



Administration of Justice Act 1985

CHAPTER 61

ADMINISTRATION OF JUSTICE ACT 1985

PART I

SOLICITORS

Solicitors' discipline

- 1 Imposition by Council of Law Society of disciplinary sanctions for inadequate professional services.
- 2 Examination of solicitors' files in connection with complaints.
- 3 Powers of lay observers and Solicitors Disciplinary Tribunal in relation to inadequate professional services.

Practising certificates

- 4 Issue of practising certificates subject to conditions.
- 5 Conditions imposed on current certificates.

Restrictions applying to unqualified persons

- 6 Preparation of conveyancing documents by unqualified persons.
- 7 Preparation of papers for probate etc. by unqualified persons.

Other amendments

- 8 Other amendments of Solicitors Act 1974.

Incorporated practices

- 9 Incorporated practices.
- 9A Legal services bodies
- 10 Penalty for pretending to be a body recognised under s. 9.

Status: Point in time view as at 29/06/2015.

Changes to legislation: Administration of Justice Act 1985 is up to date with all changes known to be in force on or before 16 July 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)

PART II

LICENSED CONVEYANCING

Preliminary

- 11 Provision of conveyancing services by licensed conveyancers.

The Council for Licensed Conveyancers

- 12 Establishment of the Council.

Training and licensing of persons seeking to practise as licensed conveyancers

- 13 Training rules.
14 Applications for licences.
15 Issue of licences by Council.
16 Conditional licences.
16A Additional fee payable by certain persons when applying for licences
17 Imposition of conditions during currency of licence.
17A Variation of conditions
18 Suspension or termination of licences.
19 Register of licensed conveyancers.

Code of conduct

- 20 Rules as to professional practice, conduct and discipline.

Financial requirements

- 21 Professional indemnity and compensation.
22 Keeping of accounts and establishment of client accounts.
23 Interest on clients' money.

Disciplinary and other proceedings

- 24 Preliminary investigation of disciplinary cases.
24A Determination of allegations by Investigating Committee
25 The Discipline and Appeals Committee.
26 Proceedings in disciplinary cases.
27 Removal of disqualification from holding a licence.
28 Revocation of licence on grounds of fraud or error.
29 Appeals from decisions of Council in relation to licences.
30 Supplementary provisions relating to disciplinary and other proceedings.

Intervention by Council

- 31 Intervention in licensed conveyancer's practice and examination of files.

Recognised bodies

- 32 Provision of conveyancing or other services by recognised bodies.
32A Conveyancing services bodies
32B CLC practitioner services bodies

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

Changes to legislation: Administration of Justice Act 1985 is up to date with all changes known to be in force on or before 16 July 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)

Miscellaneous and supplemental

- 33 Legal professional privilege.
- 33A Administration of oaths by licensed conveyancers or licensed CLC practitioners
- 34 Modification of existing enactments relating to conveyancing etc.
- 35 Penalty for pretending to be a licensed conveyancer or recognised body.
- 36 Offences by bodies corporate.
- 37 Service of documents.
- 38 Rules.
- 39 Interpretation of Part II.

PART III

LEGAL AID

Legal aid complaints

- 40 Legal aid complaints: preliminary.
- 41 Application to legal aid complaints against barristers of disciplinary provisions.
- 42 Exclusion of barristers from legal aid work.
- 43 Jurisdiction and powers of Solicitors Disciplinary Tribunal in relation to complaints against solicitors.
- 44 Exclusion of solicitor from legal aid work.

Advice and assistance

- 45

Legal aid in criminal proceedings

- 46

PART IV

THE SUPREME COURT AND COUNTY COURTS

Proceedings relating to estates of deceased persons and trusts

- 47 Power of High Court to make judgments binding on persons who are not parties.
- 48 Power of High Court to authorise action to be taken in reliance on counsel's opinion.
- 49 Powers of High Court on compromise of probate action.
- 50 Power of High Court to appoint substitute for, or to remove, personal representative.
- 51 Amendments relating to jurisdiction of county courts and district probate registrars in probate proceedings.

Garnishee proceedings

- 52 Administrative and clerical expenses of garnishees.

Reimbursement of costs

- 53 Reimbursement of additional costs resulting from death or incapacity of presiding judge etc.

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

Changes to legislation: Administration of Justice Act 1985 is up to date with all changes known to be in force on or before 16 July 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)

Register of county court judgments

- 54 Register of county court judgments.

Relief from forfeiture in county court

- 55 Power of county court to grant relief from forfeiture for non-payment of rent.

Interpretation

- 56 Interpretation of Part IV.

PART V

MISCELLANEOUS AND SUPPLEMENTARY

Miscellaneous

- 57 Time limits for actions for libel and slander.
58 Power of High Court to appoint an arbitrator on behalf of party in default.
59 Pensions Appeal Tribunals: provision for appeals by non-residents to be heard in Scotland or Northern Ireland.
60
61 Constitution of [youth courts] in London.
62 Amendments of Judicature (Northern Ireland) Act 1978.
63
64 Northern Ireland rules of court with respect to disclosure of expert evidence etc.
65 Administration of oaths and taking of affidavits by public notaries in London.

Supplementary

- 66
67 Consequential amendments and repeals.
68 Extent: power to make corresponding provision for Northern Ireland.
69 Short title, commencement, transitional provisions and savings.

SCHEDULES

SCHEDULE 1 — Minor Amendments of Solicitors Act 1974

- 1 In section 3 (admission as solicitor), in subsection (3), for...
2 In section 7 (entry of name and restoration of name...
3 In section 8 (removal or restoration of name at solicitor's...
4
5 In section 13 (appeals in connection with issue of practising...
6 In section 21 (unqualified person not to pretend to be...
7 In section 24 (application of penal provisions to body corporate)—...
8 (1) Section 28 (regulations) shall be amended as follows.
9 In section 34 (accountants' reports)— (a) in subsection (2), for...
10 In section 43 (control of employment of certain clerks)—
11
12 In section 87 (interpretation)— (a) in subsection (1)—

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

Changes to legislation: Administration of Justice Act 1985 is up to date with all changes known to be in force on or before 16 July 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)

- 13 (1) Schedule 1 (intervention in solicitor's practice) shall be amended...
14 In Schedule 2 (the Compensation Fund), in paragraph 2(1)(b), omit...

SCHEDULE 2 — Legal services practices: Supplementary Provisions

Interpretation

- 1 (1) Subject to sub-paragraph (2), references in this Schedule to...

Appeal against refusal of Society to grant recognition etc

- 2 (1) A body may appeal to the High Court against—...

Accounts rules

- 3 (1) This paragraph applies where rules made under section 32(1)...

Interest on clients' money

- 4 (1) Where rules made under section 32 of the 1974...
4ZA Where rules made under section 32 of the 1974 Act...

Inspection of bank accounts

- 4A (1) This paragraph applies where rules made under section 33A(1)...

Accountants' reports

- 5 Where rules made under section 34 of the 1974 Act...
5A Where rules made under section 34 of the 1974 Act...

Compensation Fund

- 6 (1) Section 36 of the 1974 Act applies in relation...

Solicitor who is justice of the peace not to act in certain proceedings

- 7 In section 38 of the 1974 Act references to any...
8

Restriction on employment of person struck off roll or suspended

- 9 (1) Section 41 of the 1974 Act (except subsection (4))...

Failure to disclose fact of having been struck off or suspended

- 10 (1) Section 42(1) and (1A) of the 1974 Act shall...

Control of employment of persons convicted of offences of dishonesty and certain other persons

- 11 (1) Where a person who is or was employed or...

Offences in connection with orders under section 43(2) of the 1974 Act

- 12 In section 44 of the 1974 Act—

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

Changes to legislation: Administration of Justice Act 1985 is up to date with all changes known to be in force on or before 16 July 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)

Powers of Council in respect of inadequate professional services

13 (1) In Schedule 1A of the Act of 1974 (except...

information about suitability for recognition

14 (1) The Society may give a notice under this paragraph...

Power to charge for costs of investigation

14A (1) The Society may make regulations prescribing charges to be...

Disciplinary powers of the Society

14B (1) This paragraph applies where the Society is satisfied that...

14C (1) A person may appeal against— (a) a decision by...

Lay observers

15

Complaints to Tribunal with respect to recognised bodies

16 (1) The Tribunal shall have jurisdiction to hear and determine...

Procedure on applications and complaints

17 In subsections (9) to (11) of section 46 of the...

Powers of Tribunal with respect to recognised bodies

18 (1) Where on the hearing of any complaint made to...

18A (1) Where, on the hearing of any complaint made to...

Powers of Tribunal in respect of inadequate professional services

19

Powers of Tribunal in respect of legal aid complaints

20 (1) Where the Tribunal makes any such order as is...

Revocation of recognition by reason of default by director

21 (1) Where— (a) any order is made by the Tribunal...

Costs: general modification of provisions of Part III of 1974 Act

22 (1) In the provisions to which this paragraph applies—

Orders as to remuneration for non-contentious business

23 (1) In relation to an order under section 56 of...

Effect of contentious business agreements

24 (1) This paragraph applies in relation to a contentious business...

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

Changes to legislation: Administration of Justice Act 1985 is up to date with all changes known to be in force on or before 16 July 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)

Effect on contentious business agreement of supervening incapacity of recognised body to act for client

25 (1) If, after some business has been done under a...

Assessments with respect to contentious business

26 (1) Subject to the provisions of any rules of court,...

Power of court to order delivery of bill of costs, etc.

27 Any jurisdiction— (a) of the High Court to make any...

Power of court to order recognised body to pay over clients' money

28 Any jurisdiction of the High Court to make, in the...

Actions to recover costs

29 (1) Subsection (2A) of section 69 of the 1974 Act...

Power of Society to inspect files relating to certain proceedings

30 Section 83 of the 1974 Act shall apply in relation...

Bank accounts

31 Where rules made under section 32(1) . . . of...

31A Where rules made under section 32(1) of the 1974 Act...

Intervention by Society

32 (1) Subject to sub-paragraph (2), where— (a) the Society is...

33 The powers conferred by Part II of Schedule 1 to...

34 (1) Where the recognition of a body

35 In connection with the application of Part II of Schedule...

Privilege from disclosure etc.

36 (1) Where a recognised body acts as such for a...

Modification of enactments relating to conveyancing etc.

37 In the following provisions, namely— (a) sections 10(2), 48 and...

SCHEDULE 3 — The Council for Licensed Conveyancers: Supplementary Provisions

Status

1 The Council shall be a body corporate.

Constitution

2 (1) The Council shall consist of— (a) not more than...

3 Constitution

4 (1) The Council shall prepare a scheme making provision as...

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

Changes to legislation: Administration of Justice Act 1985 is up to date with all changes known to be in force on or before 16 July 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)

Remuneration of members

5 The Council shall have power to pay to the members...

Incidental powers

6 The Council shall have power to do anything which in...

Officers and staff

7 (1) The Council shall have power to appoint such officers...

Committees of the Council

8

Proceedings

9 (1) The powers of the Council and of any of...

Expenses of Council

10 (1) The expenses incurred by the Council in the discharge...

Accounts

11 (1) The Council shall keep proper accounts of all sums...

SCHEDULE 4 — The Discipline and Appeals Committee: Supplementary Provisions

Rules of procedure

1 (1) The Council shall make rules about the procedure and...

Evidence etc.

2 (1) For the purposes of any proceedings before the Discipline...

3 (1) For the purpose of advising the Discipline and Appeals...

Filing of orders of Committee

4 (1) Every order of the Discipline and Appeals Committee under...

SCHEDULE 5 — Intervention in Licensed Conveyancer's Practice

Part I — CIRCUMSTANCES IN WHICH COUNCIL MAY INTERVENE

1 (1) Subject to sub-paragraph (2), the powers conferred by Part...

2 On the death of a licensed conveyancer who immediately before...

3 The powers conferred by Part II of this Schedule shall...

4 (1) Where the powers conferred by Part II of this...

Part II — POWERS EXERCISABLE ON INTERVENTION

Money

5 (1) The High Court, on the application of the Council,...

6 (1) Without prejudice to paragraph 5, if the Council passes...

6A (1) Without prejudice to paragraph 5, if the Council passes...

6B (1) The Council may make rules governing its treatment of...

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

Changes to legislation: Administration of Justice Act 1985 is up to date with all changes known to be in force on or before 16 July 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)

- 7 (1) If the Council takes possession of any sum of...
8 Without prejudice to paragraphs 5 to 7, if the High...

Documents

- 9 (1) The Council may give notice to the licensed conveyancer...

Redirection of communications

- 10 (1) The High Court, on the application of the Council,...

Trusts

- 10A (1) If the licensed conveyancer or his personal representative is...

General

- 11 The powers in relation to sums of money , documents...
12 Subject to any order for the payment of costs that...
12A (1) The High Court, on the application of the Council,...

SCHEDULE 6 — 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...

Disciplinary control of recognised bodies

- 2 In addition to the functions conferred on them by sections...
3 (1) The Investigating Committee shall carry out a preliminary investigation...
3A (1) Where, on hearing an allegation by virtue of paragraph...
4 (1) Where on the hearing of any allegation within paragraph...
5 (1) Where— (a) any order is made by the Discipline...

Appeals against orders of the Committee

- 6 (1) Where the Committee make an order by virtue of...

Revocation of recognition on grounds of fraud or error

- 7 (1) Where the Discipline and Appeals Committee are satisfied that...

Appeal against decision of Council in relation to grant of recognition

- 8 (1) Where, in the case of any body

Rules of procedure, etc.

- 9 (1) Paragraphs 1(2) and 2 of Schedule 4 shall have...

Intervention by Council

- 10 (1) Subject to sub-paragraph (2), where— (a) the Council is...
11 The powers conferred by Part II of Schedule 5 shall...
12 (1) Where the recognition of a body
13 In connection with the application of Part II of Schedule...

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

Changes to legislation: Administration of Justice Act 1985 is up to date with all changes known to be in force on or before 16 July 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)

Examination of files

14 (1) Where the Investigating Committee are satisfied that it is...

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

15 (1) Where rules made under section 22(3)(a) are applied to...

16 (1) Where rules made under section 22(2) and containing any...

SCHEDULE 7 — Consequential Amendments

Legal Aid Act 1974 (c.4)

1—3

Solicitors Act 1974 (c.47)

4

5 In section 48(2) (orders of Tribunal), for “section 47(2)” substitute...

6 In section 49(3) (appeals from Tribunal), at the end add...

County Courts Act 1984 (c.28)

7 In section 33 (effect of order of judge in probate...

8 In section 58(1) (persons who may take affidavits for use...

SCHEDULE 8 — Repeals

Part I — REPEAL COMING INTO FORCE ON ROYAL ASSENT

Part II — REPEALS COMING INTO FORCE TWO MONTHS AFTER ROYAL
ASSENT

Part III — REPEALS COMING INTO FORCE ON AN APPOINTED DAY

SCHEDULE 9 — Transitional Provisions and Savings

Imposition of disciplinary sanctions by Council of Law Society

1 Section 1 applies in relation to services provided by a...

Examination of solicitors' files in connection with complaints

2 Section 2 applies in relation to a complaint whether it...

Powers of lay observers and Tribunal in relation to inadequate professional services

3 In section 3— (a) subsection (1) applies in relation to...

Practising certificates

4 In section 4— (a) subsections (2) and (4) apply to...

Restriction on preparation of contracts of sale etc.

5 In section 6— (a) subsection (3) applies to acts done...

Restriction on preparation of papers for probate etc.

6 Where a person has committed an offence under section 23...

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

Changes to legislation: Administration of Justice Act 1985 is up to date with all changes known to be in force on or before 16 July 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)

Orders modifying provisions so as to apply to incorporated practices

7 Any provision made by an order under subsection (7) of...

Legal aid complaints

8 The repeal by this Act of the provisions referred to...

9 Each of sections 41 to 44 applies in relation to...

Substitution or removal of personal representatives

10 Subsection (6) of section 50 applies to an application under...

Administrative and clerical expenses of garnishees

11 (1) Any order of the Lord Chancellor made, or having...

Register of county court judgments

12 (1) Where immediately before the commencement of section 54 there...

Relief from forfeiture in county court

13 The provisions inserted by subsections (4) and (5) of section...

Time limits for actions for libel or slander

14 Nothing in section 57 shall apply in relation to an...

Appointment of arbitrator by court

15

Limitation of damages against resident magistrates etc. in Northern Ireland

16 Nothing in section 63 shall apply in relation to an...

Increase of penalties under Solicitors Act 1974

17 Nothing in paragraph 6 or 7 of Schedule 1 shall...

Status:

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

Changes to legislation:

Administration of Justice Act 1985 is up to date with all changes known to be in force on or before 16 July 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.