



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

Status: This is the original version (as it was originally enacted).

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

- (3) Where, on the hearing of any allegation or complaint, it appears to the Committee that the professional services provided by a licensed conveyancer in connection with any matter in which he or his firm had been instructed by a client were in any respect not of the quality that could reasonably have been expected of him as a licensed conveyancer the Committee may, if they think fit—
 - (a) determine that the fees to which the licensed conveyancer or his firm shall be entitled in respect of those services shall be limited to such amount as may be specified in their determination; and
 - (b) by order direct him to comply, or to secure compliance, with such one or more of the following requirements as appear to them to be necessary in order to give effect to their determination, namely—
 - (i) a requirement to refund the whole or part of any amount already paid by or on behalf of the client in respect of the fees of the licensed conveyancer or his firm in respect of those services;
 - (ii) a requirement to remit the whole or part of those fees;
 - (iii) a requirement to waive, whether wholly or to any specified extent, the right to recover those fees.
- (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 Lord Chancellor 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.