



Administration of Justice Act 1985

CHAPTER 61

ADMINISTRATION OF JUSTICE ACT 1985

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SCHEDULES

SCHEDULE 1 — Minor Amendments of Solicitors Act 1974

- 1 In section 3 (admission as solicitor), in subsection (3), for...
 2 In section 7 (entry of name and restoration of name...
 3 In section 8 (removal or restoration of name at solicitor's...
 4 In section 11 (fees payable on issue of practising certificates),...
 5 In section 13 (appeals in connection with issue of practising...
 6 In section 21 (unqualified person not to pretend to be...
 7 In section 24 (application of penal provisions to body corporate)—...
 8 (1) Section 28 (regulations) shall be amended as follows.
 9 In section 34 (accountants' reports)— (a) in subsection (2), for...
 10 In section 43 (control of employment of certain clerks)—
 11 In section 79 (committees of the Council)—
 12 In section 87 (interpretation)— (a) in subsection (1)—
 13 (1) Schedule 1 (intervention in solicitor's practice) shall be amended...
 14 In Schedule 2 (the Compensation Fund), in paragraph 2(1)(b), omit...

SCHEDULE 2 — Incorporated Practices: Supplementary Provisions

Interpretation

- 1 (1) Subject to sub-paragraph (2), references in this Schedule to...

Appeal against refusal of Council to grant recognition

2 (1) Where the Council refuse an application by any body...

Accounts rules

3 Where rules made under section 32(1) or (2) of the...

Interest on clients' money

4 (1) Where rules made under section 32 of the 1974...

Accountants' reports

5 (1) In section 34 of the 1974 Act—

Compensation Fund

6 (1) On an application for recognition under section 9 of...

Solicitor who is justice of the peace not to act in certain proceedings

7 In section 38 of the 1974 Act references to any...

Prohibition on acting as agent for unqualified person

8 Section 39(1) of the 1974 Act shall apply to a...

Restriction on employment of person struck off roll or suspended

9 Section 41 of the 1974 Act (except subsection (4)) shall...

Failure to disclose fact of having been struck off or suspended

10 Section 42(1) of the 1974 Act shall apply in relation...

Control of employment of persons convicted of offences of dishonesty and certain other persons

11 (1) Where a person who is or was employed by...

Offences in connection with orders under section 43(2) of the 1974 Act

12 In section 44 of the 1974 Act

Powers of Council in respect of inadequate professional services

13 (1) In section 44A of the 1974 Act (except subsections...

Examination of files

14 (1) Where the Council are satisfied that it is necessary...

Lay observers

15 (1) Subsection (1) of section 45 of the 1974 Act...

Complaints to Tribunal with respect to recognised bodies

16 (1) The Tribunal shall have jurisdiction to hear and determine...

Procedure on applications and complaints

17 In subsections (7) to (11) of section 46 of the...

Powers of Tribunal with respect to recognised bodies

18 (1) Where on the hearing of any complaint made to...

Powers of Tribunal in respect of inadequate professional services

19 (1) The powers conferred on the Tribunal by section 47A...

Powers of Tribunal in respect of legal aid complaints

20 (1) Where the Tribunal makes any such order as is...

Revocation of recognition by reason of default by director

21 (1) Where— (a) any order is made by the Tribunal...

Costs: general modification of provisions of Part III of 1974 Act

22 (1) In the provisions to which this paragraph applies—

Orders as to remuneration for non-contentious business

23 In relation to an order under section 56 of the...

Effect of contentious business agreements

24 A provision in a contentious business agreement made between a...

Effect on contentious business agreement of supervening incapacity of recognised body to act for client

25 (1) If, after some business has been done under a...

Taxations with respect to contentious business

26 Subject to the provisions of any rules of court, on...

Power of court to order delivery of bill of costs, etc.

27 Any jurisdiction— (a) of the High Court to make any...

Power of court to order recognised body to pay over clients' money

28 Any jurisdiction of the High Court to make, in the...

Actions to recover costs

29 Subsection (2) of section 69 of the 1974 Act shall...

Power of Society to inspect files relating to certain proceedings

30 Section 83 of the 1974 Act shall apply in relation...

Bank accounts

31 Where rules made under Section 32(1) or (2) of the...

Intervention by Society

- 32 (1) Subject to sub-paragraph (2), where— (a) the Council are...
33 The powers conferred by Part II of Schedule 1 to...
34 (1) Where the recognition of a body corporate under section...
35 In connection with the application of Part II of Schedule...

Privilege from disclosure etc.

- 36 (1) Any communication made to or by a recognised body...

Modification of enactments relating to conveyancing etc.

- 37 In the following provisions, namely— (a) sections 10(2), 48 and...

SCHEDULE 3 — The Council for Licensed Conveyancers: Supplementary Provisions

Status

- 1 The Council shall be a body corporate.

Constitution

- 2 (1) The Council shall consist of— (a) not more than...
3 (1) During the initial period the Council shall consist of...
4 (1) The Council shall prepare a scheme making provision as...

Remuneration of members

- 5 The Council shall have power to pay to the members...

Incidental powers

- 6 The Council shall have power to do anything which in...

Officers and staff

- 7 (1) The Council shall have power to appoint such officers...

Committees of the Council

- 8 (1) The Council may establish a committee for any purpose...

Proceedings

- 9 (1) The powers of the Council and of any of...

Expenses of Council

- 10 (1) The expenses incurred by the Council in the discharge...

Accounts

- 11 (1) The Council shall keep proper accounts of all sums...

SCHEDULE 4 — The Discipline and Appeals Committee: Supplementary Provisions

Rules of procedure

- 1 (1) The Council shall make rules about the procedure and...

Evidence etc.

- 2 (1) For the purposes of any proceedings before the Discipline...
3 (1) For the purpose of advising the Discipline and Appeals...

Filing of orders of Committee

- 4 (1) Every order of the Discipline and Appeals Committee under...

SCHEDULE 5 — Intervention in Licensed Conveyancer's Practice

PART I — CIRCUMSTANCES IN WHICH COUNCIL MAY INTERVENE

- 1 (1) Subject to sub-paragraph (2), the powers conferred by Part...
2 On the death of a licensed conveyancer who immediately before...
3 The powers conferred by Part II of this Schedule shall...
4 (1) Where the powers conferred by Part II of this...

PART II — POWERS EXERCISABLE ON INTERVENTION

Money

- 5 (1) The High Court, on the application of the Council,...
6 (1) Without prejudice to paragraph 5, if the Council passes...
7 (1) If the Council takes possession of any sum of...
8 Without prejudice to paragraphs 5 to 7, if the High...

Documents

- 9 (1) The Council may give notice to the licensed conveyancer...

Mail

- 10 (1) The High Court, on the application of the Council,...

General

- 11 The powers in relation to sums of money and documents...
12 Subject to any order for the payment of costs that...

SCHEDULE 6 — Bodies Recognised under s.32: Supplementary Provisions

Construction of references to recognised bodies

- 1 Subject to sub-paragraph (2), references in this Schedule to a...
2 In relation to any such allegation or complaint as is...

Disciplinary control of recognised bodies

- 2 In addition to the functions conferred on them by sections...
3 (1) The Investigating Committee shall carry out a preliminary
investigation...
4 (1) Where on the hearing of any allegation the Discipline...
5 (1) Where— (a) any order is made by the Discipline...

Appeals against orders of the Committee

- 6 (1) A body corporate in whose case an order is...

Revocation of recognition on grounds of fraud or error

- 7 (1) Where the Discipline and Appeals Committee are satisfied that...

Appeal against decision of Council in relation to grant of recognition

- 8 (1) Where, in the case of any body corporate, the...

Rules of procedure, etc.

- 9 (1) Paragraphs 1(2), 2 and 3 of Schedule 4 shall...

Intervention by Council

- 10 (1) Subject to sub-paragraph (2), where— (a) the Council is...
11 The powers conferred by Part Ii of Schedule 5 shall...
12 (1) Where the recognition of a body corporate under section...
13 In connection with the application of Part II of Schedule...

Examination of files

- 14 (1) Where the Investigating Committee are satisfied that it is...

Application of rules relating to accounts and interest on client's money

- 15 (1) Where rules made under section 22(3)(a) are applied to...
16 (1) Where rules made under section 22(2) and containing any...

SCHEDULE 7 — Consequential Amendments

LEGAL AID ACT 1974 (c.4)

- 1 In section 12 (selection of solicitors and counsel)—
2 In section 22(1) (secrecy), at the end of paragraph (b)...
3 In section 38(1) (solicitors and counsel), for the words from...

SOLICITORS ACT 1974 (c.47)

- 4 In section 47(2) (jurisdiction and powers of Solicitors Disciplinary
Tribunal),...
5 In section 48(2) (orders of Tribunal), for " section 47(2)"...
6 In section 49(3) (appeals from Tribunal), at the end add...

COUNTY COURTS ACT 1984 (c.28)

- 7 In section 33 (effect of order of judge in probate...
8 In section 58(1) (persons who may take affidavits for use...

SCHEDULE 8 — Repeals

PART I — REPEAL COMING INTO FORCE ON ROYAL ASSENT

PART II — REPEALS COMING INTO FORCE TWO MONTHS AFTER ROYAL
ASSENT

PART III — REPEALS COMING INTO FORCE ON AN APPOINTED DAY

SCHEDULE 9 — Transitional Provisions and Savings

Imposition of disciplinary sanctions by Council of Law Society

- 1 Section 1 applies in relation to services provided by a...

Examination of solicitors' files in connection with complaints

- 2 Section 2 applies in relation to a complaint whether it...

Powers of lay observers and Tribunal in relation to inadequate professional services

- 3 In section 3— (a) subsection (1) applies in relation to...

Practising certificates

- 4 In section 4— (a) subsections (2) and (4) apply to...

Restriction on preparation of contracts of sale etc.

- 5 In section 6— (a) subsection (3) applies to acts done...

Restriction on preparation of papers for probate etc.

- 6 Where a person has committed an offence under section 23...

Orders modifying provisions so as to apply to incorporated practices

- 7 Any provision made by an order under subsection (7) of...

Legal aid complaints

- 8 The repeal by this Act of the provisions referred to...

- 9 Each of sections 41 to 44 applies in relation to...

Substitution or removal, of personal representatives

- 10 Subsection (6) of section 50 applies to an application under...

Administrative and clerical expenses of garnishees

- 11 (1) Any order of the Lord Chancellor made, or having...

Register of county court judgments

- 12 (1) Where immediately before the commencement of section 54 there...

Relief from forfeiture in county court

- 13 The provisions inserted by subsections (4) and (5) of section...

Time limits for actions for libel or slander

- 14 Nothing in section 57 shall apply in relation to an...

Appointment of arbitrator by court

- 15 Section 58 applies to an arbitration agreement whether it was...

Limitation of damages against resident magistrates etc. in Northern Ireland

16 Nothing in section 63 shall apply in relation to an...

Increase of penalties under Solicitors Act 1974

17 Nothing in paragraph 6 or 7 of Schedule 1 shall...