

Status: Point in time view as at 19/08/2003.

Changes to legislation: Courts and Legal Services Act 1990, SCHEDULE 7 is up to date with all changes known to be in force on or before 10 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

^{F1}SCHEDULE 7

Section 43(4).

THE CONVEYANCING OMBUDSMAN SCHEME

Textual Amendments

F1 Sch. 7 repealed (prosp.) by Legal Services Act 2007 (c. 29), ss. 208, 210, 211, Sch. 21 para. 100(d), Sch. 23 (with ss. 29, 192, 193)

- 1 In this Schedule “the scheme” means the “Conveyancing Ombudsman Scheme” established by rules made under section 43(1).
- 2 The scheme may provide—
 - (a) for the Conveyancing Ombudsman to appoint his staff; and
 - (b) for the establishment and functioning of an independent body (whether corporate or unincorporate) to administer the scheme.
- 3 (1) The scheme may provide for the Conveyancing Ombudsman—
 - (a) to pay, as regards any of his staff, such remuneration and travelling and other allowances as he may determine with the approval of the Board; and
 - (b) to pay such pensions, allowances or gratuities to or in respect of any of his staff as may be so determined.(2) The reference in sub-paragraph (1) to pensions, allowances or gratuities includes a reference to pensions, allowances or gratuities by way of compensation to or in respect of any of the Conveyancing Ombudsman’s staff who suffer loss of employment or loss or diminution of emoluments.
- 4 The jurisdiction of the Conveyancing Ombudsman shall be determined by the scheme.
- 5 The scheme may provide for the Conveyancing Ombudsman not to have jurisdiction to investigate complaints unless—
 - (a) the procedure for investigating complaints which is maintained by the authorised practitioner against whom the complaint is made has been exhausted; or
 - (b) the Conveyancing Ombudsman considers that the circumstances of the case are such as to justify his investigating the complaint before that procedure has been exhausted.

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- 6 The scheme shall require the Conveyancing Ombudsman to investigate any complaint which falls within his jurisdiction and which is properly made to him in accordance with the provisions of the scheme.
- 7 The scheme may empower the Conveyancing Ombudsman, when investigating any complaint, to investigate the subject matter of the complaint as well as the way in which it has been handled by the authorised practitioner concerned.
- 8 The scheme shall—
- (a) confer on the Conveyancing Ombudsman power to require—
 - (i) information and documents relevant to any investigation under the scheme to be furnished to him;
 - (ii) the payment by an authorised practitioner of compensation where loss has been suffered by, or inconvenience or distress has been caused to, any person as a result of any matter in respect of which a complaint made against that practitioner has been investigated under the scheme;
 - (b) provide for an authorised practitioner against whom a determination has been made by the Conveyancing Ombudsman, on an investigation under the scheme, to be relieved of the obligation to comply with that determination on publishing, in such manner as may be required by the scheme, details of the determination and of the practitioner's reasons for failing to comply with it.
- 9 The scheme may provide that compensation which the Conveyancing Ombudsman may require to be paid by virtue of any provision made under paragraph 8(a)(ii) is not to exceed a specified amount.
- 10 Subject to paragraphs 11 and 12, a determination of the Conveyancing Ombudsman under the scheme which is, by virtue of the complainant's acceptance of it, binding on the authorised practitioner concerned shall be final and shall not be questioned in any court of law.
- 11 Paragraph 10 does not apply where the authorised practitioner concerned is, by provisions of the scheme made by virtue of paragraph 8(b), relieved of the obligation to comply with the Conveyancing Ombudsman's determination.
- 12 Where a determination of the Conveyancing Ombudsman is binding on an authorised practitioner, the Conveyancing Ombudsman shall, at the request of that practitioner, state a case for the opinion of the High Court on any question of law.
- 13 Where a case is so stated the High Court may direct the Conveyancing Ombudsman to reconsider the complaint.

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- 14 A decision of the High Court under paragraph 13 shall be treated as a judgment of the High Court within the meaning of section 16 of the ^{M1}Supreme Court Act 1981 (jurisdiction of Court of Appeal to hear and determine appeals).

Marginal Citations

M1 1981 c. 54.

- 15 No appeal shall lie from any decision of the High Court under paragraph 13 without the leave of the Court of Appeal.
- 16 Nothing in this Schedule is to be taken as prejudicing the generality of the power to make rules under section 43.

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