

## SCHEDULES

### 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 II of this Schedule shall be exercisable where—
- (a) the Council has reason to suspect dishonesty on the part of—
    - (i) a licensed conveyancer, or
    - (ii) an employee or associate of a licensed conveyancer, or
    - (iii) the personal representatives of a deceased licensed conveyancer,in connection with that licensed conveyancer's practice;
  - (b) following the death of a licensed conveyancer who, immediately before his death was practising as a sole practitioner, the Council considers that there has been undue delay on the part of the personal representatives of that person in connection with his practice;
  - (c) the Council is satisfied that a licensed conveyancer has failed to comply with any rules made by virtue of section 22 or 23;
  - (d) a licensed conveyancer has made a composition or arrangement with his creditors ;
  - (e) a licensed conveyancer has been committed to prison in any civil or criminal proceedings ;
  - (f) the Council is satisfied that a licensed conveyancer practising as a sole practitioner is incapacitated by illness or accident to such an extent as to be unable to attend to his practice ;
  - (g) the powers conferred by section 98 of the Mental Health Act 1983 (emergency powers) have been exercised in respect of a licensed conveyancer ; or
  - (h) the licence held by any person—
    - (i) has been suspended or has terminated in accordance with section 18 ;  
or
    - (ii) has been revoked or suspended by an order of the Discipline and Appeals Committee under section 26 ; or
    - (iii) has expired and no further licence has been issued to him under this Part of this Act.
- (2) The powers conferred by Part II of this Schedule shall only be exercisable under sub-paragraph (1)(c) if the Council has given the licensed conveyancer notice in writing that the Council is satisfied that he has failed to comply with rules specified in the

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*Status: This is the original version (as it was originally enacted).*

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notice and also (at the same or any later time) notice that the powers conferred by Part II of this Schedule are accordingly exercisable in his case.

- (3) For the purposes of the following provisions of this Schedule any person in relation to whom the powers conferred by Part II are exercisable by virtue of sub-paragraph (1)(h) shall be deemed to be a licensed conveyancer.
- 2 On the death of a licensed conveyancer who immediately before his death was practising as a sole practitioner paragraphs 6 to 8 shall apply to the client accounts of his practice.
- 3 The powers conferred by Part II of this Schedule shall also be exercisable, subject to paragraphs 5(4) and 10(3), where—
- (a) a complaint is made to the Council that there has been undue delay on the part of a licensed conveyancer in connection with any matter in which he or his firm was instructed on behalf of a client; and
  - (b) the Council by notice in writing invites the conveyancer to give an explanation within such period following the giving of the notice as may be specified in it, being a period of not less than eight days ; and
  - (c) the conveyancer fails within that period to give an explanation which the Council regards as satisfactory ; and
  - (d) the Council gives notice of the failure to the conveyancer and (at the same or any later time) notice that the powers conferred by Part II of this Schedule are accordingly exercisable in his case.
- 4 (1) Where the powers conferred by Part II of this Schedule are exercisable in relation to a licensed conveyancer, they shall continue to be exercisable after his death or after his licence has been revoked or suspended or has otherwise ceased to be in force under this Part of this Act.
- (2) The references to the licensed conveyancer or his firm in paragraphs 5(1), 6(2) and (3), 8, 9(1) and (5) and 10(1) include, in any case where the licensed conveyancer has died, references to his personal representatives.