
Changes to legislation: There are currently no known outstanding effects for the Legal Services Act 2007, Part 2. (See end of Document for details)

SCHEDULES

SCHEDULE 17

LICENSED CONVEYANCING

PART 2

COURTS AND LEGAL SERVICES ACT 1990 (C. 41)

- 33 The Courts and Legal Services Act 1990 is amended in accordance with this Part.
- 34 (1) Section 53 (the Council for Licensed Conveyancers) is amended as follows.
- (2) For subsections (1) to (3) substitute—
- “(1) The Council for Licensed Conveyancers has the powers necessary to enable it to become designated as an approved regulator in relation to one or more of the reserved legal activities within subsection (1A).
- (1A) The reserved legal activities to which this subsection applies are—
- (a) the exercise of a right of audience;
- (b) the conduct of litigation;
- (c) probate activities.
- (2) If the Council becomes an approved regulator in relation to one or more of those activities, it may, in that capacity, authorise a person to carry on a relevant activity only if the person is a licensed conveyancer.
- (3) Where the Council authorises a licensed conveyancer to carry on a relevant activity, it is to do so by issuing a licence to the licensed conveyancer.”
- (3) Omit subsection (5).
- (4) For subsection (6) substitute—
- “(6) Where the Council exercises any of its powers in connection with—
- (a) an application for designation as an approved regulator in relation to a reserved legal activity within subsection (1A), or
- (b) the authorising of a person to carry on a relevant activity,
- it is to do so subject to any requirements to which it is subject in accordance with the provisions of the Legal Services Act 2007.”
- (5) In subsection (8), for “Secretary of State” substitute “ Lord Chancellor ”.
- (6) In subsection (9)—
- (a) for “Secretary of State” substitute “ Lord Chancellor ”, and
- (b) omit paragraph (e).
- (7) After that subsection insert—

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“(10) For the purposes of this section—

- (a) “right of audience”, “conduct of litigation”, “probate activities” and “reserved legal activity” have the same meaning as in the Legal Services Act 2007;
- (b) references to designation as an approved regulator are to designation as an approved regulator—
 - (i) by Part 1 of Schedule 4 to the Legal Services Act 2007, by virtue of an order under paragraph 5 of Schedule 22 to that Act, or
 - (ii) under Part 2 of Schedule 4 to that Act;
- (c) “relevant activity” means an activity which is a reserved legal activity—
 - (i) which is within subsection (1A), and
 - (ii) in relation to which the Council is designated as an approved regulator by Part 1 of Schedule 4 to that Act (by virtue of an order under paragraph 5 of Schedule 22 to that Act) or under Part 2 of that Schedule.”

Commencement Information

- II** Sch. 17 para. 34 wholly in force at 1.1.2010; Sch. 17 para. 34 not in force at Royal Assent see s. 211; Sch. 17 para. 34(1)(5)(6) in force at 31.3.2009 by S.I. 2009/503, art. 2(c)(ii); Sch. 17 para. 34 in force otherwise at 1.1.2010 by S.I. 2009/3250, art. 2(f)(iii) (with art. 9)

35 (1) Schedule 8 (licensed conveyancers) is amended as follows.

(2) In paragraph 1 (definitions)—

- (a) in the definition of “advocacy licence” for “and constituting” to the end substitute “ by which the Council authorises the licensed conveyancer concerned to exercise a right of audience; ”,
- (b) in the definition of “litigation licence” for “and constituting” to the end substitute “ by which the Council authorises the licensed conveyancer concerned to carry on activities which constitute the conduct of litigation; ”,
- (c) in the definition of “probate licence” for “and constituting” to the end substitute “ by which the Council authorises the licensed conveyancer concerned to carry on activities which constitute probate activities; ”, and
- (d) at the end insert—

““reserved legal activity” has the same meaning as in the Legal Services Act 2007 (see section 12 of and Schedule 2 to that Act).”

(3) In paragraph 2 (qualification regulations and rules of conduct), in sub-paragraph (1)

- (a) for “rules of conduct” substitute “ conduct rules ”, and
- (b) for “granting of the rights or exemption” substitute “ carrying on of the reserved legal activities ”.

(4) In paragraph 4 (issue of licences), in sub-paragraph (1)—

- (a) in paragraph (a) for “rules of conduct” substitute “ conduct rules ”, and
- (b) in paragraph (c) for “provide the advocacy, litigation or probate services” substitute “ carry on the reserved legal activities ”.

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- (5) In paragraph 5 (conditional licences)—
- (a) for sub-paragraph (1)(d) substitute—
 - “(d) after the Investigating Committee have made any order in his case under section 24A(1) of the Act of 1985 or the Discipline and Appeals Committee have made any order in his case under section 26(1) of that Act.”,
 - (b) in sub-paragraph (6)—
 - (i) in paragraph (a) for “service that may be provided” substitute “activities that may be carried on”, and
 - (ii) in paragraph (b) for “provides the additional services” substitute “carries on the additional activities”, and
 - (c) after sub-paragraph (7) insert—
 - “(8) Where a person applies for an advocacy, litigation or probate licence at a time when this paragraph has effect in relation to that person by reason of the circumstances mentioned in section 16(1)(ea) of the Act of 1985, section 16A(2) of that Act has effect as it has effect in relation to an application for a licence under Part 2 of that Act.”
- (6) Omit paragraph 7 (code of conduct).
- (7) In paragraph 9 (removal of disqualification from holding a licence) after sub-paragraph (2) insert—
 - “(3) In relation to proceedings on an application under sub-paragraph (1), the Discipline and Appeals Committee may make such order as they consider fit as to the payment of costs by—
 - (a) the Council;
 - (b) the applicant.”
- (8) In paragraph 10 (revocation on grounds of error or fraud), after sub-paragraph (4) insert—
 - “(5) In relation to proceedings for the revocation of a licence under sub-paragraph (1), the Discipline and Appeals Committee may make such order as they consider fit as to the payment of costs by—
 - (a) the Council;
 - (b) the licensed conveyancer to whose licence the proceedings relate.
 - (6) In relation to proceedings on an application under sub-paragraph (2), the Discipline and Appeals Committee may make such order as they consider fit as to the payment of costs by—
 - (a) the Council;
 - (b) the applicant.”
- (9) Omit paragraph 11.
- (10) In paragraph 12 (delegation of powers etc)—
 - (a) in sub-paragraph (1) for “Subject” to “enactment, the” substitute “The”,
 - (b) in that sub-paragraph, for paragraph (b) substitute—
 - “(b) by a sub-committee of such a committee; or

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- (c) by an individual (whether or not a member of the Council's staff).”,
- (c) after that sub-paragraph insert—
 - “(1A) Where by virtue of sub-paragraph (1) any function may be discharged by a committee, the committee may arrange for the discharge of that function by—
 - (a) a sub-committee of that committee; or
 - (b) an individual, whether or not a member of the Council's staff.
 - (1B) Sub-paragraph (1A) is subject to any contrary direction given by the Council.
 - (1C) Arrangements made under sub-paragraph (1) or (1A) in respect of a function may provide that the function is to be exercised in accordance with the arrangements only (and not by the delegating body).
 - (1D) For this purpose “the delegating body” means—
 - (a) in the case of arrangements under sub-paragraph (1), the Council, and
 - (b) in the case of arrangements under sub-paragraph (1A), the committee.”,
- (d) for sub-paragraph (3) substitute—
 - “(3) Any power conferred by sub-paragraph (1), (1A) or (2) may be exercised so as to impose restrictions or conditions on the body or individual by whom the function is to be discharged.”,
- (e) for sub-paragraphs (6) and (7) substitute—
 - “(6) A committee or sub-committee established under this paragraph may include or consist of individuals other than—
 - (a) members of the Council;
 - (b) licensed conveyancers.
 - (7) A sub-committee of a committee established under this paragraph may also include or consist of individuals other than members of the committee.
 - (7A) The Council may make arrangements for the appointment and removal of members of any committee to be made other than by the Council.
 - (7B) A committee or sub-committee may regulate its own procedure, including quorum.”, and
- (f) after sub-paragraph (9) insert—
 - “(10) This paragraph is subject to any provision to the contrary made by or under any enactment.”
- (11) Omit paragraph 13 (Council's intervention powers).

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Commencement Information

- I2** Sch. 17 para. 35 wholly in force at 1.1.2010; Sch. 17 para. 35 not in force at Royal Assent see s. 211; Sch. 17 para. 35(1)(5)(7)-(11) in force at 31.3.2009 by S.I. 2009/503, **art. 2(c)(ii)**; Sch. 17 para. 35(2)-(4)(6) in force at 1.1.2010 by S.I. 2009/3250, **art. 2(f)(iii)** (with art. 9)

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