

SCHEDULES

SCHEDULE 2

Section 9.

INCORPORATED PRACTICES: SUPPLEMENTARY PROVISIONS

Interpretation

- 1 (1) Subject to sub-paragraph (2), references in this Schedule to a recognised body are references to a body corporate for the time being recognised under section 9 of this Act.
- (2) References in this Schedule to a recognised body in relation to—
- (a) a complaint (other than such a complaint as is mentioned in paragraph 16(1)(a)); or
 - (b) any such application as is mentioned in paragraph 15(2),
- include references to a body corporate that was recognised under section 9 of this Act at the time when the conduct to which the complaint or application relates took place.
- (3) References in this Schedule to an officer of a recognised body include references to a director, manager or secretary of that body.
- (4) In section 87(1) of the 1974 Act the definitions of "client", "contentious business" and "non-contentious business" shall apply for the purposes of—
- (a) this Schedule; and
 - (b) any provision of the 1974 Act in so far as it has effect in relation to a recognised body by virtue of this Schedule,
- as if for any reference to a solicitor there were substituted a reference to a recognised body; and for those purposes "controlled trust", in relation to a recognised body, means a trust of which it is sole trustee or co-trustee only with one or more of its officers or employees.
- (5) Subject to sub-paragraphs (3) and (4), any expression used in this Schedule which is also used in the 1974 Act has the same meaning as in that Act.
- (6) In this Schedule "the 1974 Act" means the Solicitors Act 1974.

Appeal against refusal of Council to grant recognition

- 2 (1) Where the Council refuse an application by any body corporate for recognition under section 9 of this Act, that body may appeal to the Master of the Rolls against that refusal within one month of being notified of it.
- (2) On an appeal under this paragraph the Master of the Rolls may—
- (a) direct the Council to grant recognition of the body in question under section 9 of this Act; or
 - (b) affirm the refusal of the Council;

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and he may make such order as to the payment of costs by the Council or by that body as he thinks fit.

- (3) Rules made by the Council with the concurrence of the Master of the Rolls may make provision, as respects any application for recognition that is neither granted nor refused by the Council within such period as may be specified in the rules, for enabling an appeal to be brought under this paragraph in relation to the application as if it had been refused by the Council.
- (4) The Master of the Rolls make make regulations about the procedure for appeals to him under this paragraph.

Accounts rules

- 3 Where rules made under section 32(1) or (2) of the 1974 Act are applied to recognised bodies in accordance with section 9(2)(f) of this Act, the Council shall be at liberty to disclose a report on or information about a recognised body's accounts obtained in pursuance of any such rules to the Director of Public Prosecutions for use in investigating the possible commission of an offence by that body and, if the Director thinks fit, for use in connection with any prosecution of that body consequent on the investigation.

Interest on clients' money

- 4 (1) Where rules made under section 32 of the 1974 Act and containing any such provision as is referred to in section 33(1)(a) of that Act are applied to recognised bodies in accordance with section 9(2)(f) of this Act, then, except as provided by the! rules and subject to sub-paragraph (2), a recognised body which in pursuance of the rules maintains an account in which it keeps money received or held for or on account of its clients generally shall not be liable to account to any person for interest received by it on money in that account.
- (2) Nothing in any such rules or in sub-paragraph (1) shall—
 - (a) affect any arrangement in writing between a recognised body and any of its clients as to the application of the client's money or interest on it; or
 - (b) apply to money received by a recognised body being money subject to a trust of which the body is a trustee.

Accountants' reports

- 5 (1) In section 34 of the 1974 Act—
 - (a) subsections (1) and (2); and
 - (b) subject to any rules made under that section and applied to recognised bodies in accordance with section 9(2)(f) of this Act, subsection (3),
 shall apply to a recognised body as they apply to a solicitor.
- (2) A certificate under the hand of the Secretary of the Society shall, unless the contrary is proved, be evidence that a recognised body has or, as the case may be, has not delivered to the Society an accountant's report or supplied any evidence required under section 34 of the 1974 Act or under any such rules as are referred to in subparagraph (1)(b).

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Compensation Fund

- 6 (1) On an application for recognition under section 9 of this Act a body corporate—
- (a) shall pay to the Society with any fee required to be paid by virtue of subsection (2)(a) of that section a contribution to the Compensation Fund of such amount as the Council may from time to time determine ; and
 - (b) where it appears from the application that the body has held or received clients' money at any time during a particular period specified in the application, shall also, if so required by the Society, pay to the Society a further contribution to that fund of such amount as the Council may from time to time determine ;
- and Schedule 2 to the 1974 Act shall apply to amounts paid to the Society in pursuance of paragraph (a) or (b) of this sub-paragraph as if they were annual contributions or special levies paid in pursuance of paragraph (a) or (b) of paragraph 2(1) of that Schedule.
- (2) Where the Council are satisfied—
- (a) that a person has suffered or is likely to suffer loss in consequence of dishonesty on the part of an officer or employee of a recognised body in connection with that body's business (or purported business) as a recognised body or in connection with any trust of which it is or formerly was a trustee ; or
 - (b) that a person has suffered or is likely to suffer hardship in consequence of failure on the part of a recognised body to account for money which has come into its possession in connection with that body's business (or purported business) as a recognised body or in connection with any trust of which it is or formerly was a trustee ; or
 - (c) that a member of a recognised body has suffered or is likely to suffer loss or hardship by reason of his liability to any of that body's clients in consequence of some act or default of any officer or employee of that body in circumstances where, but for the liability of that member, a grant might have been made out of the Compensation Fund to some other person,
- the Council may make a grant out of the Compensation Fund for the purpose of relieving that loss or hardship.
- (3) Subsections (3) to (7) of section 36 of the 1974 Act shall apply in relation to grants under sub-paragraph (2) as they apply in relation to grants under subsection (2) of that section ; and accordingly the reference in subsection (3) of that section to a grant under subsection (2)(c) shall be construed as including a reference to a grant under sub-paragraph (2)(c).

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

- 7 In section 38 of the 1974 Act references to any partner of a solicitor shall be construed, in relation to a solicitor who is an officer of a recognised body, as references to any other solicitor who is an officer of that body.

Prohibition on acting as agent for unqualified person

- 8 Section 39(1) of the 1974 Act shall apply to a recognised body as it applies to a solicitor.

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Restriction on employment of person struck off roll or suspended

- 9 Section 41 of the 1974 Act (except subsection (4)) shall apply to a recognised body and its business as such as it applies to a solicitor and his practice as such.

Failure to disclose fact of having been struck off or suspended

- 10 Section 42(1) of the 1974 Act shall apply in relation to employment by a recognised body in connection with its business as it applies in relation to employment by a solicitor in connection with his practice.

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 a recognised body but is not himself a solicitor—
- (a) has been convicted of a criminal offence which discloses such dishonesty that in the opinion of the Society it would be undesirable for him to be employed by a recognised body in connection with its business ; or
 - (b) has, in the opinion of the Society, occasioned or been a party to, with or without the connivance of any director of the recognised body by which he is or was employed, an act or default in relation to that body's business which involved conduct on his part of such a nature that in the opinion of the Society it would be undesirable for him to be employed by a recognised body in connection with its business,
- an application may be made to the Tribunal with respect to that person by or on behalf of the Society.
- (2) Subsection (2) of section 43 of the 1974 Act shall apply in relation to an application under sub-paragraph (1) as it applies in relation to an application under subsection (1) of that section, but, in relation to an application under either of those provisions, any reference in subsection (2) of that section to a solicitor or to his practice as a solicitor shall be construed as including a reference to a recognised body or to its business as such a body.
- (3) Any reference in subsection (5) of that section to a solicitor shall be construed as including a reference to a recognised body.

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

- 12 In section 44 of the 1974 Act
- (a) any reference in subsection (1) to a solicitor or to his practice shall be construed as including a reference to a recognised body or to its business; and
 - (b) subsection (3) shall apply in relation to proceedings under this Schedule as it applies in relation to proceedings under that section.

Powers of Council in respect of inadequate professional services

- 13 (1) In section 44A of the 1974 Act (except subsections (6) and (8))-
- (a) any reference to a solicitor shall be construed as including a reference to a recognised body; and

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- (b) any reference to professional services provided by a solicitor in connection with any matter in which he or his firm had been instructed by a client shall be construed as including a reference to professional services provided by a recognised body in connection with any matter in which it had been instructed by a client.
- (2) The powers conferred on the Council by section 44A(1)(a) shall be exercisable in relation to a body corporate in accordance with this paragraph notwithstanding that it is no longer a recognised body.
- (3) If a body corporate fails to comply with a direction given to it by the Council by virtue of this paragraph, any person may make a complaint in respect of that failure to the Tribunal; but no other proceedings whatever shall be brought in respect of it.

Examination of files

- 14 (1) Where the Council are satisfied that it is necessary to do so for the purpose of investigating—
- (a) any such complaint as is mentioned in paragraph (b), (c) or (d) of paragraph 16(1) of this Schedule ; or
 - (b) any complaint made to the Society and relating to the quality of any professional services provided by a recognised body,
- the Society may give notice to the recognised body to which the complaint relates requiring the production or delivery to any person appointed by the Society, at a time and a place to be fixed by the Society, of all documents in the body's possession in connection with the matters to which the complaint relates (whether or not they relate also to other matters).
- (2) Sub-paragraphs (2) to (12) of paragraph 9 of Schedule 1 to the 1974 Act (intervention in solicitor's practice), together with paragraphs 12 to 16 of that Schedule, shall apply in relation to the powers conferred by sub-paragraph (1) of this paragraph as they apply in relation to the powers conferred by sub-paragraph (1) of paragraph 9, and accordingly in those provisions—
- (a) any reference to the solicitor shall be construed as including a reference to the body with respect to which the powers are exercisable by virtue of sub-paragraph (1) of this paragraph ;
 - (b) any reference to a person appointed, or to a requirement, under paragraph 9(1) shall be construed as including a reference to a person appointed, or to a requirement, under sub-paragraph (1) of this paragraph ; and
 - (c) any reference to any such documents as are mentioned in paragraph 9(1) shall be construed as including a reference to any such documents as are mentioned in sub-paragraph (1) of this paragraph.

Lay observers

- 15 (1) Subsection (1) of section 45 of the 1974 Act shall apply in relation to a complaint about a recognised body or an officer or employee of such a body as it applies in relation to a complaint about a solicitor or an employee of a solicitor.
- (2) Where it appears to a lay observer, in examining any such allegation as is mentioned in subsection (1) of that section—
- (a) that there arises out of the complaint in respect of which the allegation has been made both—

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- (i) a question as to the conduct of a recognised body, being conduct capable, in his view, of forming the subject-matter of any such complaint as is mentioned in paragraph (b), (c) or (d) of paragraph 16(1) of this Schedule ; and
 - (ii) a question as to the quality of any professional services provided by the body as a recognised body ; and
 - (b) that it would be appropriate for the latter question to be considered by the Tribunal with a view to determining whether to exercise in relation to the body any of the powers conferred on the Tribunal by paragraph 19 of this Schedule,
- the lay observer may make an application to the Tribunal with respect to the body.

Complaints to Tribunal with respect to recognised bodies

- 16 (1) The Tribunal shall have jurisdiction to hear and determine any of the following complaints made to it under this paragraph with respect to a recognised body, namely—
- (a) a complaint that the body has (while a recognised body) been convicted by any court in the United Kingdom of a criminal offence which renders it unsuitable to be recognised under section 9 of this Act;
 - (b) a complaint that the body has failed to comply with section 34 of the 1974 Act or with any rules applicable to it by virtue of section 9 of this Act;
 - (c) a complaint that the body has acted in contravention of section 39 or 41 of the 1974 Act or of any conditions subject to which a permission has been granted under section 41 of that Act; or
 - (d) a complaint that the body has knowingly acted in contravention of any such order as is mentioned in section 44(2) of the 1974 Act or of any conditions subject to which a permission has been granted under such an order.
- (2) A complaint may be made to the Tribunal under this paragraph by any person.

Procedure on applications and complaints

- 17 In subsections (7) to (11) of section 46 of the 1974 Act—
- (a) any reference to an application or complaint shall be construed as including a reference to any such application as is mentioned in paragraph 11(1), 15(2) or 21(1) or any such complaint as is mentioned in paragraph 13(3) or 16(1);
 - (b) any reference to an application or complaint made under that Act shall be construed as including a reference to any such application or complaint as aforesaid made under this Schedule ; and
 - (c) in the case of subsection (10)(c), any reference to a solicitor shall be construed as including a reference to a recognised body.

Powers of Tribunal with respect to recognised bodies

- 18 (1) Where on the hearing of any complaint made to it under this Schedule the Tribunal is satisfied that a recognised body—
- (a) has been convicted as mentioned in paragraph (a) of paragraph 16(1); or
 - (b) has failed to comply with section 34 of the 1974 Act or with any such rules as are mentioned in paragraph (b) of paragraph 16(1); or

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- (c) has acted as mentioned in paragraph (c) or (d) of that provision ; or
- (d) has failed to comply with any direction given to it by the Council by virtue of paragraph 13,

the Tribunal may, if it thinks fit, make one or more of the orders referred to in sub-paragraph (2).

- (2) Those orders are—
 - (a) an order revoking the recognition under section 9 of this Act of the body to which the complaint relates ;
 - (b) an order directing the payment by that body of a penalty not exceeding £3,000, to be forfeited to Her Majesty ;
 - (c) an order requiring that body to pay the costs incurred in bringing against it the proceedings before the Tribunal or a contribution towards those costs, being a contribution of such amount as the Tribunal considers reasonable.
- (3) On the hearing of a complaint under paragraph 13(3) relating to a direction given by the Council, the Tribunal may, if it thinks fit (whether or not it makes any order on the hearing under this paragraph), direct that the Council's direction shall be treated, for the purpose of enforcement, as if it were contained in an order made by the High Court.
- (4) Subsections (4) and (5) of section 47 of the 1974 Act (power to increase maximum amount of penalty) shall have effect in relation to the sum specified in sub-paragraph (2)(b) of this paragraph as they have effect in relation to the sum specified in subsection (2)(c) of that section.

Powers of Tribunal in respect of inadequate professional services

- 19 (1) The powers conferred on the Tribunal by section 47A of the 1974 Act shall be exercisable on the hearing of—
- (a) any complaint made to the Tribunal under this Schedule by or on behalf of the Society with respect to a recognised body; or
 - (b) any application made to the Tribunal under paragraph 15(2) of this Schedule by a lay observer with respect to a recognised body,
- in like manner as they are exercisable on the hearing of any complaint or application made as mentioned in section 47A(1) with respect to a solicitor.
- (2) Accordingly, in section 47A as it applies in relation to any such complaint or application as is mentioned in sub-paragraph (1)(a) or (b)
- (a) any reference to a solicitor shall be construed as including a reference to a recognised body ; and
 - (b) any reference to professional services provided by a solicitor in connection with any matter in which he or his firm had been instructed by a client shall be construed as including a reference to professional services provided by a recognised body in connection with any matter in which it had been instructed by a client.

Powers of Tribunal in respect of legal aid complaints

- 20 (1) Where the Tribunal makes any such order as is referred to in subsection (2A) of section 47 of the 1974 Act in the case of a solicitor who is an officer or employee of a recognised body, the Tribunal may, if it thinks fit, order that any solicitor who

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is for the time being a director of that body shall be excluded (either permanently or for a specified period) from legal aid work.

- (2) The reference in sub-paragraph (1) to a person being excluded from legal aid work shall be construed in accordance with section 47(6) of the 1974 Act.

Revocation of recognition by reason of default by director

- 21 (1) Where—

- (a) any order is made by the Tribunal under section 47 of the 1974 Act in the case of a director of a recognised body ; or
- (b) an order is made by the High Court or the Court of Appeal that the name of a director of a recognised body be struck off the roll or that such a director be suspended from practice as; a solicitor; or
- (c) any such order as is mentioned in paragraph (a) or (b) is made in the case of a person employed by a recognised body and the act or omission constituting the ground on which the order was made was instigated or connived at by a director of the recognised body or, if the act or omission was a continuing act or omission, a director of the body had or reasonably ought to have had knowledge of its continuance,

the Tribunal may, on an application made with respect to the recognised body by or on behalf of the Society, by order revoke its recognition under section 9 of this Act.

- (2) The Tribunal shall not take a case into consideration during any period within which proceedings by way of appeal may be brought which may result in sub-paragraph (1) being rendered inapplicable in that case, or while any such proceedings are pending.
- (3) Any reference to a director of a recognised body in any of paragraphs (a) to (c) of sub-paragraph (1) includes a reference to a person who was a director of the body at the time of the conduct leading to the making of the order referred to in that paragraph.

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

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

- (a) any reference to a solicitor or to a client of a solicitor shall be construed as including a reference to a recognised body or to a client of such a body ; and
- (b) any reference to a client's solicitor shall be construed as including a reference to any recognised body acting for a client.

- (2) This paragraph applies to the following provisions of the 1974 Act (which relate to the remuneration of solicitors in respect of contentious and non-contentious business), namely—

section 56 (except subsections (1)(e) and (5));
 sections 57 to 59 ;
 section 60 (except subsection (5));
 sections 61 and 62 ;
 sections 64 and 65 ;
 section 67;
 section 69(1); and
 sections 70 to 74.

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Orders as to remuneration for non-contentious business

- 23 In relation to an order under section 56 of the 1974 Act regulating (in accordance with paragraph 22) the remuneration of recognised bodies in respect of non-contentious business, subsection (5) of that section shall have effect as if—
- (a) in paragraph (a), for " the solicitor " there were substituted " the recognised body"; and
 - (b) in paragraph (d), for " the solicitor " there were substituted " any solicitor, being an officer or employee of the recognised body,".

Effect of contentious business agreements

- 24 A provision in a contentious business agreement made between a recognised body and a client that the body shall not be liable for the negligence of any of its officers or employees, or that it shall be relieved from any responsibility to which it would otherwise be subject in the course of carrying on its business as a recognised body, shall be void.

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 contentious business, agreement made between a recognised body and a client but before the body has wholly performed it, the body ceases to be capable of wholly performing it by reason of one of the following events, namely—
- (a) the body ceases (for any reason) to be a recognised body;
 - (b) a winding-up order is made with respect to the body or a resolution for voluntary winding-up is passed with respect to the body (other than a resolution passed solely for the purposes of its reconstruction or of its amalgamation with another body corporate); or
 - (c) the client terminates the retainer or employment of the body in favour of another recognised body or a solicitor (as, notwithstanding the agreement, he shall be entitled to do),
- any party to, or the representative of any party to, the agreement may apply to the court, and the court shall have the same jurisdiction as to enforcing the agreement so far as it has been performed, or setting it aside, as the court would have had if the recognised body were still capable of wholly performing it.
- (2) The court, notwithstanding that it is of the opinion that the agreement is in all respects fair and reasonable, may order the amount due in respect of business under the agreement to be ascertained by taxation, and in that case—
- (a) the taxing officer, in ascertaining that amount, shall have regard so far as may be to the terms of the agreement; and
 - (b) payment of the amount found by him to be due may be enforced in the same manner as if the agreement had been wholly performed.
- (3) If in such a case as is mentioned in sub-paragraph (1)(c) an order is made for the taxation of the amount due to the recognised body in respect of the business done under the agreement, the court shall direct the taxing officer to have regard to the circumstances under which the termination of the body's retainer or employment has taken place, and the taxing officer, unless he is of the opinion that there has been no default, negligence, improper delay or other conduct on the part of any officer or employee of the body affording the client reasonable ground for terminating

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its retainer or employment, shall not allow to the body the full amount of the remuneration agreed to be paid to it.

Taxations with respect to contentious business

- 26 Subject to the provisions of any rules of court, on every taxation of costs in respect of any contentious business done by a recognised body, the taxing officer may—
- (a) allow interest at such rate and from such time as he thinks just on money disbursed by the body for the client, and on money of the client in the possession of, and improperly retained by, the body ; and
 - (b) in determining the remuneration of the body, have regard to the skill, labour and responsibility on the part of any solicitor, being an officer or employee of the body, which the business involved.

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

- 27 Any jurisdiction—
- (a) of the High Court to make any such orders as are referred to in subsection (1) of section 68 of the 1974 Act in relation to a solicitor (whether or not business has been done by him in the High Court) ; or
 - (b) of the county court to make any such orders as are referred to in subsection (2) of that section in relation to a solicitor,
- shall be exercisable in like manner in relation to a recognised body.

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

- 28 Any jurisdiction of the High Court to make, in the case of a solicitor who is acting or has acted as such for a client, an order requiring the payment or delivery up of, or otherwise relating to, money or securities which the solicitor has in his possession or control on behalf of the client shall be exercisable in like manner in the case of a recognised body which is acting or has acted as such for a client.

Actions to recover costs

- 29 Subsection (2) of section 69 of the 1974 Act shall have effect in relation to a bill of costs delivered by a recognised body as if—
- (a) for the words from " by the solicitor " to " the firm " there were substituted " on behalf of the recognised body by any officer or employee of the body authorised by it to do so"; and
 - (b) for " the solicitor " (where last occurring) there were substituted " the recognised body".

Power of Society to inspect files relating to certain proceedings

- 30 Section 83 of the 1974 Act shall apply in relation to proceedings which have been brought with respect to a recognised body for any of the following purposes, namely—
- (a) for the winding-up of the body ;
 - (b) for the appointment of a receiver or manager of property of the body ; or
 - (c) for the making of an administration order under Part II of the Insolvency Act 1985,

as it applies in relation to proceedings in bankruptcy which have been taken against a solicitor.

Bank accounts

- 31 Where rules made under Section 32(1) or (2) of the 1974 Act are applied to recognised bodies in accordance with section 9(2)(f) of this Act, section 85 of the 1974 Act shall apply in relation to a recognised body which keeps an account with a bank in pursuance of any such rules as it applies in relation to a solicitor who keeps such an account in pursuance of rules under section 32.

Intervention by Society

- 32 (1) Subject to sub-paragraph (2), where—
- (a) the Council are satisfied that a recognised body has failed to comply with any rules applicable to it by virtue of section 9 of this Act; or
 - (b) a person has been appointed receiver or manager of property of a recognised body ; or
 - (c) a winding-up order, or an administration order under Part II of the Insolvency Act 1985, has been made with respect to a recognised body, or a resolution for voluntary winding-up has been passed with respect to a recognised body (other than a resolution passed solely for the purposes of its reconstruction or of its amalgamation with another body corporate); or
 - (d) the Council have reason to suspect dishonesty on the part of any officer or employee of a recognised body in connection with that body's business or in connection with any trust of which that body is or formerly was a trustee,
- the powers conferred by Part II of Schedule 1 to the 1974 Act shall be exercisable in relation to the recognised body and its business in like manner as they are exercisable in relation to a solicitor and his practice.
- (2) Those powers shall only be exercisable by virtue of sub-paragraph (1)(a) if the Society has given the recognised body notice in writing that the Council are satisfied that the body has failed to comply with the rules specified in the notice and also (at the same or any later time) notice that those powers are accordingly exercisable in its case by virtue of sub-paragraph (1)(a).
- 33 The powers conferred by Part II of Schedule 1 to the 1974 Act shall also be exercisable as mentioned in paragraph 32(1) of this Schedule where—
- (a) a complaint is made to the Society that there has been undue delay on the part of a recognised body in connection with any matter in which it was instructed on behalf of a client or with any controlled trust; and
 - (b) the Society by notice in writing invites the body to give an explanation within such period following the giving of the notice as may be specified in it, being a period of not less than eight days ; and
 - (c) the body fails within that period to give an explanation which the Council regard as satisfactory ; and
 - (d) the Society gives notice of the failure to the body and (at the same or any later time) notice that the powers conferred by Part II of Schedule 1 to the 1974 Act are accordingly exercisable in its case by virtue of this paragraph.
- 34 (1) Where the recognition of a body corporate under section 9 of this Act
- (a) has been revoked by an order of the Tribunal under this Schedule; or

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(b) has expired and no further recognition of that body has been granted under that section,

the powers conferred by Part II of Schedule 1 to the 1974 Act shall be exercisable in relation to the body corporate and its former business as a recognised body as they are exercisable in relation to a solicitor and his practice.

(2) Where the powers conferred by Part II of Schedule 1 to the 1974 Act are exercisable in relation to a recognised body in accordance with paragraph 32 or 33 of this Schedule they shall continue to be so exercisable after that body's recognition under section 9 of this Act has been revoked or has otherwise ceased to be in force.

35 In connection with the application of Part II of Schedule 1 to the 1974 Act for the purposes of this Schedule, in that Part of that Schedule—

(a) any reference to the solicitor or to his practice shall be construed as including a reference to the body corporate in relation to which the powers conferred by that Part of that Schedule are exercisable by virtue of paragraph 32, 33 or 34(1) of this Schedule or to its business (or former business) as a recognised body ;

(b) any reference to paragraph 1 of that Schedule shall be construed as including a reference to paragraph 32 or 34(1) of this Schedule ; and

(c) any reference to paragraph 3 of that Schedule shall be construed as including a reference to paragraph 33 of this Schedule.

Privilege from disclosure etc.

36 (1) Any communication made to or by a recognised body in the course of its acting as such for a client shall in any legal proceedings be privileged from disclosure in like manner as if the body had at all material times been a solicitor acting for the client

(2) Any enactment or instrument making special provision in relation to a solicitor or other legal representative as to the disclosure of information, or as to the production, seizure or removal of documents, with respect to which a claim to professional privilege could be maintained shall, with any necessary modifications, have effect in relation to a recognised body as it has effect in relation to a solicitor.

(3) In the following provisions, namely—

(a) sections 481(3) and 490(3) of the Income and Corporation Taxes Act 1970 ;
and

(b) section 30(5) of the Finance Act 1980,

any reference to a solicitor's client shall, in relation to a solicitor who is an officer or employee of a recognised body, be construed as a reference to a client of that body.

Modification of enactments relating to conveyancing etc.

37 In the following provisions, namely—

(a) sections 10(2), 48 and 182 of the Law of Property Act 1925 ;

(b) sections 113 and 144(1)(vi) and (xxiv) of the Land Registration Act 1925 ;

(c) section 12 of the Land Charges Act 1972 ;

(d) section 13 of the Local Land Charges Act 1975 ; and

(e) sections 4(3) and 6(2) of the Matrimonial Homes Act 1983,

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any reference to a solicitor shall be construed as including a reference to a recognised body, and any reference to a person's solicitor shall be construed as including a reference to a recognised body acting for that person.