



Administration of Justice Act 1985

1985 CHAPTER 61

PART I

SOLICITORS

Incorporated practices

9 Incorporated practices.

- (1) The [^{F1}Society] may make rules—
- (a) making provision as to the management and control [^{F2}of legal services bodies;]
 - (b) prescribing the circumstances in which such bodies may be recognised by the [^{F1}Society] as being suitable bodies to undertake the provision of [^{F3}any solicitor services or other relevant legal services];
 - (c) prescribing the [^{F4}requirements] which (subject to any exceptions provided by the rules) must at all times be satisfied by bodies ^{F5}. . . so recognised if they are to remain so recognised; and
 - (d) regulating the conduct of the affairs of such bodies.

[^{F6}(1A) Where the Society makes rules under subsection (1), it must by rules under subsection (1)(c) prescribe the requirement that (subject to any exceptions provided by the rules) recognised bodies must not provide services other than—

- (a) solicitor services, or
- (b) solicitor services and other relevant legal services.

(1B) “Relevant legal services” means—

- (a) solicitor services, and
- (b) where authorised persons other than solicitors or registered European lawyers are managers or employees of, or have an interest in, a recognised body, services of the kind provided by individuals practising as such authorised persons (whether or not those services involve the carrying on of reserved legal activities within the meaning of the Legal Services Act 2007).

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- (1C) The Society may by rules under this section provide that services specified, or of a description specified, in the rules are not to be treated as solicitor services or other relevant legal services.]
- (2) Rules made by the [F7Society] may also make provision—
 - (a) for the manner and form in which applications for recognition under this section [F8, or for the renewal of such recognition, are to be made, and requiring such applications to be accompanied by a fee of such amount as the Society may from time to time determine;]
 - [F9(aa) for the manner and form in which other applications under the rules are to be made, and requiring such applications to be accompanied by a fee of such amount as the Society may from time to time determine;]
 - [F10(ab) requiring recognised bodies, or descriptions of recognised body, to pay periodical fees of such amount as the Society may from time to time determine;]
 - (b) for regulating the names that may be used by recognised bodies;
 - [F11(c) about the time when any recognition, or renewal of recognition, takes effect and the period for which it is (subject to the provisions made by or under this Part) to remain in force;
 - (d) for the suspension or revocation of any such recognition, on such grounds and in such circumstances as may be prescribed by the rules;
 - (e) about the effect on the recognition of a partnership or other unincorporated body (“the existing body”) of any change in the membership of the existing body, including provision for the existing body's recognition to be transferred where the existing body ceases to exist and another body succeeds to the whole or substantially the whole of its business;
 - (ea) for the keeping by the Society of a register containing the names and places of business of all bodies which are for the time being recognised under this section, and such other information relating to those bodies as may be specified in the rules;
 - (eb) for information (or information of a specified description) on such a register to be made available to the public, including provision about the manner in which, and times at which, information is to be made so available;]
 - (f) for rules made under any provision of the 1974 Act to have effect in relation to recognised bodies with such additions, omissions or other modifications as appear to the [F7Society] to be necessary or expedient;
 - [F12(fa) about the education and training requirements to be met by managers and employees of recognised bodies;
 - (fb) for rules made under any provision of the 1974 Act to have effect in relation to managers and employees of recognised bodies with such additions, omissions or other modifications as appear to the Society to be necessary or expedient;
 - (fc) requiring recognised bodies to appoint a person or persons to monitor compliance, by the recognised body, its managers and its employees, with requirements imposed on them by or by virtue of this Act or any rules applicable to them by virtue of this section;]
 - (g)^{F13}
 - (h) for the manner of service on recognised bodies of documents authorised or required to be served on such bodies under or by virtue of this Part.

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[^{F14}(2ZA) Rules under subsection (2)(fd) may provide that the person appointed under that paragraph may be the sole solicitor.]

[^{F15}(2A) If rules under this section provide for the recognition of legal services bodies which have one or more managers who are not legally qualified, the rules must make provision—

- (a) for the recognition of such bodies to be suspended or revoked, on such grounds and in such circumstances as may be prescribed by the rules;
- (b) as to the criteria and procedure for the Society's approving, as suitable to be a manager of a recognised body, an individual who is not legally qualified (and for the Society's withdrawing such approval).

(2B) Rules under this section may make provision for appeals to the High Court against decisions made by the Society under the rules—

- (a) to suspend or revoke the recognition of any body;
- (b) not to approve, as suitable to be the manager of a recognised body, an individual who is not legally qualified (or to withdraw such approval).

(2C) The rules may provide for appeals against decisions within subsection (2B)(b) to be brought by the individual to whom the decision relates (as well as the body).

(2D) In relation to an appeal under rules made by virtue of subsection (2B), the High Court may make such order as it thinks fit as to payment of costs.

(2E) The decision of the High Court on such an appeal shall be final.

(2F) Where the Society decides to recognise a body under this section it must grant that recognition subject to one or more conditions if—

- (a) the case is of a kind prescribed for the purposes of this section by rules made by the Society, and
- (b) the Society considers that it is in the public interest to do so.

(2G) While a body is recognised under this section, the Society—

- (a) must direct that the body's recognition is to have effect subject to one or more conditions if—
 - (i) the case is of a prescribed kind, and
 - (ii) the Society considers that it is in the public interest to do so;
- (b) may, in such circumstances as may be prescribed, direct that the body's recognition is to have effect subject to such conditions as the Society may think fit.

“Prescribed” means prescribed by rules made by the Society.

(2H) The conditions which may be imposed under subsection (2F) or (2G) include—

- (a) conditions requiring the body to take specified steps that will, in the opinion of the Society, be conducive to the carrying on by the body of an efficient business;
- (b) conditions which prohibit the body from taking any specified steps except with the approval of the Society;
- (c) if rules under this section provide for the recognition of legal services bodies which have one or more managers who are not legally qualified, a condition that all the managers of the body must be legally qualified.

Status: Point in time view as at 06/04/2015.

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“Specified” means specified in the condition.

- (2I) Rules made by the Society may make provision about when conditions imposed under this section take effect (including provision conferring power on the Society to direct that a condition is not to have effect until the conclusion of any appeal in relation to it).
- (2J) Section 86A of the 1974 Act applies to rules under this section as it applies to rules under that Act.
- (2K) Rules under this section may contain such incidental, supplemental, transitional or transitory provisions or savings as the Society considers necessary or expedient.]
- [^{F16}(3) Despite section 24(2) of the 1974 Act, section 20 of that Act (prohibition on unqualified person acting as solicitor) does not apply to a recognised body; and nothing in section 24(1) of that Act applies in relation to such a body.]
- (4) ^{F17}
- (5) A certificate signed by an officer of the Society and stating that any body ^{F18} . . . is or is not, or was or was not at any time, a recognised body shall, unless the contrary is proved, be evidence of the facts stated in the certificate; and a certificate purporting to be so signed shall be taken to have been so signed unless the contrary is proved.
- (6) Schedule 2 (which makes provision with respect to the application of provisions of the 1974 Act to recognised bodies and with respect to other matters relating to such bodies) shall have effect.
- (7) Subject to the provisions of that Schedule, the [^{F19}Lord Chancellor] may by order made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament provide for any enactment or instrument passed or made before the commencement of this section and having effect in relation to solicitors to have effect in relation to recognised bodies with such additions, omissions or other modifications as appear to the [^{F19}Lord Chancellor] to be necessary or expedient.
- (8) In this section—
- “the 1974 Act” means the ^{M1}Solicitors Act 1974;
- [^{F20}“the Society” has] the meaning given by section 87(1) of the 1974 Act;
- ^{F21}
- [^{F22}“legally qualified” and “legal services body” have the meaning given by section 9A;
- “manager”, in relation to a body, has the same meaning as in the Legal Services Act 2007 (see section 207 of that Act);]
- [^{F23}“authorised person” means an authorised person in relation to an activity which is a reserved legal activity (within the meaning of the Legal Services Act 2007);]
- “multi-national partnership” means a partnership whose members consist of one or more registered foreign lawyers and one or more solicitors;
- ^{F24}
- “recognised body” means a body ^{F25} . . . for the time being recognised under this section.
- [^{F26}“registered European lawyer” means a person who is registered with the Law Society under regulation 17 of the European Communities (Lawyers’s Practice) Regulations 2000.]

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[^{F27}“solicitor services” means professional services such as are provided by individuals practising as solicitors or lawyers of other jurisdictions;

and a person has an interest in a body if the person has an interest in the body within the meaning of Part 5 of the Legal Services Act 2007 (see sections 72 and 109 of that Act).]

(9) ^{F28}

Textual Amendments

- F1** Words in s. 9(1) substituted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 81(2)(a)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(ii)** (subject to art. 4)
- F2** Words in s. 9(1)(a) substituted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 81(2)(b)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(ii)** (subject to art. 4)
- F3** Words in s. 9(1)(b) substituted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 81(2)(c)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(ii)** (subject to art. 4)
- F4** Words in s. 9(1)(c) substituted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 81(2)(d)(i)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(ii)** (subject to art. 4)
- F5** Word in s. 9(1)(c) repealed (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 210, 211, **Sch. 16 para. 81(2)(d)**, **Sch. 23** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(ii)(f)(v)(aa)** (subject to art. 4)
- F6** S. 9(1A)-(1C) inserted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 81(3)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(ii)** (subject to art. 4)
- F7** Words in s. 9(2) substituted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 81(4)(a)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(ii)** (subject to art. 4)
- F8** Words in s. 9(2)(a) substituted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 81(4)(b)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(ii)** (subject to art. 4)
- F9** S. 9(2)(aa) inserted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 81(4)(c)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(ii)** (subject to art. 4)
- F10** S. 9(2)(ab) inserted (13.7.2011) 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(1), 4
- F11** S. 9(2)(c)-(eb) substituted (31.3.2009) for s. 9(2)(c)-(e) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 81(4)(d)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(ii)** (subject to art. 4)
- F12** S. 9(2)(fa)-(fc) inserted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 81(4)(e)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(ii)** (subject to art. 4)
- F13** S. 9(2)(g) repealed (1.1.2000) by 1999 c. 22, s. 106, **Sch. 15 Pt. II** (with Sch. 14 para. 7(2), 36(9)); S.I. 1999/3344, art. 2(d), **Sch. 1**
- F14** S. 9(2ZA) inserted (6.4.2015 for specified purposes, 1.11.2015 in so far as not already in force) by The Legal Services Act 2007 (The Law Society) (Modification of Functions) Order 2015 (S.I. 2015/401), art. 1(3), **Sch. 1 para. 18(7)** (with arts. 4, 5)
- F15** S. 9(2A)-(2K) inserted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 81(5)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(ii)** (subject to art. 4)
- F16** S. 9(3) substituted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 81(6)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(ii)** (subject to art. 4)
- F17** S. 9(4) repealed (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 210, 211, **Sch. 16 para. 81(7)**, **Sch. 23** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(ii)(f)(v)(aa)** (subject to art. 4)
- F18** Word in s. 9(5) repealed (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 210, 211, **Sch. 16 para. 81(8)**, **Sch. 23** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(ii)(f)(v)(aa)** (subject to art. 4)
- F19** Words in s. 9(7) substituted (30.6.2008) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 81(9)** (with ss. 29, 192, 193); S.I. 2008/1436, **art. 2(d)(ii)**
- F20** Words in s. 9(8) substituted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 81(10)(b)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(ii)** (subject to art. 4)

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- F21** Word in s. 9(8) repealed (1.6.1992) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 125(7), **Sch. 20**; S.I. 1992/1221, art. 2, **Sch.**
- F22** Words in s. 9(8) inserted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 81(10)(c)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(ii)** (subject to art. 4)
- F23** Words in s. 9(8) inserted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 81(10)(a)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(ii)** (subject to art. 4)
- F24** S. 9(8): definition of "officer" repealed (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 210, 211, **Sch. 16 para. 81(10)(e)**, **Sch. 23** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(ii)(f)(v)(aa)** (subject to art. 4)
- F25** S. 9(8): word in the definition of "recognised body" repealed (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 210, 211, **Sch. 16 para. 81(10)(e)**, **Sch. 23** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(ii)(f)(v)(aa)** (subject to art. 4)
- F26** S. 9(8): definition "registered European lawyer" substituted (22.5.2000) for definition "registered foreign lawyer" by The European Communities (Lawyers Practice) Regulations 2000 (SI 2000/1119), reg 37(3), {**Sch. 4 para. 15(1)(3)(b)**} (as amended (1.7.2009) by S.I. 2009/1587, arts. 1(1), **3(4)**)
- F27** Words in s. 9(8) inserted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 81(10)(f)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(ii)** (subject to art. 4)
- F28** S. 9(9) repealed (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 210, 211, **Sch. 16 para. 81(11)**, **Sch. 23** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(ii)(f)(v)(aa)** (subject to art. 4)

Modifications etc. (not altering text)

- C1** S. 9 definition of "recognised body" applied (14.10.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 37), s. **89(9)**; S.I. 1991/1883, art. 3, **Sch.**
S. 9 extended (22.5.2000) by S.I. 2000/1119, reg. 37(3), **Sch. 4 para. 1(3)(b)** (as amended (1.7.2009) by S.I. 2009/1587, arts. 1(1), **3(12)**)
- C2** S. 9 modified temporarily (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 209, 211, **Sch. 22 para. 15** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(e)** (subject to art. 4)

Commencement Information

- I1** S. 9 wholly in force at 1.1.1992 see s. 69(2) and S.I. 1991/2683

Marginal Citations

- M1** 1974 c. 47.

[^{F29}9A Legal services bodies

- (1) For the purposes of section 9, a "legal services body" means a body (corporate or unincorporate) in respect of which —
- (a) the management and control condition, and
 - (b) the relevant lawyer condition,
- are satisfied.
- (2) The management and control condition is satisfied if—
- (a) at least 75% of the body's managers are legally qualified,
 - (b) the proportion of shares in the body held by persons who are legally qualified is at least 75%,
 - (c) the proportion of voting rights in the body which persons who are legally qualified are entitled to exercise, or control the exercise of, is at least 75%,
 - (d) all the persons with an interest in the body who are not legally qualified are managers of the body, and

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- (e) all the managers of the body who are not legally qualified are individuals approved by the Society as suitable to be managers of a recognised body.
- (3) The Society may by rules under section 9 provide that, in relation to specified kinds of bodies, subsection (2) applies as if the references to 75% were to such greater percentage as may be specified (and different percentages may be specified for different kinds of bodies).
- (4) The relevant lawyer condition is satisfied in relation to a body if at least one manager of the body is—
- (a) a solicitor,
 - (b) a registered European lawyer, or
 - (c) a qualifying body.
- (5) For that purpose a qualifying body is a body in respect of which—
- (a) the management and control condition is satisfied
 - (b) the relevant lawyer condition is satisfied by virtue of subsection (4)(a) or (b), and
 - (c) the services condition is satisfied.
- (6) For the purposes of this section the following are legally qualified—
- (a) an authorised person who is an individual;
 - (b) a registered foreign lawyer (within the meaning of section 89 of the Courts and Legal Services Act 1990 (c. 41));
 - (c) a person entitled to pursue professional activities under a professional title to which the Directive applies in a state to which the Directive applies (other than the title of barrister or solicitor in England and Wales);
 - (d) an authorised person which is a body in respect of which—
 - (i) the services condition is satisfied, and
 - (ii) the management and control condition would be satisfied if the references in subsection (2) to persons who are legally qualified were to persons who are legally qualified by virtue of paragraphs (a) to (c);
 - (e) a body which provides professional services such as are provided by individuals who are authorised persons or lawyers of other jurisdictions, and in respect of which the management and control condition would be satisfied if the references in subsection (2) to persons who are legally qualified were to persons who are legally qualified by virtue of paragraphs (a) to (c).
 - (f) a legal partnership which—
 - (i) was in existence immediately before the commencement of this paragraph,
 - (ii) since that time has continued to be a partnership of the kind mentioned in rule 12.01(1)(b), 12.02(1)(b) or 12.04(1)(c)(i) of the pre-commencement conduct rules (framework of practice), and
 - (iii) has not, since that time, had a body corporate (other than a body within paragraph (g)) as a member;
 - (g) a body corporate which—
 - (i) was recognised under section 9 immediately before the commencement of this paragraph, and
 - (ii) has since that time continued to satisfy the requirements of rule 14.03(1) and 14.04(1) to (3) or the requirements of rule 14.05(1) to

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(3) of the pre-commencement conduct rules (restrictions on directors, owners etc. of incorporated practices);

(h) a body which—

(i) is an authorised person and satisfies the services condition, or

(ii) provides professional services such as are provided by individuals who are authorised persons or lawyers of other jurisdictions,

and which satisfies the requirements of rules under subsection (6C).

(6A) For the purposes of subsection (6)(f), a partnership is to be treated as the same partnership despite a change in membership, if any person who was a member before the change remains a member.

(6B) For the purposes of subsection (6)(f) and (g), the references in the pre-commencement conduct rules to a recognised body are to be construed as references to a body which was recognised under section 9 immediately before the commencement of subsection (6)(f) and (g).

(6C) The Society must make rules for the purposes of paragraph (h) of subsection (6) prescribing the requirements relating to management and control which must be satisfied by or in relation to a body for it to fall within that paragraph.

(7) For the purposes of this section, the services condition is satisfied in relation to a body if the body provides only services which may be provided by a recognised body (having regard to rules under section 9(1A) and (1C)).

(8) For the purposes of this section—

“authorised person” has the same meaning as in section 9;

“the Directive” means Directive [98/5/EC](#) of the European Parliament and the Council, to facilitate practice of the profession of lawyer on a permanent basis in a Member State other than that in which the qualification was obtained;

“legal partnership” means a partnership in which a solicitor, a registered European lawyer or a recognised body is permitted to practise by virtue of rules made under section 31 of the Solicitors Act 1974 (c. 47), as those rules had effect immediately before the commencement of subsection (6)(f);

“manager”, in relation to a body, has the meaning given by section 9;

“pre-commencement conduct rules” means rules under Part 2 of the Solicitors Act 1974 or section 9 of this Act, known as the Solicitors' Code of Conduct 2007, as those rules had effect immediately before the commencement of subsection (6)(f) and (g);

“recognised body” has the same meaning as in section 9 (subject to subsection (6B) above);

“registered European lawyer” has the same meaning as in section 9;

“shares” has the same meaning as for the purposes of Part 5 of the Legal Services Act 2007 (see sections 72 and 109 of that Act);

“the Society” has the meaning given by section 87(1) of the Solicitors Act 1974;

“specified” means specified in rules made by the Society;

and a person has an interest in a body if the person has an interest in the body for the purposes of section 9.]

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Textual Amendments

F29 S. 9A inserted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 82** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(ii)** (subject to art. 4) (which amending Sch. 16 para. 82 was amended (27.11.2008) by The Legal Services Act 2007 (Functions of a Designated Regulator) Order 2008 (S.I. 2008/3074), arts. 1, 2)

Modifications etc. (not altering text)

C3 S. 9A modified (temp.) (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 209, 211, **Sch. 22 para. 15** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(e)** (subject to art. 4)

10 Penalty for pretending to be a body recognised under s. 9.

- (1) A body ^{F30} . . . shall not describe itself or hold itself out as a body ^{F30} . . . for the time being recognised under section 9 unless it is so recognised.
- (2) Any body ^{F31} . . . which contravenes subsection (1) shall be guilty of an offence and liable on summary conviction to a fine not exceeding the fourth level on the standard scale.
- ^{F32}(3) Where an offence under this section committed by a body corporate is proved to have been committed with the consent or connivance of or to be attributable to any neglect on the part of an officer of the body corporate, that officer (as well as the body corporate) is guilty of the offence and is liable to be proceeded against and punished accordingly.
- (4) Where the affairs of a body corporate are managed by its members, subsection (3) applies in relation to the acts and defaults of a member in connection with the member's functions of management as it applies to an officer of the body corporate.
- (5) Proceedings for an offence under this section alleged to have been committed by an unincorporated body are to be brought in the name of that body (and not in that of any of its members) and, for the purposes of any such proceedings, any rules of court relating to the service of documents have effect as if that body were a corporation.
- (6) A fine imposed on an unincorporated body on its conviction of an offence under this section is to be paid out of the funds of that body.
- (7) If an unincorporated body is charged with an offence under this section, section 33 of the Criminal Justice Act 1925 (c. 86) and Schedule 3 to the Magistrates' Courts Act 1980 (c. 43) (procedure on charge of an offence against a corporation) have effect in like manner as in the case of a corporation so charged.
- (8) Where an offence under this section committed by an unincorporated body (other than a partnership) is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any officer of the body or any member of its governing body, that officer or member as well as the unincorporated body is guilty of the offence and liable to be proceeded against and punished accordingly.
- (9) Where an offence under this section committed by a partnership is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a partner, that partner as well as the partnership is guilty of the offence and liable to be proceeded against and punished accordingly.

Status: Point in time view as at 06/04/2015.

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- (10) In this section “officer”, in relation to a body corporate, means—
- (a) any director, secretary or other similar officer of the body corporate, or
 - (b) any person who was purporting to act in any such capacity.]
- (4) F33

Textual Amendments

- F30** Word in s. 10(1) repealed (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 210, 211, Sch. 16 para. 83(2), **Sch. 23** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(ii)(f)(v)(aa)** (subject to art. 4)
- F31** Word in s. 10(2) repealed (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 210, 211, Sch. 16 para. 83(3), **Sch. 23** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(ii)(f)(v)(aa)** (subject to art. 4)
- F32** S. 10(3)-(10) substituted (31.3.2009) for s. 10(3) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 83(4)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(ii)** (subject to art. 4)
- F33** S. 10(4) repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt.XIV**.

Commencement Information

- I2** S. 10 wholly in force at 1.1.1992 see s. 69(2) and S.I. 1991/2683

Status:

Point in time view as at 06/04/2015.

Changes to legislation:

There are currently no known outstanding effects for the Administration of Justice Act 1985,
Cross Heading: Incorporated practices.