



Administration of Justice Act 1985

1985 CHAPTER 61

PART II **E+W**

LICENSED CONVEYANCING

Disciplinary and other proceedings

24 Preliminary investigation of disciplinary cases. **E+W**

(1) The Council shall establish a committee, to be known as the Investigating Committee, for the [^{F1}consideration] of cases in which—

- (a) it is alleged that a licensed conveyancer—
 - (i) has (whether while a licensed conveyancer or not) been convicted by any court in the United Kingdom of a criminal offence which renders him unfit to practise as a licensed conveyancer; or
 - (ii) has, while holding a licence in force under this Part, failed to comply with any condition to which that licence was subject; or
 - (iii) has failed to comply with any rules made by the Council under this Part; ^{F2}

(b) ^{F2}
^{F3} ...

[^{F4}(1A) The Investigating Committee shall make a preliminary investigation of such an allegation and—

- (a) hear and determine the allegation, or
- (b) refer the allegation to the Discipline and Appeals Committee established under section 25 for hearing and determination by that Committee under section 26.]

(2) ^{F5}

(3) Any reference in subsection (1) ^{F6} . . . to a licensed conveyancer in relation to any such allegation ^{F7} . . . as is mentioned in paragraph (a)(ii) or (iii) ^{F8} . . . of subsection (1)

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includes a reference to a person who was a licensed conveyancer at the time when the conduct to which the allegation ^{F7} . . . relates took place.

- (4) The Council shall make rules as to the constitution of the Investigating Committee and any such rules may provide for the appointment to the Committee of persons (whether licensed conveyancers or not) who are not members of the Council.
- [^{F9}(4A) The Council shall make rules as to the cases in which the Investigating Committee may hear and determine an allegation, and the cases in which they must refer an allegation to the Discipline and Appeals Committee.]
- (5) where it appears to the Investigating Committee—
- (a) that any such allegation ^{F10} . . . as is mentioned in subsection (1) ought to be referred to the Discipline and Appeals Committee for hearing and determination by that Committee under section 26; and
 - (b) that it is necessary for the protection of consumers to do so,
- the Investigating Committee may, if they think fit, direct that any licence held by the licensed conveyancer in question shall be suspended until the allegation ^{F10} . . . is determined by the Discipline and Appeals Committee or until the expiration of such period as may be prescribed by rules made by the Council, whichever is the earlier.
- [^{F11}(6) Before making a direction under subsection (5), the Investigating Committee must give the licensed conveyancer an opportunity to make representations against the making of the proposed direction.
- (7) In relation to proceedings under subsection (6), the Investigating Committee may make such order as they think fit as to the payment of costs by—
- (a) the Council, or
 - (b) the licensed conveyancer.
- (8) Where a direction under subsection (5) has been made, the licensed conveyancer may appeal to the Discipline and Appeals Committee, and on any such appeal the Committee may make such order as they think fit.
- (9) Where an order has been made under subsection (7) the Council or the licensed conveyancer may appeal to the Discipline and Appeals Committee, and on any such appeal the Committee may make such order as they think fit.
- (10) Where an order is made by the Discipline and Appeals Committee under subsections (8) or (9)—
- (a) the person against whom the order is made, and
 - (b) if not within paragraph (a), the Council,
- may appeal against the order to the [^{F12}First-tier Tribunal] .
- (11) On an appeal under subsection (10) the [^{F13}First-tier Tribunal] may make such order as it thinks fit.

[^{F14}(12)]

Textual Amendments

- F1** Words in s. 24(1) substituted (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 182, 211, [Sch. 17 para. 12\(2\)\(b\)](#) (with ss. 29, 192, 193); S.I. 2009/503, [art. 2\(c\)\(i\)](#)

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- F2** S. 24(1)(b) and preceding word repealed (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 182, 210, 211, Sch. 17 para. 12(2)(b), **Sch. 23** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(c)(i)(f)(v)(aa)**
- F3** Words in s. 24(1) repealed (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 182, 210, 211, Sch. 17 para. 12(2)(c), **Sch. 23** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(c)(i)(f)(v)(aa)**
- F4** S. 24(1A) inserted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 182, 211, **Sch. 17 para. 12(3)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(c)(i)**
- F5** S. 24(2) repealed (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 182, 210, 211, Sch. 17 para. 12(4), **Sch. 23** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(c)(i)(f)(v)(aa)**
- F6** Words in s. 24(3) repealed (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 182, 210, 211, Sch. 17 para. 12(5)(a), **Sch. 23** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(c)(i)(f)(v)(aa)**
- F7** Words in s. 24(3) repealed (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 182, 210, 211, Sch. 17 para. 12(5)(b), **Sch. 23** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(c)(i)(f)(v)(aa)**
- F8** Words in s. 24(3) repealed (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 182, 210, 211, Sch. 17 para. 12(5)(c), **Sch. 23** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(c)(i)(f)(v)(aa)**
- F9** S. 24(4A) inserted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 182, 211, **Sch. 17 para. 12(6)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(c)(i)**
- F10** Words in s. 24(5) repealed (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 182, 210, 211, Sch. 17 para. 12(7), **Sch. 23** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(c)(i)(f)(v)(aa)**
- F11** S. 24(6)-(12) inserted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 182, 211, **Sch. 17 para. 12(8)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(c)(i)**
- F12** Words in s. 24(10) substituted (29.6.2015) by Deregulation Act 2015 (c. 20), s. 115(6)(c), **Sch. 20 para. 6(2)**; S.I. 2015/1402, art. 2(c) (with art. 3(3))
- F13** Words in s. 24(11) substituted (29.6.2015) by Deregulation Act 2015 (c. 20), s. 115(6)(c), **Sch. 20 para. 6(3)**; S.I. 2015/1402, art. 2(c) (with art. 3(3))
- F14** S. 24(12) omitted (29.6.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(6)(c), **Sch. 20 para. 6(4)**; S.I. 2015/1402, art. 2(c) (with art. 3(3))

Changes to legislation:

There are currently no known outstanding effects for the Administration of Justice Act 1985, Section 24.