

*Status: Point in time view as at 01/01/1992.*

*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)*

## SCHEDULES

### SCHEDULE 3

Section 12.

#### 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 eleven persons who are licensed conveyancers; and
  - (b) not more than ten persons who are not licensed conveyancers, being persons elected or nominated as members of the Council in accordance with a scheme under paragraph 4.
- (2) The Council shall in accordance with any such scheme elect one of its members to be chairman of the Council.
- (3) This paragraph does not apply during the initial period referred to in paragraph 3.
- 3 (1) During the initial period the Council shall consist of a chairman and not more than ten other members appointed by the Lord Chancellor.
- (2) In this paragraph “the initial period” means the period beginning with the establishment of the Council and ending immediately before the date fixed by the first scheme under paragraph 4 for the coming into office of the first persons elected or nominated as members of the Council in accordance with the scheme.
- (3) The term of office of the chairman appointed under sub-paragraph (1) shall expire immediately before the date fixed by that scheme for the coming into office of the first chairman elected under paragraph 2(2), and the term of office of the other members appointed under sub-paragraph (1) shall expire at the end of the initial period.
- 4 (1) The Council shall prepare a scheme making provision as to—
- (a) the election or nomination of persons for the purposes of paragraphs (a) and (b) of paragraph 2(1);
  - (b) the election of a person as chairman under paragraph 2(2); and
  - (c) the tenure and vacation of office of persons elected or nominated as aforesaid, and the eligibility of persons for election or nomination.
- (2) A scheme under this paragraph shall secure that (except during any casual vacancy)
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- (a) the total number of persons elected or nominated for the purposes of paragraph (a) of paragraph 2(1) exceeds by one the total number of persons elected or nominated for the purposes of paragraph (b) of that provision; and
  - (b) the persons elected or nominated for the purposes of the said paragraph (b) include at least two persons who represent the interests of consumers.
- (3) A scheme under this paragraph shall not come into force until it has been approved by the Lord Chancellor; and the first scheme under this paragraph shall be submitted to the Lord Chancellor for approval before the end of the period of two years beginning with the establishment of the Council.
- (4) The Lord Chancellor may approve a scheme under this paragraph either as submitted to him or subject to such modifications as he thinks fit; but where the Lord Chancellor proposes to approve a scheme subject to modifications he 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.

#### *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 ..... F1

#### **Textual Amendments**

- F1** 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.](#)

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### *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 election or nomination 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.

### *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 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 Lord Chancellor for making grants under sub-paragraph (2) shall be paid out of money provided by Parliament.

### *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>F2</sup>eligible for appointment as a company auditor under section 25 of the Companies Act 1989].
- (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>F3</sup>Secretary of State] together with a copy of any report of the auditors thereon.

#### **Textual Amendments**

- F2** 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](#))
- F3** [Sch. 3](#): words in substituted (19.8.2003) by [The Secretary of State for Constitutional Affairs Order 2003 \(S.I. 2003/1887\)](#), [arts. 1\(2\), 9](#), {[Sch 2. para. 6\(b\)](#)}

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