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## SCHEDULES

### SCHEDULE 18

Section 125(3).

#### CONSEQUENTIAL AMENDMENTS

##### *The Public Records Act 1958 (c. 51)*

- 1 (1) In the First Schedule to the Public Records Act 1958 (definition of public records) the following entries shall be inserted in the appropriate places in Part II of the Table in paragraph 3—
- “The Authorised Conveyancing Practitioners Board”
  - “The Conveyancing Ombudsman”
  - “The Legal Services Ombudsman”
  - “The Lord Chancellor’s Advisory Committee on Legal Education and Conduct”.
- (2) After paragraph 4(1)(k) of that Schedule there shall be inserted—
- “(kk) records of any Conveyancing Appeal Tribunal;”.

#### **Commencement Information**

**II** Sch. 18 para. 1 in force for certain purposes at 1. 4. 1991 see s. 124(3) and S.I. 1991/608, art. 2

##### *The Tribunals and Inquiries Act 1971 (c. 62)*

- 2 In Part I of Schedule 1 to the Tribunals and Inquiries Act 1971 (tribunals under direct supervision of Council), the following shall be inserted after the entry relating to commons—

#### **Conveyancing**

“5AA A Conveyancing Appeals Tribunal constituted under section 41 of the Courts and Legal Services Act 1990.”

##### *The Matrimonial Causes Act 1973 (c.18)*

- 3 In section 50(1) of the Matrimonial Causes Act 1973 (matrimonial causes rules), for the words from “one registrar of the divorce registry” to “local law society” there shall be substituted “one district judge of the principal registry of the Family Division, two Circuit judges, one district judge appointed under the County Courts

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Act 1984, two persons who have a Supreme Court qualification (within the meaning of section 71 of the Courts and Legal Services Act 1990), and two persons who have been granted by an authorised body, under Part II of that Act, the right to conduct litigation in relation to all proceedings in the Supreme Court." ”.

PROSPECTIVE

*The Fair Trading Act 1973 (c.41)*

- 4 In section 133(2) of the Fair Trading Act 1973 (purposes for which certain information obtained under the Act may be disclosed), in paragraph (a)—
- (a) after the words “Electricity Supply” there shall be inserted “or the Authorised Conveyancing Practitioners Board”; and
  - (b) after the words “Regulations 1988” there shall be inserted “or the Courts and Legal Services Act 1990”.

*The Juries Act 1974 (c. 23)*

- 5 In Group B in Part I of Schedule 1 to the Juries Act 1974 (ineligibility and disqualification for and excusal from jury service), after the entry relating to barristers and solicitors there shall be inserted—

“Any person who is not a barrister or solicitor but who is an authorised advocate or authorised litigator (as defined by section 119(1) of the Courts and Legal Services Act 1990) and—

- (a) any legal executive or person corresponding to a legal executive; or
- (b) any person corresponding to a barristers’ clerk or assistant clerk,

who is employed by such an authorised advocate or authorised litigator. ”

**Commencement Information**

**I2** Sch. 18 para. 5 wholly in force at 1. 4.1991 see s. 124(3) and S.I. 1991/608, art. 2, Sch.

PROSPECTIVE

*The Consumer Credit Act 1974 (c.39)*

- 6 In section 174(3) of the Consumer Credit Act 1974 (purposes for which certain information obtained under the Act may be disclosed), in paragraph (a)—
- (a) after the words “Regulations 1988” there shall be inserted “or the Courts and Legal Services Act 1990”; and

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- (b) after the words “Electricity Supply” there shall be inserted “or the Authorised Conveyancing Practitioners Board”.

*The Solicitors Act 1974 (c. 47)*

- 7 In section 7 of the Solicitors Act 1974 (entry of names in the roll and restoration of names struck off), the following shall be inserted at the end of paragraph (b)—

“ or

- (c) of an order under section 47(2)(h) for the restoration of a person’s name to the roll.”.

- 8 In section 8 of that Act (removal or restoration of name at solicitor’s request), the following subsection shall be inserted after subsection (2)—

“(2A) Subsection (2) does not apply to a former solicitor with respect to whom a direction has been given under section 47(2)(g).”

- 9 In section 12 of that Act (discretion of Society with respect to issue of practising certificates in special cases), in subsection (1)(c), for the words “when on the first day of the period to which the practising certificate would, if granted, relate” there shall be substituted “ when, on what would be the commencement date for the certificate, if it were granted” ”.

**Commencement Information**

**I3** Sch. 18 para. 9 wholly in force at 1.7.1991 see s. 124(3) and S.I. 1991/1364, art. 2, Sch.

- 10 (1) Section 16 of that Act (duration of suspension of practising certificates) shall be amended as follows.

- (2) For subsection (1) there shall be substituted—

“(1) Where, on the replacement date for a practising certificate, the certificate is suspended it shall expire on that date.”

- (3) In subsection (3) for the words “date of expiry”, in paragraph (c), there shall be substituted “ replacement date” ”.

**Commencement Information**

**I4** Sch. 18 para 10 wholly in force at 1.7.1991 see s. 124(3) and S.I. 1991/1364, art. 2, Sch.

- 11 In section 20 of that Act (unqualified person not to act as solicitor) the following subsections shall be added at the end—

“(3) A person exempted from the provisions of section 23(1) by virtue of section 23(2) or (3) of this Act or section 55 of the Courts and Legal Services Act 1990 may, in any non-contentious or common form probate business,

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apply for a grant of probate or for letters of administration or oppose such an application without committing an offence under this section.

(4) In subsection (3) “non-contentious or common form probate business” has the same meaning as in section 128 of the Supreme Court Act 1981.”

12 In section 25 of that Act (costs where unqualified person acts as solicitor) the following subsection shall be added at the end—

“(3) For the avoidance of doubt, where a person does an act which would be an offence under section 23 were it not for the provisions of section 54 or 55 of the Courts and Legal Services Act 1990, this section does not apply in relation to that act.”

VALID FROM 01/06/1992

13 In section 32 of that Act (accounts rules and trust account rules), the following subsection shall be inserted after subsection (5)—

“(6) For the purposes of this section and section 33 references to clients’ money and money of a kind mentioned in subsection (1)(b) of this section or (1)(a) of section 33 include references to money held by a solicitor as a stakeholder (whether or not paid by a client of his).”

#### Commencement Information

**I5** Sch. 18 para. 13 wholly in force at 1.6.1992 see s. 124 and S.I. 1992/1221, art. 2, Sch.

14 In section 41 of that Act (employment by solicitor of person struck off or suspended), the following subsection shall be inserted after subsection (1)—

“(1A) No solicitor shall, except in accordance with a written permission granted under this section, employ or remunerate in connection with his practice as a solicitor any person if, to his knowledge, there is a direction in force under section 47(2)(g) in relation to that person.”

15 In section 42 of that Act (failure to disclose certain facts to solicitor employer), the following subsection shall be inserted after subsection (1)—

“(1A) Any person—  
 (a) with respect to whom a direction is in force under section 47(2)(g);  
 and  
 (b) who seeks or accepts employment by a solicitor in connection with that solicitor’s practice without previously informing him of the direction,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level three on the standard scale.”

16 (1) Section 80 of that Act (powers to act on behalf of Society) shall be amended as follows.

(2) In subsection (1) for the words “to committees conferred on the Council” there shall be substituted “conferred”.

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- (3) In subsection (3)—
- (a) after the word “Council”, in the second place where it occurs, there shall be inserted “ or sub-committee ”; and
  - (b) for the words “or the committee” there shall be substituted “ , committee or sub-committee ”.
- 17 In section 87(1) of that Act (interpretation) after the definition of “practising certificate” there shall be inserted— “ “replacement date”, in relation to a practising certificate, means the date prescribed under section 14(2)(a) or specified by the Society under any regulation made by virtue of section 14(4)(b); ”.

**Commencement Information**

**I6** Sch. 18 para. 17 wholly in force at 1.7.1991 see s. 124(3) and S.I. 1991/1364, art. 2, Sch.

- 18 In Schedule 2 to that Act after sub-paragraph (3) of paragraph 2 there shall be inserted—
- “(3A) The Council may require a solicitor to pay an annual contribution of a reduced amount where that payment is made with respect to a practising certificate which has a replacement date which is less than 12 months after the replacement date of the solicitor’s previous practising certificate.
- (3B) Where it appears from his application for a practising certificate that a solicitor has not held or received clients’ money at any time during the period specified in the application, the Council may require him—
- (a) to pay an annual contribution of a specified reduced amount on that application, or
  - (b) to pay no annual contribution on that application.”

**Commencement Information**

**I7** Sch. 18 para. 18 wholly in force at 1.7.1991 see s. 124(3) and S.I. 1991/1364, art. 2, Sch.

PROSPECTIVE

*The Restrictive Trade Practices Act 1976 (c.34)*

- 19 In section 41(1) of the Restrictive Trade Practices Act 1976 (purposes for which certain information obtained under the Act may be disclosed), in paragraph (a)—
- (a) after the words “Electricity Supply” there shall be inserted “ or the Authorised Conveyancing Practitioners Board ”; and
  - (b) after the words “Regulations 1988” there shall be inserted “ or the Courts and Legal Services Act 1990 ”.

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*The Patents Act 1977 (c.37)*

20 (1) In section 102 of the Patents Act 1977 (right of audience etc. in proceedings before the comptroller), the following subsection shall be added at the end—

“(5) Nothing in this section shall be taken to limit the right to draw or prepare deeds given to a registered patent agent by section 68 of the Courts and Legal Services Act 1990.”

(2) In section 102A of that Act (right of audience etc. in proceedings on appeal from the comptroller), the following subsection shall be added at the end—

“(6) Nothing in this section shall be taken to limit the right to draw or prepare deeds given to a registered patent agent by section 68 of the Courts and Legal Services Act 1990.”

VALID FROM 14/10/1991

*The Domestic Proceedings and Magistrates’ Courts Act 1978 (c.22)*

21 In section 16 of the Domestic Proceedings and Magistrates’ Courts Act 1978 (powers of court to make orders for the protection of a party to marriage or a child of the family), in subsection (6) for paragraphs (a) and (b) there shall be substituted “that the respondent has not been given such notice of the proceedings as may be prescribed by rules”.

**Commencement Information**

**18** Sch. 18 para. 21 wholly in force at 14.10.1991 see s. 124(3) and S.I. 1991/1883, art.3, Sch.

PROSPECTIVE

*The Estate Agents Act 1979 (c.38)*

22 (1) In section 10(3) of the Estate Agents Act 1979 (purposes for which certain information obtained under the Act may be disclosed), in paragraph (a)—

- (a) after the words “Regulations 1988” there shall be inserted “or the Courts and Legal Services Act 1990”; and
- (b) after the words “Electricity Supply” there shall be inserted “or the Authorised Conveyancing Practitioners Board”.

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PROSPECTIVE

*The Competition Act 1980 (c.21)*

- 23 (1) Section 19 of the Competition Act 1980 (restriction on disclosure of information) shall be amended as follows.
- (2) In subsection (2), after the words “Electricity Supply” there shall be inserted “the Authorised Conveyancing Practitioners Board”.
- (3) In subsection (3) the following paragraph shall be inserted after paragraph (l)—  
“(m) the Courts and Legal Services Act 1990”.

*The Social Security Act 1980 (c. 30)*

- 24 In section 13 of the Social Security Act 1980 (Social Security Commissioners) in subsection (5)(a), for the words “(2) or (4)” there shall be substituted “or (2)”.

*The Magistrates’ Courts Act 1980 (c.43)*

- 25 (1) The Magistrates’ Courts Act 1980 shall be amended as follows.
- (2) In section 150(1) (interpretation) after the definition of “impose imprisonment” there shall be inserted the following definition—  
““legal representative” means an authorised advocate or authorised litigator, as defined by section 119(1) of the Courts and Legal Services Act 1990;”.
- (3) For the words—  
(a) “counsel or a solicitor” in sections 4(4)(b), 6(2)(b), 23(1)(a) and 128(1B);  
(b) “counsel or solicitor” in sections 122(1) and (3);  
there shall be substituted “a legal representative”.
- (4) For the words—  
(a) “solicitor” in sections 6(2)(a), 12(2), 128(1A)(ii) and (3B);  
(b) “counsel or solicitor” in sections 72(3)(a) and (4);  
(c) “solicitor or barrister” in section 145(1)(d),  
there shall be substituted “legal representative”.
- (5) For the words “counsel and solicitors” in section 8(4)(d) there shall be substituted “the legal representatives”.
- (6) For the words—  
(a) “solicitors and counsel” in section 69(2)(b);  
(b) “solicitors or counsel” in section 69(4),  
there shall be substituted “legal representatives”.

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(7) In section 144(3) (members of the rule committee) in subsection (3), for the words “one justices’ clerk” to the end there shall be substituted—

- “(a) one justices’ clerk;
- (b) one person who has a Supreme Court qualification (within the meaning of section 71 of the Courts and Legal Services Act 1990); and
- (c) one person who has been granted by an authorised body, under Part II of that Act, the right to conduct litigation in relation to all proceedings in the Supreme Court.”.

*The Judicial Pensions Act 1981 (c. 20)*

VALID FROM 01/01/1992

26 In section 16 of the Judicial Pensions Act 1981 (application of Part II and interpretation), in the definition of “derivative benefit”, after the word “widow’s” there shall be inserted “ widower’s” ”.

**Commencement Information**

**I9** Sch. 18 para. 26 wholly in force at 1.1.1992 see s. 124(3) and S.I. 1991/2730, art. 2, Sch.

VALID FROM 01/01/1992

27 In section 22 of that Act (children’s pension: rate and mode of payment)—

- (a) in subsection (2) for the words “leaves no widow and, if he leaves a widow, after her death” there shall be substituted “ leaves no widow or widower and, if he or she leaves a widow or widower, after his or her death” ”;
- (b) in subsection (3), after the word “widow” there shall be inserted “ or widower” ” and after the word “her” there shall be inserted “ or his” ”; and
- (c) in subsection (4), after the word “widow”, in both places, there shall be inserted “ or widower” ” and after the words “she has a husband” there shall be inserted “ or he has a wife” ”.

**Commencement Information**

**I10** Sch. 18 para. 27 wholly in force at 1.1.1992 see s. 124(3) and S.I. 1991/2730, art. 2, Sch.

VALID FROM 01/01/1992

28 In section 23 of that Act (contributions towards widows and children’s pensions) for the words “man’s” and “man” there shall be substituted “ person’s” ” and “person”.



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#### Commencement Information

**I11** Sch. 18 para. 28 wholly in force at 1.1.1992 see s. 124(3) and S.I. 1991/2730, art. 2, Sch.

VALID FROM 01/01/1992

- 29 In section 25 of that Act (persons serving again after retirement), in subsection (1)—
- (a) in paragraph (a), for the words “widow or child of his” there shall be substituted “widow, widower or child of that person”; and
  - (b) in paragraph (b), for the word “his” there shall be substituted “that person’s”.

#### Commencement Information

**I12** Sch. 18 para. 29 wholly in force at 1.1.1992 see s. 124(3) and S.I. 1991/2730, art. 2, Sch.

VALID FROM 01/01/1992

- 30 In the following sections of that Act—
- (a) 29 (recommendation of a Minister required in certain cases);
  - (b) 31 (payments charged on Consolidated Fund); and
  - (c) 32(3)(b) (definition of “pension benefits”),
- after the word “widow’s” there shall in each case be inserted “widower’s”.

#### Commencement Information

**I13** Sch. 18 para. 30 wholly in force at 1.1.1992 see s. 124(3) and S.I. 1991/2730, art. 2, Sch.

PROSPECTIVE

- 31 The following section shall be inserted in that Act at the beginning of Part III—
- “29A Transfer of accrued benefits.**
- Schedule 1A shall have effect with respect to the transfer of accrued rights into and out of the judicial pension schemes constituted by this Act and the Sheriffs’ Pensions (Scotland) Act 1961.”
- 32 In Part I of Schedule 1 to that Act (certain Supreme Court officers)—
- (a) for the entry “Registrar, Principal Registry of the Family Division” there shall be substituted— “District judge of the Principal Registry of the Family Division.”; and
  - (b) for the entries “County court registrar” and “county court assistant registrar” there shall be substituted—

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“District judge.  
Assistant district judge.”

VALID FROM 01/01/1992

33 In paragraph 15 of Schedule 1 to that Act (persons injured, or contracting disease, in discharge of their duties), in sub-paragraph (2)(a), after the word “widow” there shall be inserted “ or, in the case of a female officer, her widower” ”.

**Commencement Information**

**I14** Sch. 18 para. 33 wholly in force at 1.1.1992 see s. 124(3) and S.I. 1991/2730, art. 2, Sch.

VALID FROM 01/01/1992

34 At the beginning of sub-paragraph (1) of paragraphs 15 and 16 of Schedule 2 to that Act (transitional provisions with respect to derivative benefits) there shall be inserted the words “ Subject to paragraph 28 below,” ”.

**Commencement Information**

**I15** Sch. 18 para. 34 wholly in force at 1.1.1992 see s. 124(3) and S.I. 1991/2730, art. 2, Sch.

VALID FROM 01/01/1992

35 In paragraph 7(3) of Schedule 3 to that Act, after the word “widow’s” there shall be inserted “ widower’s” ”.

**Commencement Information**

**I16** Sch. 18 para. 35 wholly in force at 1.1.1992 see s. 124(3) and S.I. 1991/2730, art. 2, Sch.

*The Supreme Court Act 1981 (c. 54)*

- 36 (1) In section 85 of the Supreme Court Act 1981 (Supreme Court Rule Committee)—
- (a) for paragraphs (f) and (g) of subsection (1), there shall be substituted—
    - “(f) two persons who have a Supreme Court qualification (within the meaning of section 71 of the Courts and Legal Services Act 1990); and
    - (g) two persons who have been granted by an authorised body, under Part II of that Act, the right to conduct litigation in relation to all proceedings in the Supreme Court.”
  - (b) for subsection (4) there shall be substituted—

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“(4) Before appointing a person under paragraph (f) or (g) of subsection (1), the Lord Chancellor shall consult any authorised body with members who are eligible for appointment under that paragraph.”

(2) In section 86 of that Act (Crown Court Rule Committee)—

(a) for paragraphs (f) and (g) of subsection (1), there shall be substituted—

“(f) two persons who have a Supreme Court qualification (within the meaning of section 71 of the Courts and Legal Services Act 1990); and

(g) two persons who have been granted by an authorised body, under Part II of that Act, the right to conduct litigation in relation to all proceedings in the Supreme Court.”

(b) for subsection (4) there shall be substituted—

“(4) Before appointing a person under paragraph (f) or (g) of subsection (1), the Lord Chancellor shall consult any authorised body with members who are eligible for appointment under that paragraph.”

37 In section 89(2) of that Act (person appointed as Queen’s coroner and attorney and master of the Crown Office to be master of Queen’s Bench Division) after the words “Crown Office” there shall be inserted “ and Registrar of criminal appeals” ”.

38 For section 89(3)(e) of that Act (Senior Registrar of Family Division) there shall be substituted—

“(e) one of the district judges of the Principal Registry of the Family Division as Senior District Judge of that Division; and”.

39 In section 90 of that Act (Official Solicitor) the following subsections shall be inserted after subsection (3)—

“(3A) The holder for the time being of the office of Official Solicitor shall have the right to conduct litigation in relation to any proceedings.

(3B) When acting as Official Solicitor a person who would otherwise have the right to conduct litigation by virtue of section 28(2)(a) of the Courts and Legal Services Act 1990 shall be treated as having acquired that right solely by virtue of subsection (3A).”

40 (1) In section 100(1) of that Act (county court registrar to be appointed as district registrar for each district registry) for the words “county court registrar as a district registrar of the High Court” there shall be substituted “ district judge for a county court district, appointed under section 6 of the County Courts Act 1984, as a district judge of the High Court.” ”

(2) In sections 100(2) to (5) and 101 to 103 of that Act (further provisions with respect to district registrars, assistant district registrars and deputy district registrars)—

(a) for the words “county court registrar” there shall be substituted “ district judge for a county court district” ”;

(b) for the words “registrar” and “district registrar” in each place where they occur, except in the context of county court registrar, assistant district registrar or deputy district registrar, there shall be substituted “ district judge” ”;

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- (c) for the words “assistant district registrar” in each place where they occur there shall be substituted “assistant district judge””; and
- (d) for the words “deputy district registrar” in each place where they occur there shall be substituted “deputy district judge””.

41 In section 151(1) of that Act (interpretation), the following shall be inserted after the definition of “appeal”—

“

“arbitration agreement” has the same meaning as it has in the Arbitration Act 1950 by virtue of section 32 of that Act;”.

**Commencement Information**

**I17** Sch. 18 para. 41 wholly in force at 1. 4.1991 see s. 124(3) and S.I. 1991/608, art. 2, Sch.

*The County Courts Act 1984 (c. 28)*

42 In sections 6 to 12 of the County Courts Act 1984 (provisions with respect to registrars, assistant registrars and deputy registrars)—

- (a) for the word “registrar” in each place where it occurs, except where it is in the context of assistant registrar or deputy registrar, there shall be substituted “district judge”;
- (b) for the words “assistant registrar” in each place where they occur there shall be substituted “assistant district judge”; and
- (c) for the words “deputy county court registrar” and “deputy registrar” in each place where they occur there shall be substituted “deputy district judge”.

43 In section 52 of that Act (powers of court exercisable before commencement of action) the following subsection shall be added at the end—

“(3) This section is subject to any provision made under section 38,”

**Commencement Information**

**I18** Sch. 18 para. 43 wholly in force at 1.7.1991 see s. 124(3) and S.I. 1991/1364, art. 2, Sch.

44 In section 53 of that Act (powers of court to order disclosure of documents, inspection of property etc. in proceedings for personal injuries or death) the following subsection shall be added at the end—

“(5) This section is subject to any provision made under section 38,”

**Commencement Information**

**I19** Sch. 18 para. 44 wholly in force at 1.7.1991 see s. 124(3) and S.I. 1991/1364, art. 2, Sch.

45 In section 54 of that Act (provisions supplementary to sections 52 and 53) the following subsection shall be added at the end—

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“(6) This section is subject to any provision made under section 38,”

**Commencement Information**

**I20** Sch. 18 para. 45 wholly in force at 1.7.1991 see s. 124(3) and S.I. 1991/1364, art. 2, Sch.

46 In section 69 of that Act (power to award interest on debts and damages), the following shall be substituted for subsection (8)—

“(8) In determining whether the amount of any debt or damages exceeds that prescribed by or under any enactment, no account shall be taken of any interest payable by virtue of this section except where express provision to the contrary is made by or under that or any other enactment.”

**Commencement Information**

**I21** Sch. 18 para. 46 wholly in force at 1.7.1991 see s. 124(3) and S.I. 1991/1364, art. 2, Sch.

47 For section 75(7) of that Act (members of the rule committee) there shall be substituted—

“(7) The rule committee shall consist of the following persons appointed by the Lord Chancellor—

- (a) five judges of county courts;
- (b) two district judges;
- (c) two persons who have a Supreme Court qualification (within the meaning of section 71 of the Courts and Legal Services Act 1990); and
- (d) two persons who have been granted by an authorised body, under Part II of that Act, the right to conduct litigation in relation to all proceedings in the Supreme Court.”

48 For section 143(1) of that Act (prohibition on persons other than solicitors receiving remuneration for work in county courts) there shall be substituted—

“(1) No person other than—

- (a) a legal representative; or
- (b) a person exercising a right of audience or a right to conduct litigation by virtue of an order made under section 11 of the Courts and Legal Services Act 1990 (representation in county courts),

shall be entitled to have or recover any fee or reward for acting on behalf of a party in proceedings in a county court.”

**Commencement Information**

**I22** Sch. 18 para. 48 wholly in force at 1. 4.1991 see s. 124(3) and S.I. 1991/608, art. 2, Sch.

49 (1) In section 147(1) of that Act (interpretation) after the definition of “landlord” there shall be inserted—

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““legal representative” means an authorised advocate or authorised litigator, as defined by section 119(1) of the Courts and Legal Services Act 1990.”

- (2) For the word “solicitor” in sections 13(1) and (4), 61(2) and 126 of that Act there shall be substituted “ legal representative” ”.
- (3) For the word “solicitors” in sections 18, 24(1), 27(6), 75(3)(f) and 79 of that Act there shall be substituted “ legal representatives” ”.

#### Commencement Information

**I23** Sch. 18 para. 49 wholly in force at 1. 4.1991 see s. 124(3) and S.I. 1991/608, art. 2, **Sch.**

#### *The Matrimonial and Family Proceedings Act 1984 (c. 42)*

PROSPECTIVE

<sup>F1</sup>50 .....

#### Textual Amendments

**F1** Sch. 18 para. 50 repealed (6.4.2011) by **Courts Act 2003 (c. 39)**, s. 110(1), **Sch. 10**; S.I. 2010/2921, art. 3(c)

#### *The Prosecution of Offences Act 1985 (c. 23)*

51 In section 4 of the Prosecution of Offences Act 1985 (rights of audience etc. of Crown Prosecutors), the following subsections shall be substituted for subsections (1) to (3)—

- “(1) Crown Prosecutors shall continue to have the same rights of audience, in any court, as they had immediately before the coming into force of the Courts and Legal Services Act 1990.
- (2) Subsection (1) is not to be taken as preventing those rights being varied or added to in accordance with the provisions of that Act.
- (3) The Lord Chancellor may at any time direct, as respects one or more specified places where the Crown Court sits, that Crown Prosecutors, or such category of Crown Prosecutors as may be specified in the direction, may have rights of audience in the Crown Court.
- (3A) Any such direction may be limited to apply only in relation to proceedings of a description specified in the direction.
- (3B) In considering whether to exercise his powers under this section the Lord Chancellor shall have regard, in particular, to the need to secure the availability of persons with rights of audience in the court or proceedings in question.

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- (3C) Any direction under this section may be revoked by direction of the Lord Chancellor.
- (3D) Any direction under this section may be subject to such conditions and restrictions as appear to the Lord Chancellor to be necessary or expedient.
- (3E) Any exercise by the Lord Chancellor of his powers to give a direction under this section shall be with the concurrence of the Lord Chief Justice, the Master of the Rolls, the President of the Family Division and the Vice-Chancellor.”
- 52 (1) In section 14(1)(a) of that Act (regulations in relation to fees of counsel) for the word “counsel” there shall be substituted “ any legal representative ”.
- (2) The following definition shall be inserted in section 15(1) of that Act after the definition of “Director”—
- ““legal representative” means an authorised advocate or authorised litigator, as defined by section 119(1) of the Courts and Legal Services Act 1990.”

**Commencement Information**

**I24** Sch. 18 para. 52 wholly in force at 1. 4.1991 see s. 124(3) and S.I. 1991/608, art. 2, Sch.

- 53 In section 20(2) of that Act (regulations providing for the recovery of sums paid by the Legal Aid Board or out of central funds), in paragraph (a) for the words “party to proceedings” there shall be substituted “ person ”.

**Commencement Information**

**I25** Sch. 18 para. 53 wholly in force at 1.5.1991 see s. 124(3) and S.I. 1991/985, art. 2(b)

*The Administration of Justice Act 1985 (c. 61)*

VALID FROM 14/10/1991

- 54 (1) Section 9 of the Administration of Justice Act 1985 (management and control by solicitors of incorporated practices) shall be amended as follows.
- (2) In subsection (1)(a)—
- (a) after the word “solicitors”, where it first occurs, there shall be inserted “ or solicitors and one or more registered foreign lawyers ”; and
- (b) at the end there shall be inserted “ or by multi-national partnerships ”.
- (3) In subsection (8), the following definitions shall be inserted at the appropriate places—
- “multi-national partnership” means a schedule 20partnership whose members consist of one or more registered foreign lawyers and one or more solicitors;
- “registered foreign lawyer” means a person who is registered under section 89 of the Courts and Legal Services Act 1990.

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**Commencement Information**

**I26** Sch. 18 para. 54 wholly in force at 14.10.1991 see s. 124(3) and S.I. 1991/1883, art. 3, Sch.

55 In paragraph 10 of Schedule 2 to that Act (which extends the offence in section 42(1) of the Solicitors Act 1974 of seeking employment whilst struck off or suspended to employment by an incorporated practice) for the words “Section 42(1)” there shall be substituted “ Section 42(1) and (1A)” ”.

56 In paragraph 13 of Schedule 2 to that Act (incorporated practices)—

(a) in sub-paragraph (1), for the words from “section” to “and (8))” there shall be substituted “ Schedule 1A of the Act of 1974 (except paragraphs 5(1) and 9” ”; and

(b) in sub-paragraph (2), for the words “section 44A (1)(a)” there shall be substituted “ paragraph 2(1)(a) of Schedule 1A to the Act of 1974” ”.

**Commencement Information**

**I27** Sch. 18 para. 56 wholly in force at 1. 4.1991 see s. 124(3) and S.I. 1991/608, art. 2, Sch.

57 In Schedule 2 to that Act (incorporated practices), in paragraph 18 the following sub-paragraph shall be inserted after sub-paragraph (2)—

“(2A) Where, on the hearing of any application or complaint made to it under this Schedule, the Tribunal is satisfied that more than one allegation is proved against the recognised body to whom the application or complaint relates, it may impose a separate penalty (by virtue of sub-paragraph (2) (b)) with respect to each such allegation.”

58 In Schedule 6 to that Act (incorporated licensed conveyancers) the following shall be substituted for paragraph 4(3)—

“(3) Where it appears to the Council that the professional services provided by a recognised body in connection with any matter in which that body has been instructed by a client have, in any respect, not been of the quality which it is reasonable to expect of that body, the Council may take any step with respect to that recognised body as it could take under paragraphs 14 to 20 of Schedule 8 of the Courts and Legal Services Act 1990 with respect to a licensed conveyancer in similar circumstances.

(3A) Those paragraphs shall have effect (with the necessary modifications) with respect to any steps taken against the recognised body under this sub-paragraph as they have effect with respect to any steps taken with respect to a licensed conveyancer under paragraph 14 of that Schedule.”

**Commencement Information**

**I28** Sch. 18 para. 58 wholly in force at 1.4.1991 see s. 124(3) and S.I. 1991/608, art. 2, Sch.



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*The Legal Aid Act 1988 (c. 34)*

59 The Legal Aid Act 1988 shall be amended as follows.

**Commencement Information**

**I29** Sch. 18 para. 59 in force at 1.4.1991 see s. 124(3) and S.I. 1991/608, art. 2, Sch.

60 The following entries shall be inserted in the appropriate places in section 43 (definitions)—

““authorised body” has the meaning assigned by section 119(1) of the Courts and Legal Services Act 1990;”

““legal representative” means an authorised advocate or authorised litigator, as defined by section 119(1) of the Courts and Legal Services Act 1990;”.

**Commencement Information**

**I30** Sch. 18 para. 60 force at 1. 4.1991 see s. 124(3) and S.I. 1991/608, art. 2, Sch.

61 (1) In section 2(6), for the words “is only by persons who are solicitors or barristers” there shall be substituted “shall only be by legal representatives”.

(2) For section 2(7) there shall be substituted—

“(7) Subject to section 59 of the Courts and Legal Services Act 1990, regulations—

(a) may prescribe the circumstances in which representation shall be only by one legal representative and may require him to be from a prescribed category;

(b) may regulate representation by more than one legal representative from any one or more prescribed categories.

(7A) If it is satisfied that the circumstances of a particular case in the Supreme Court or the House of Lords warrant a direction under this subsection, the Board or, in the case of criminal proceedings the competent authority, may direct that representation in that case shall be by one legal representative.

(7B) In subsection (7A), “competent authority” shall be construed in accordance with section 20.”

(3) In section 10, in subsections (1)(b) and (3)(a), for the word “counsel” in each place where it occurs, there shall be substituted “an additional legal representative”.

(4) In section 15(6), for the words “solicitor for acting for him and to pay any fees of counsel for so acting” there shall be substituted “legal representative”.

(5) In section 26(2), for the words “same as the solicitor” there shall be substituted “one”.

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**Commencement Information**

**I31** Sch. 18 para. 61 in force at 1. 4.1991 see s. 124(3) and S.I. 1991/608, art. 2, Sch.

- 62 (1) In section 31—
- (a) in subsection (1)(a), for the words “counsel, solicitor” there shall be substituted “the legal representative”;
  - (b) in subsection (2), for the words “solicitor shall be treated as having paid counsel’s fees” there shall be substituted “legal representative shall be treated as having paid the fees of any additional legal representative instructed by him”.
- (2) In section 32—
- (a) in subsection (1), for the words from “select” to “willing” there shall be substituted “select the legal representative to advise, assist or act for him from among the legal representatives willing”;
  - (b) in subsection (2), for the words from “a solicitor or” to the end there shall be substituted “one or more legal representatives or direct that he may only select a legal representative from among those with whom such a contract subsists.”;
  - (c) in subsection (8), for the words “solicitor or counsel or solicitor and counsel” there shall be substituted “one or more legal representatives”;
  - (d) the following subsection shall be substituted for subsection (9)—
    - “(9) None of the following persons may be selected or assigned under this section—
    - (a) a solicitor who is for the time being excluded from legal aid work under section 47(2) of the Solicitors Act 1974 (powers of Solicitors Disciplinary Tribunal);
    - (b) a barrister excluded from such work under section 42 of the Administration of Justice Act 1985 (exclusion of barristers from legal aid work);
    - (c) any other legal representative excluded from such work for disciplinary reasons by an authorised body.”

**Commencement Information**

**I32** Sch. 18 para. 62 in force at 1. 4.1991 see s. 124(3) and S.I. 1991/608, art. 2, Sch.

- 63 (1) For the words—
- (a) “counsel or a solicitor” in each place where they occur in sections 14(3), 31(1)(a) and 38(6); and
  - (b) “solicitor or counsel” in the first place where they occur in section 32(6), there shall be substituted “a legal representative”.
- (2) In sections 16(8), 32(10) and 34(8)(b), for the word “solicitor’s” in each place where it occurs, there shall be substituted “legal representative’s”.

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(3) For the words—

- (a) “solicitor or counsel” in sections 2(4), 16(9), 32(3) and 32(6);
- (b) “counsel or solicitor” in sections 25(2) and 32(5);
- (c) “solicitor and counsel” in sections 31(2);
- (d) “solicitor or his firm” in section 10(3),

in each of the remaining places where they occur, there shall be substituted “legal representative”.

(4) In each of the remaining places where it occurs in sections 9(5), 9(6), 9(7), 10(1), 11(2), 11(3), 15(7), 15(8), 25(2), 26(2) and 32(10), for the word “solicitor” there shall be substituted “legal representative”.

(5) For the words—

- (a) “solicitors” in section 32(7);
- (b) “solicitors and counsel” in section 34(2)(e);
- (c) “barristers and solicitors” in section 34(9);
- (d) “barristers or solicitors” in section 38(1)(f),

in each place where they occur, there shall be substituted “legal representatives”.

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**Commencement Information**

**I33** Sch. 18 para. 63 wholly in force see s. 124(3) and S.I. 1991/608, art. 2, Sch.

**Status:**

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