
Status: Point in time view as at 01/10/2011.

Changes to legislation: There are currently no known outstanding effects for the Legal Services Act 2007, Paragraph 12. (See end of Document for details)

SCHEDULES

SCHEDULE 17

LICENSED CONVEYANCING

PART 1

ADMINISTRATION OF JUSTICE ACT 1985 (C. 61)

- 12 (1) Section 24 (preliminary investigation of disciplinary cases) is amended as follows.
- (2) In subsection (1)—
- (a) for “preliminary investigation” substitute “ consideration ”,
 - (b) omit paragraph (b), and
 - (c) omit from “with a view” to the end.
- (3) After subsection (1) insert—
- “(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.”
- (4) Omit subsection (2).
- (5) In subsection (3) omit—
- (a) “or (2)”,
 - (b) “or complaint” (in both places), and
 - (c) “or paragraph (b)”.
- (6) After subsection (4) insert—
- “(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.”
- (7) In subsection (5) omit “or complaint” (in both places).
- (8) After that subsection insert—
- “(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—

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- (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 High Court.
- (11) On an appeal under subsection (10) the High Court may make such order as it thinks fit.
- (12) The decision of the High Court on an appeal under subsection (10) shall be final.”

Commencement Information

II Sch. 17 para. 12 in force at 31.3.2009 by [S.I. 2009/503](#), [art. 2\(c\)\(i\)](#)

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