemes (whether contributory or not) for the payment to or in respect of them of such pensions, allowances or gratuities, as it may determine.

#### *Committees of the Council*

- 8 ..... <sup>F16</sup>

#### **Textual Amendments**

- F16** [Sch. 3 para. 8](#) repealed (1. 4.1991) by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\)](#), s. 125(7), [Sch. 20](#); [S.I.1991/608](#), [art. 2](#), [Sch.](#)

#### *Proceedings*

- 9 (1) The powers of the Council and of any of its committees may be exercised notwithstanding any vacancy, and no proceedings of the Council or of any of its committees shall be invalidated by any defect in the [<sup>F17</sup>appointment] of a member.
- (2) The Council may make standing orders for regulating the proceedings (including quorum) of the Council and of any of its committees other than the Discipline and Appeals Committee established under section 25.

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#### Textual Amendments

- F17** Words in [Sch. 3 para. 9](#) substituted (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 182, 211, [Sch. 17 para. 29\(10\)](#), (with ss. 29, 192, 193); [S.I. 2009/503](#), [art. 2\(c\)\(i\)](#)

#### *Expenses of Council*

- 10 (1) The expenses incurred by the Council in the discharge of its functions shall be defrayed out of sums received by it in respect of fees and out of any sums received by it by virtue of sub-paragraph (2).
- (2) The [<sup>F18</sup>Lord Chancellor] may make grants to the Council towards meeting the expenses incurred, or to be incurred, by it in the discharge of its functions.
- (3) Any sums required by the [<sup>F18</sup>Lord Chancellor] for making grants under sub-paragraph (2) shall be paid out of money provided by Parliament.

#### Textual Amendments

- F18** Words in [Sch. 3 para. 10](#) substituted (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 182, 211, [Sch. 17 para. 29\(11\)](#), (with ss. 29, 192, 193); [S.I. 2009/503](#), [art. 2\(c\)\(i\)](#)

#### *Accounts*

- 11 (1) The Council shall keep proper accounts of all sums received or paid by it and proper records in relation to those accounts.
- (2) The Council shall appoint auditors to the Council, each of whom shall be [<sup>F19</sup>eligible for appointment as a [<sup>F20</sup>statutory auditor under Part 42 of the Companies Act 2006]].
- (3) The Council shall cause their accounts to be audited annually by the auditors to the Council; and, as soon as is practicable after the accounts for any period have been audited, the Council shall cause them to be published and shall send a copy of them to the [<sup>F21</sup>Lord Chancellor] together with a copy of any report of the auditors thereon.

#### Textual Amendments

- F19** Words in [Sch. 3 para. 11\(2\)](#) substituted (1.10.1991) by [S.I. 1991/1997](#), regs. 1, 2, [Sch. para. 55\(4\)](#) (with reg. 4)
- F20** Words in [Sch. 3 para. 11\(2\)](#) substituted (6.4.2008) by [The Companies Act 2006 \(Consequential Amendments etc\) Order 2008 \(S.I. 2008/948\)](#), arts. 2(2), 3(1), [Sch. 1 para. 1\(ff\)\(ii\)](#) (with arts. 6, 11, 12)
- F21** Words in [Sch. 3 para. 11\(3\)](#) substituted (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 182, 211, [Sch. 17 para. 29\(12\)](#), (with ss. 29, 192, 193); [S.I. 2009/503](#), [art. 2\(c\)\(i\)](#)

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