

SCHEDULES

SCHEDULE 6

BODIES RECOGNISED UNDER S.32: SUPPLEMENTARY PROVISIONS

Disciplinary control of recognised bodies

- 2 In addition to the functions conferred on them by sections 24 and 25 the Investigating Committee and the Discipline and Appeals Committee shall have the functions conferred on them by the following provisions of this Schedule.
- 3 (1) The Investigating Committee shall carry out a preliminary investigation of any case in which—
- (a) it is alleged that a recognised body—
 - (i) has (while a recognised body) been convicted by any court in the United Kingdom of a criminal offence which renders it unsuitable to be recognised under section 32; or
 - (ii) has failed to comply with any rules applicable to it by virtue of that section ; or
 - (b) a complaint is made to the Council by or on behalf of a member of the public about a recognised body,
- with a view to determining whether the case ought to be referred by the Committee to the Discipline and Appeals Committee for hearing and determination by that Committee under paragraph 4.
- (2) For the purposes of sub-paragraph (1)(b) a complaint about a person who at the time when the conduct to which the complaint relates took place was an officer or employee of a recognised body shall be treated as a complaint about the body.
- 4 (1) Where on the hearing of any allegation the Discipline and Appeals Committee are satisfied that a recognised body—
- (a) has been convicted as mentioned in sub-paragraph (i) of paragraph 3(1)(a); or
 - (b) has failed to comply with any such rules as are mentioned in sub-paragraph (ii) of that paragraph,
- the Committee may, if they think fit, make one or more of the orders referred to in sub-paragraph (2).
- (2) Those orders are—
- (a) an order revoking the recognition under section 32 of the body to which the allegation relates ;
 - (b) an order directing the payment by that body of a penalty not exceeding £3,000, to be forfeited to Her Majesty ;
 - (c) an order requiring that body to pay the costs incurred in bringing against it the proceedings before the Committee or a contribution towards those costs, being a contribution of such amount as the Committee consider reasonable.

Status: This is the original version (as it was originally enacted).

- (3) Where, on the hearing of any allegation or complaint, it appears to the Committee that the conveyancing services provided by a recognised body in connection with any matter in which it had been instructed by a client were in any respect not of the quality that could reasonably have been expected of it as a recognised body the Committee may, if they think fit—
- (a) determine that the fees to which the body shall be entitled in respect of those services shall be limited to such amount as may be specified in their determination; and
 - (b) by order direct it to comply with such one or more of the following requirements as appear to them to be necessary in order to give effect to their determination, namely—
 - (i) a requirement to refund the whole or part of any amount already paid by or on behalf of the client in respect of the body's fees in respect of those services;
 - (ii) a requirement to remit the whole or part of those fees;
 - (iii) a requirement to waive, whether wholly or to any specified extent, the right to recover those fees.
- (4) Subsections (5) and (6) of section 26 shall have effect in relation to the sum specified in sub-paragraph (2)(b) as they have effect in relation to the sum specified in subsection (2)(e) of that section.
- 5 (1) Where—
- (a) any order is made by the Discipline and Appeals Committee under section 26 in the case of a director of a recognised body ; or
 - (b) any such order is made in the case of a person employed by a recognised body and the act or omission constituting the ground on which the order was made was instigated or connived at by a director of the recognised body, or, if the act or omission was a continuing act or omission, a director of the body had or reasonably ought to have had knowledge of its continuance,
- the Discipline and Appeals Committee may, if they think fit, by order revoke the recognition of that body under section 32.
- (2) The Committee shall not take a case into consideration during any period within which proceedings by way of appeal may be brought which may result in sub-paragraph (1) being rendered inapplicable in that case, or while any such proceedings are pending.
- (3) The reference to a director of a recognised body in paragraph (a) or (b) of sub-paragraph (1) includes a reference to a person who was a director of the body at the time of the conduct leading to the making of the order referred to in that paragraph.