



# Administration of Justice Act 1985

## 1985 CHAPTER 61

### PART II

#### LICENSED CONVEYANCING

##### *Disciplinary and other proceedings*

#### **26 Proceedings in disciplinary cases.**

- (1) Where on the hearing of any allegation the Discipline and Appeals Committee are satisfied that a licensed conveyancer—
  - (a) has been convicted as mentioned in section 24(1)(a)(i) of an offence which renders him unfit to practise as a licensed conveyancer;
  - (b) has, while holding a licence in force under this Part, failed to comply with any condition to which that licence was subject; or
  - (c) has failed to comply with any rules made by the Council under this Part,the Committee may, if they think fit, make one or more of the orders referred to in subsection (2).
- (2) Those orders are—
  - (a) an order revoking any licence held by the licensed conveyancer;
  - (b) an order directing that the licensed conveyancer shall be disqualified (either permanently or during a specified period) from holding a licence under this Part;
  - (c) an order suspending any licence held by the licensed conveyancer;
  - (d) an order that any such licence shall have effect subject to such conditions as may be specified in the order;
  - (e) an order directing the payment by the licensed conveyancer of a penalty not exceeding £3,000, to be forfeited to Her Majesty;
  - (f) an order that the licensed conveyancer be reprimanded by the Council;
  - (g) an order requiring the licensed conveyancer to pay the costs incurred in bringing against him the proceedings before the Committee or a contribution

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*Status: Point in time view as at 19/08/2003. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Administration of Justice Act 1985, Section 26. (See end of Document for details)*

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towards those costs, being a contribution of such amount as the Committee consider reasonable.

- (3) ..... <sup>F1</sup>
- (4) References in this section to a licensed conveyancer include, in relation to an allegation or complaint which has been referred to the Committee in pursuance of section 24 (3), references to any such person as is mentioned in that provision.
- (5) If it appears to the [<sup>F2</sup>Secretary of State] that there has been a change in the value of money since the relevant date, he may by order made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament substitute for the sum for the time being specified in subsection (2)(e) such other sum as appears to him to be justified by the change.
- (6) In subsection (5) “the relevant date” means—
- (a) in relation to the first order under that subsection, the commencement of this section;
  - (b) in relation to each subsequent order, the last occasion when the sum specified in subsection (2)(e) was altered.
- (7) A person against whom an order is made by the Committee by virtue of subsection (1) may appeal to the High Court, and on any such appeal the High Court may make such order as it thinks fit.
- (8) The decision of the High Court on an appeal under subsection (7) shall be final.

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**Textual Amendments**

- F1** S. 26(3) repealed (*I. 4. 1991*) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 125(6)(7), Sch. 20 (with **Sch. 19 para. 15(1)(b)**); S.I. 1991/608, art. 2, **Sch.**
- F2** Words in s. 26 substituted (19.8.2003) by The Secretary of State for Constitutional Affairs Order 2003 (S.I. 2003/1887), arts. 1(2), 9, **Sch. 2 para. 6(a)**

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