



Administration of Justice Act 1985

1985 CHAPTER 61

PART II **E+W**

LICENSED CONVEYANCING

Recognised bodies

32 Provision of conveyancing services by recognised bodies. **E+W**

- (1) The Council may make rules—
 - (a) making provision as to the management and control by licensed conveyancers (or by licensed conveyancers together with persons who are not licensed conveyancers) of bodies corporate carrying on businesses consisting of the provision of conveyancing services;
 - (b) prescribing the circumstances in which such bodies may be recognised by the Council as being suitable bodies to undertake the provision of such services;
 - (c) prescribing the conditions which (subject to any exceptions provided by the rules) must at all times be satisfied by bodies so recognised if they are to remain so recognised; and
 - (d) regulating the conduct of the affairs of such bodies.
- (2) In this Part “recognised body” means a body corporate for the time being recognised under this section.
- (3) Rules made by the Council may also make provision—
 - (a) for the manner and form in which applications for recognition under this section are to be made, and for the payment of fees in connection with such applications;
 - (b) for regulating the names that may be used by recognised bodies;
 - (c) as to the period for which any recognition granted under this section shall (subject to the provisions of this Part) remain in force;
 - (d) for the imposition by the Council, when granting recognition of a body corporate under this section, of restrictions on the kinds of conveyancing

Status: Point in time view as at 01/04/1991. This version of this cross heading contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Administration of Justice Act 1985, Cross Heading: Recognised bodies. (See end of Document for details)

services that it may undertake to provide as a recognised body, and for enabling such restrictions to be imposed by reference to criteria of general application;

- (e) for the keeping by the Council of a list containing the names and principal places of business of all bodies corporate which are for the time being recognised under this section, and for the information contained in any such list to be available for inspection;
 - (f) for rules made under any other provision of this Part to have effect in relation to recognised bodies with such additions, omissions or other modifications as appear to the Council to be necessary or expedient;
 - (g) for empowering the Council to take such steps as it considers necessary or expedient to ascertain whether or not any rules applicable to recognised bodies by virtue of this section are being complied with;
 - (h) for the manner of service on recognised bodies of documents authorised or required to be served on such bodies under this Part.
- (4) Notwithstanding section 24(2) of the ^{M1}Solicitors Act 1974 (application of penal provisions to bodies corporate), section 22(1) of that Act shall not apply to a body corporate by reason of any act done by an officer or employee of the body if—
- (a) at the time it was done the body was a recognised body; and
 - (b) it was done in the course of the provision of conveyancing services which the body was not precluded from undertaking to provide as a recognised body by any restrictions imposed in pursuance of subsection (3)(d) of this section.
- (5) Section 22(1) of that Act shall also not apply to any officer or employee of a body corporate by reason of any act done by him if—
- (a) the conditions specified in paragraphs (a) and (b) of the preceding subsection are satisfied in relation to that act; and
 - (b) it was done by him at the direction and under the supervision of another person who was at the time an officer or employee of the body; and
 - (c) it could have been done by that other person for or in expectation of any fee, gain or reward without committing an offence under the said section 22.
- (6) A certificate signed by an officer of the Council and stating—
- (a) that any body corporate is or is not, or was or was not at any time, a recognised body; or
 - (b) that no restrictions were imposed in pursuance of subsection (3)(d) on the grant of a body corporate's recognition under this section or that any particular restrictions were so imposed,
- 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.
- (7) Schedule 6 shall have effect with respect to recognised bodies.

Modifications etc. (not altering text)

- C1** S. 32 amended (1.4.1991 for certain purposes, otherwise 7.12.2004) by [Courts and Legal Services Act 1990 \(c. 41\)](#), ss. 53, 124, [Sch. 8 para. 11](#) (with s. 59(1)); S.I. 1991/608, [art. 2](#), Sch; S.I. 2004/2950, [art. 2\(a\)](#)

Status: Point in time view as at 01/04/1991. This version of this cross heading contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Administration of Justice Act 1985, Cross Heading: Recognised bodies. (See end of Document for details)

Marginal Citations

M1 1974 c. 47.

VALID FROM 31/03/2009

[^{F1}32A Conveyancing services bodies **E+W**

- (1) For the purposes of section 32 a “conveyancing services body” means a body (corporate or unincorporate) in respect of which—
 - (a) the management and control condition, and
 - (b) the services condition,are satisfied.
- (2) The management and control condition is satisfied in the case of a partnership if at least one of the partners is a licensed conveyancer.
- (3) The management and control condition is satisfied in the case of an unincorporated body (other than a partnership), or a body corporate which is managed by its members, if at least one of those members is a licensed conveyancer.
- (4) The management and control condition is satisfied in the case of any other body corporate if at least one director of the body is a licensed conveyancer.
- (5) The services condition is satisfied in respect of a body if the body is carrying on a business consisting of the provision of—
 - (a) conveyancing services, or
 - (b) conveyancing services and other relevant legal services.
- (6) For the purposes of this section—

“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);

“relevant legal services”, in relation to a body, means—

 - (a) conveyancing services, and
 - (b) where authorised persons are managers or employees of, or have an interest in, the body, services such as are 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);

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).]

Textual Amendments

F1 S. 32A inserted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 182, 211, Sch. 17 para. 21 (with ss. 29, 192, 193); S.I. 2009/503, art. 2(c)(i)

Status: Point in time view as at 01/04/1991. This version of this cross heading contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Administration of Justice Act 1985, Cross Heading: Recognised bodies. (See end of Document for details)

Modifications etc. (not altering text)

- C2** S. 32A 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)

Status:

Point in time view as at 01/04/1991. This version of this cross heading contains provisions that are not valid for this point in time.

Changes to legislation:

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