



Administration of Justice Act 1985

CHAPTER 61

ADMINISTRATION OF JUSTICE ACT 1985

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Status: Point in time view as at 04/03/2024.

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

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- 54 Register of county court judgments.

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59 Pensions Appeal Tribunals: provision for appeals by non-residents to be heard in Scotland or Northern Ireland.
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61 Constitution of [youth courts] in London.
62 Amendments of Judicature (Northern Ireland) Act 1978.
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65 Administration of oaths and taking of affidavits by public notaries in London.

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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)—

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- 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 Legal services practices: Supplementary Provisions

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 Legal services practices: Supplementary Provisions

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

- 12 Legal services practices: Supplementary Provisions

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Powers of Council in respect of inadequate professional services

13 Legal services practices: Supplementary Provisions

information about suitability for recognition

- 14 (1) The Society may give a notice under this paragraph...
14ZA (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 Legal services practices: Supplementary Provisions

Complaints to Tribunal with respect to recognised bodies and recognised sole solicitor's practice,

- 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 Legal services practices: Supplementary Provisions

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...

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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...

32A On the death of a solicitor practising as the sole...

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...

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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...

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- 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...

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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...

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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...

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