

*Status: Point in time view as at 31/03/2009.*

*Changes to legislation: There are currently no known outstanding effects for the Administration of Justice Act 1985, SCHEDULE 9. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 9

Section 69(5).

#### TRANSITIONAL PROVISIONS AND SAVINGS

##### *Imposition of disciplinary sanctions by Council of Law Society*

- 1 Section 1 applies in relation to services provided by a solicitor whether they were provided before or after the commencement of that section.

##### *Examination of solicitors' files in connection with complaints*

- 2 <sup>F1</sup> .....

#### **Textual Amendments**

- F1** Sch. 9 para. 2 repealed (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 210, 211, Sch. 23 (with ss. 29, 192, 193); S.I. 2009/503, art. 2(f)(v)(gg)

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

- 3 In section 3—
- (a) subsection (1) applies in relation to a complaint whether it was made before or after the commencement of that section; and
  - (b) subsection (2) applies in relation to services provided by a solicitor whether they were provided before or after that commencement.

##### *Practising certificates*

- 4 In section 4—
- (a) subsections (2) and (4) apply to applications for practising certificates made after the commencement of that section; and
  - (b) subsection (3) applies in relation to practising certificates issued after that commencement.

##### *Restriction on preparation of contracts of sale etc.*

- 5 In section 6—
- (a) subsection (3) applies to acts done before or after the commencement of that section; but
  - (b) subsection (4) does not apply to acts done before that commencement.

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*Restriction on preparation of papers for probate etc.*

- 6 Where a person has committed an offence under section 23 of the Solicitors Act 1974 before the commencement of section 7 of this Act, he shall not be liable after that commencement to be proceeded against in respect of that offence unless the act constituting that offence would have constituted an offence under section 23, as substituted by section 7 of this Act, if it had been in force at the time when the act was done.

*Orders modifying provisions so as to apply to incorporated practices*

- 7 Any provision made by an order under subsection (7) of section 9 after the commencement of that section may be made with retrospective effect as from that commencement or any later date.

*Legal aid complaints*

- 8 The repeal by this Act of the provisions referred to in subsection (3) of section 40 shall not affect—
- (a) the hearing and determination by any tribunal established pursuant to any of those provisions of any complaint or other matter where a reference or application was made to the tribunal in respect of the complaint or matter before the commencement of that subsection; or
  - (b) any appeal against the decision of such a tribunal with respect to any such complaint or matter.
- 9 Each of sections 41 to 44 applies in relation to conduct of a barrister or solicitor (as the case may be) whether it occurred before or after the commencement of that section.

*Substitution or removal of personal representatives*

- 10 Subsection (6) of section 50 applies to an application under section 1 of the <sup>M1</sup>Judicial Trustees Act 1896 whether it was made before or after the commencement of section 50.

**Marginal Citations**

**M1** 1896 c. 35.

*Administrative and clerical expenses of garnishees*

- 11 (1) Any order of the Lord Chancellor made, or having effect as if made, under section 40A of the Supreme Court Act 1981 or section 109 of the <sup>M2</sup>County Courts Act 1984 which is in force immediately before the commencement of section 52 of this Act shall have effect as if made under and for the purposes of that section as amended by section 52, and any reference in any such order to the sum which may be deducted by any deposit-taking institution shall be construed as a reference to the maximum sum which may be so deducted.

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- (2) The provisions of section 52 shall not apply in relation to any order of the kind mentioned in subsection (1) of either of the said sections 40A and 109 which was made before the commencement of section 52.

**Marginal Citations**

**M2** 1984 c. 28.

*Register of county court judgments*

- 12 (1) Where immediately before the commencement of section 54 there is in force any entry in the register relating to—
- (a) any judgment of a county court, not being a judgment falling within section 73(1) of the County Courts Act 1984 as substituted by subsection (2) of section 54; or
  - (b) any order of a county court,
- nothing in subsection (2) of section 54 shall affect the continuation in force of that entry; but regulations under the said section 73 may make provision as to the cancellation of any such entry.
- (2) In sub-paragraph (1) “the register” means the register kept under the said section 73.

*Relief from forfeiture in county court*

- 13 The provisions inserted by subsections (4) and (5) of section 55 shall not have effect in connection with any recovery of possession of land by a lessor which occurred before the commencement of that section.

*Time limits for actions for libel or slander*

- 14 Nothing in section 57 shall apply in relation to an action if the cause of action accrued before the commencement of that section.

*Appointment of arbitrator by court*

- 15 ..... **F2**

**Textual Amendments**

**F2** Sch. 9 para. 15 repealed (31.1.1997) by 1996 c. 23, s. 107(2), Sch.4; S.I. 1996/3146, art. 3 (with art. 4 Sch. 2)

*Limitation of damages against resident magistrates etc. in Northern Ireland*

- 16 Nothing in section 63 shall apply in relation to an action if the sentence or order in respect of which the action is brought was passed or made before the passing of this Act.

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*Increase of penalties under Solicitors Act 1974*

- 17 Nothing in paragraph 6 or 7 of Schedule 1 shall affect the punishment for an offence committed before the commencement of that paragraph.

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