

*Status: Point in time view as at 01/04/1991.*

*Changes to legislation: Courts and Legal Services Act 1990, Part III is up to date with all changes known to be in force on or before 07 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 4

#### AUTHORISATION AND APPROVAL

#### PART III

#### REVOCATION OF DESIGNATION OF AUTHORISED BODY

##### *Role of Advisory Committee*

- 12 (1) Where the Lord Chancellor is considering whether to recommend the making of a revoking Order by virtue of section 30(2)(c) or is advised by one or more of the designated judges that there are grounds for making such a recommendation, he shall seek the advice of the Advisory Committee.
- (2) The Advisory Committee shall carry out such investigations with respect to the authorised body concerned as it considers appropriate.
- (3) Where—
- (a) the Lord Chancellor has not sought the advice of the Advisory Committee under sub-paragraph (1); but
  - (b) the Committee has reason to believe that there may be grounds for recommending that an Order be made under section 30(2)(c) with respect to an authorised body,
- it may carry out such investigations with respect to the authorised body as it considers appropriate.
- (4) On concluding any investigation carried out under sub-paragraph (2) or (3), the Advisory Committee shall—
- (a) advise the Lord Chancellor as to whether or not there appear to be grounds for recommending the making of an Order under section 30 with respect to the authorised body concerned; and
  - (b) if its advice is that there appear to be such grounds, advise the Lord Chancellor as to the transitional and incidental provision (if any) which it considers should be made under section 30(4) with respect to the authorised body concerned.

#### **Commencement Information**

**II** Sch. 4 para. 12 in force 1. 4. 1991 see s. 124(3) and S.I. 1991/608, art. 2, Sch.

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*Duty to comply with requests for information*

- 13 (1) Where the Advisory Committee is carrying out an investigation under paragraph 12 it may require the authorised body concerned to provide it with such information, including copies of such documents, as it may reasonably require for the purposes of the investigation.
- (2) No person shall be required under sub-paragraph (1) to provide any information, or produce any copy of a document, which he could not be compelled to provide or produce in civil proceedings before a court.
- (3) Where an authorised body fails, without reasonable excuse, to comply with a request made to it by the Committee under sub-paragraph (1), section 30(2)(c) shall be taken to have been satisfied in relation to that body.

**Commencement Information**

**I2** Sch. 4 para. 13 in force 1. 4. 1991 see s. 124(3) and S.I. 1991/608, art. 2, Sch.

*Notice to authorised body*

- 14 (1) If the Advisory Committee advises the Lord Chancellor that there are grounds for recommending the making of an Order under section 30 with respect to an authorised body, the Lord Chancellor shall send written notice of that advice, and of the effect of such an Order, to that body.
- (2) Any such notice shall invite the authorised body to make representations in writing to the Lord Chancellor or such person as he may appoint for the purpose.
- (3) Any such representations must be made before the end of the period of three months beginning with the date on which the notice was given.

**Commencement Information**

**I3** Sch. 4 para. 14 in force 1. 4. 1991 see s. 124(3) and S.I. 1991/608, art. 2, Sch.

*Notice to members of authorised body*

- 15 (1) Where—
- (a) the Lord Chancellor has given notice to any authorised body under paragraph 14(1); or
- (b) is proposing to recommend the making of an Order with respect to an authorised body under section 30, by virtue of subsection (2)(a) or (b) of that section,
- he shall take such steps as are reasonably practicable to bring the matter to the attention of the members of the authorised body and of any other persons who, in his opinion, are likely to be affected by any Order made under section 30 with respect to that body.

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- (2) Any such steps shall include inviting those members and other persons to make representations to the Lord Chancellor or (as the case may be) to the person appointed by him for the purpose.
- (3) Any such representations—
  - (a) shall, except in such circumstances as the Lord Chancellor may specify, be in writing; and
  - (b) must be made before the end of the period of three months beginning with such date as may be fixed by the Lord Chancellor.

**Commencement Information**

**I4** Sch. 4 para. 15 in force 1. 4. 1991 see s. 124(3) and S.I. 1991/608, art. 2, Sch.

*Consideration by Lord Chancellor and designated judges*

- 16
- (1) It shall be the duty of the Lord Chancellor to consider—
    - (a) any advice given to him by the Advisory Committee under paragraph 12; and
    - (b) any representations duly made under paragraph 14 or 15.
  - (2) Having done so, the Lord Chancellor shall—
    - (a) send to each of the designated judges a copy of any such advice and of any such representations (including a note of any oral representations); and
    - (b) inform each of them of his view as to whether or not, having regard to the general principle, the making of an Order under section 30 with respect to the authorised body in question should be recommended.
  - (3) It shall be the duty of each of the designated judges—
    - (a) to consider the information sent to him by the Lord Chancellor, having regard to the general principle;
    - (b) to inform the Lord Chancellor of his own decision in the matter; and
    - (c) to give his reasons, in writing, for his decision.
  - (4) No Order under section 30 shall be made with respect to the authorised body unless the Lord Chancellor and each of the designated judges have decided that it should be made.

**Commencement Information**

**I5** Sch. 4 para. 16 in force 1. 4. 1991 see s. 124(3) and S.I. 1991/608, art. 2, Sch.

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