



Courts and Legal Services Act 1990

1990 CHAPTER 41

PART II

LEGAL SERVICES

Extension of conveyancing services

52 Board's intervention powers: supplemental provisions.

(1) In this section—

“the intervention powers” means the powers given to the Board by section 51; and

“a direction” means a direction given under that section.

(2) An authorised practitioner to whom a direction is given may appeal against it to a Conveyancing Appeal Tribunal.

(3) Any authorised practitioner to whom a direction is given shall comply with it as soon as it takes effect (and whether or not he proposes to appeal).

(4) If, on an application made to the High Court by the Board, the court is satisfied—

(a) that an authorised practitioner has failed, within a reasonable time, to comply with any direction given to it; or

(b) that there is a reasonable likelihood that an authorised practitioner will so fail, it may make an order requiring the authorised practitioner, and any other person whom the court considers it appropriate to subject to its order, to take such steps as the court may direct with a view to securing compliance with the direction.

[^{F1}(5) Subsection (6) applies to an authorised practitioner who—

(a) has permission under any provision of the Financial Services and Markets Act 2000 to carry on a regulated activity; or

(b) is an appointed representative of a person with such permission;

Status: Point in time view as at 01/08/1993. This version of this provision never came into effect.

Changes to legislation: Courts and Legal Services Act 1990, Section 52 is up to date with all changes known to be in force on or before 16 July 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)

and “regulated activity” and “appointed representative” have the meaning given in that Act.

- ^{F1}(6) In relation to an authorised practitioner to whom this subsection applies, the powers of intervention may be exercised only after consultation with the Financial Services Authority.]

Textual Amendments

F1 S. 52(5)(6) substituted for s. 52(5)-(8) (1.12.2001) by S.I. 2001/3649, arts. 1, 324

52 Board’s intervention powers: supplemental provisions. **E+W**

- (1) In this section—
- “the intervention powers” means the powers given to the Board by section 51; and
- “a direction” means a direction given under that section.
- (2) An authorised practitioner to whom a direction is given may appeal against it to a Conveyancing Appeal Tribunal.
- (3) Any authorised practitioner to whom a direction is given shall comply with it as soon as it takes effect (and whether or not he proposes to appeal).
- (4) If, on an application made to the High Court by the Board, the court is satisfied—
- that an authorised practitioner has failed, within a reasonable time, to comply with any direction given to it; or
 - that there is a reasonable likelihood that an authorised practitioner will so fail,
- it may make an order requiring the authorised practitioner, and any other person whom the court considers it appropriate to subject to its order, to take such steps as the court may direct with a view to securing compliance with the direction.
- (5) Where an authorised practitioner is—
- an authorised person under the Financial Services Act 1986; or
 - an appointed representative (as defined in section 44(2) of that Act) of such an authorised person,
- the intervention powers may be exercised only after consultation with the body by reference to which the authorised person acquired its authorisation under that Act.
- (6) Where an authorised practitioner is—
- an institution which is authorised by the Bank of England under Part I of the Banking Act 1987 to carry on a deposit-taking business; or
 - an appointed representative of such an institution,
- the intervention powers may be exercised only after consultation with the Bank of England.
- (7) Where an authorised practitioner is—
- a building society which is authorised to raise money from its members by the Building Societies Commission under section 9 of the Building Societies Act 1986; or
 - an appointed representative of such a building society,

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the intervention powers may be exercised only after consultation with the Commission.

- (8) Where an authorised practitioner falls within more than one of subsections (5) to (7), the Board shall comply with each of the subsections in question.

Modifications etc. (not altering text)

C1 S. 52(6) modified (1.1.1993) by S.I. 1992/3218, reg. 82(1), Sch. 10 Pt. I para. 31(c)

52 Board’s intervention powers: supplemental provisions. E+W

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“the intervention powers” means the powers given to the Board by section 51; and
“a direction” means a direction given under that section.
- (2) An authorised practitioner to whom a direction is given may appeal against it to a Conveyancing Appeal Tribunal.
- (3) Any authorised practitioner to whom a direction is given shall comply with it as soon as it takes effect (and whether or not he proposes to appeal).
- (4) If, on an application made to the High Court by the Board, the court is satisfied—
(a) that an authorised practitioner has failed, within a reasonable time, to comply with any direction given to it; or
(b) that there is a reasonable likelihood that an authorised practitioner will so fail, it may make an order requiring the authorised practitioner, and any other person whom the court considers it appropriate to subject to its order, to take such steps as the court may direct with a view to securing compliance with the direction.
- (5) Where an authorised practitioner is—
(a) an authorised person under the Financial Services Act 1986; or
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the intervention powers may be exercised only after consultation with the body by reference to which the authorised person acquired its authorisation under that Act.
- (6) Where an authorised practitioner is—
(a) an institution which is authorised ^{F2}. . . under Part I of the Banking Act 1987 to carry on a deposit-taking business; or
(b) an appointed representative of such an institution,
the intervention powers may be exercised only after consultation [^{F3}with the Financial Services Authority].
- (7) Where an authorised practitioner is—
(a) a building society which is authorised to raise money from its members by the Building Societies Commission under section 9 of the Building Societies Act 1986; or
(b) an appointed representative of such a building society,

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the intervention powers may be exercised only after consultation with the Commission.

- (8) Where an authorised practitioner falls within more than one of subsections (5) to (7), the Board shall comply with each of the subsections in question.

Textual Amendments

- F2** Words in s. 52(6) repealed (1.6.1998) by 1998 c. 11, s. 23, Sch. 5 Pt. I Ch. III para. 41(1)(3)(a), **Sch. 9 Pt. I**; S.I. 1998/1120, **art. 2**
- F3** Words in s. 52(6) substituted (1.6.1998) by 1998 c. 11, s. 23, **Sch. 5 Pt. I Ch. III para. 41(1)(3)(b)**; S.I. 1998/1120, **art. 2**
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Modifications etc. (not altering text)

- C2** S. 52(6) modified (1.1.1993) by S.I. 1992/3218, reg. 82(1), **Sch. 10 Pt. I para. 31(c)**

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