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Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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 1

Section 19.

THE ADVISORY COMMITTEE

Appointment of members

1 (1) Every member of the Advisory Committee—
(a) shall be appointed for such term, not exceeding five years, as the Lord Chancellor may specify; and
(b) shall hold and vacate office in accordance with the terms of his appointment.

(2) Any person who ceases to be a member of the Advisory Committee shall be eligible for re-appointment.

(3) A member of the Advisory Committee may at any time resign his office by giving notice in writing to the Lord Chancellor.

(4) The Lord Chancellor may remove a member of the Advisory Committee if satisfied—
(a) that he has been absent from meetings of the Advisory Committee for a period of more than six consecutive months without the permission of the Advisory Committee;
(b) that a bankruptcy order has been made against him or that his estate has been sequestrated or that he has made a composition or arrangement with, or granted a trust deed for, his creditors; or
(c) that he is otherwise unable or unfit to discharge the functions of a member of the Advisory Committee.

Commencement Information
I1 Sch. 1 para. 1 in force 1. 4. 1991 see s. 124(3) and S.I. 1991/608, art. 2, **Sch.**

Proceedings of the Advisory Committee

2 The Advisory Committee may regulate its own procedure.

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

Status: *Point in time view as at 14/12/1999.*
Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

Delegation of powers

3 (1) Anything authorised or required by or under any enactment to be done by the Advisory Committee may be done—

(a) by any member of the Advisory Committee, or of its staff, who has been authorised for the purpose, whether generally or specifically, by the Advisory Committee; or

(b) by any committee or sub-committee of the Advisory Committee which has been so authorised.

(2) Any committee or sub-committee of the Advisory Committee—

(a) may include, as non-voting members, persons who are not members of the Advisory Committee but who are co-opted by the Advisory Committee;

(b) shall be chaired by the Chairman of the Advisory Committee or by another member of the Advisory Committee nominated by him.

(3) The Chairman of the Advisory Committee shall be a member of any committee or sub-committee for which he has nominated another member of the Advisory Committee to be its chairman.

Commencement Information

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

Vacancies and defective appointments

4 The validity of any proceedings of the Advisory Committee shall not be affected by a vacancy amongst the members or by any defect in the appointment of a member.

Commencement Information

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

Application of seal and proof of instruments

5 The application of the seal of the Advisory Committee shall be authenticated by the signature of—

(a) the Chairman or any other member of the Advisory Committee; and

(b) a member of the Advisory Committee's staff who has been authorised by the Advisory Committee for the purpose, whether generally or specifically.

Commencement Information

I5 Sch. 1 para. 5 in force 1. 4. 1991 see s. 124(3) and S.I. 1991/608, art. 2, **Sch.**

Status: *Point in time view as at 14/12/1999.*
Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

Documents served etc. by the Advisory Committee

6 (1) Any document which the Advisory Committee is authorised or required by or under any enactment to serve, make or issue may be signed on behalf of the Advisory Committee by any person who has been authorised for the purpose, whether generally or specifically, by the Advisory Committee.

(2) Every document purporting to be an instrument made or issued by or on behalf of the Advisory Committee and—

(a) to be duly executed under the seal of the Advisory Committee; or

(b) to be signed or executed by a person authorised by the Advisory Committee for the purpose,

shall be received in evidence and treated, without further proof, as being so made or issued unless the contrary is proved.

Commencement Information

I6 Sch. 1 para. 6 in force 1. 4. 1991 see s. 124(3) and S.I. 1991/608, art. 2, **Sch.**

Remuneration and pensions etc.

7 (1) The Advisory Committee shall pay—

(a) to its members; and

(b) to other persons who are co-opted to serve as members of any of its committees or sub-committees,

such remuneration, and such travelling and other allowances, as may be determined by the Lord Chancellor.

(2) The Advisory Committee shall, if so required by the Lord Chancellor—

(a) pay such pension, allowances or gratuities to or in respect of a person who has been, or is, a member of the Advisory Committee; or

(b) make such payments towards provision for the payment of a pension, allowances or gratuities to or in respect of such a person,

as may be determined by the Lord Chancellor.

(3) If, when any member of the Advisory Committee ceases to hold office, the Lord Chancellor determines that there are special circumstances which make it right that that member should receive compensation, the Advisory Committee shall pay to him a sum by way of compensation of such amount as may be so determined.

(4) The approval of the Treasury shall be required for the making of a determination under this paragraph.

Commencement Information

I7 Sch. 1 para. 7 in force 1. 4. 1991 see s. 124(3) and S.I. 1991/608, art. 2, **Sch.**

Status: *Point in time view as at 14/12/1999.*
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Staff

8 (1) The Advisory Committee may, with the approval of the Lord Chancellor as to terms and conditions of service, appoint such staff as it may determine.

(2) The Advisory Committee, with the approval of the Lord Chancellor, may—

(a) pay such pensions, allowances or gratuities to or in respect of any persons who have been or are members of its staff as it may determine;

(b) make such payments as it may so determine towards provision for the payment of pensions, allowances or gratuities to or in respect of any such persons;

(c) provide and maintain such schemes as it may so determine (whether contributory or not) for the payment of pensions, allowances or gratuities to or in respect of any such persons;

(d) make such other arrangements for the provision of pensions, allowances or gratuities to or in respect of any such persons as it may so determine.

(3) Any reference in sub-paragraph (2) to pensions, allowances or gratuities to or in respect of any such persons as are mentioned in that sub-paragraph includes a reference to pensions, allowances or gratuities by way of compensation to or in respect of any of the Advisory Committee's staff who suffer loss of employment or loss or diminution of emoluments.

(4) If any person—

(a) on ceasing to be a member of the Advisory Committee's staff becomes a member of the Advisory Committee; and

(b) was by reference to his being a member of the Advisory Committee's staff a participant in any pension scheme maintained by or on behalf of the Advisory Committee for the benefit of any of its staff,

the Advisory Committee may, with the approval of the Lord Chancellor, make provision for him to continue to participate in that scheme, on such terms and conditions as it may with the consent of the Lord Chancellor determine, as if his service as a member were service as a member of the Advisory Committee's staff; and any such provision shall be without prejudice to paragraph 7.

(5) The consent of the Treasury shall be required for the giving of any approval under this paragraph.

Commencement Information

I8 Sch. 1 para. 8 in force 1. 4. 1991 see s. 124(3) and S.I. 1991/608, art. 2, **Sch.**

Accounts and audit

9 (1) The Advisory Committee shall keep accounts and shall prepare a statement of accounts (the "statement") in respect of each financial year.

(2) The accounts shall be kept, and the statement shall be prepared, in such form as the Lord Chancellor may, with the approval of the Treasury, direct.

Status: *Point in time view as at 14/12/1999.*
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(3) The accounts shall be audited by persons to be appointed in respect of each financial year by the Lord Chancellor in accordance with a scheme of audit approved by him.

(4) The auditors shall be furnished by the Advisory Committee with copies of the statement and shall prepare a report to the Lord Chancellor on the accounts and statement.

[[F1](5) No person shall be appointed as auditor under this paragraph unless he is eligible for appointment as a company auditor under section 25 of the Companies Act 1989 or is a member of the Chartered Institute of Public Finance and Accountancy.**]**

(7) On completion of the audit of the accounts, the auditors shall send to the Lord Chancellor a copy of the statement and of their report.

(8) The Lord Chancellor shall send a copy of the statement and of the report to the Comptroller and Auditor General.

(9) The Lord Chancellor and the Comptroller and Auditor General may inspect the Advisory Committee's accounts and any records relating to them.

(10) The Lord Chancellor shall lay before each House of Parliament a copy of every statement and report sent to him under this paragraph.

(11) In this paragraph "financial year" means—

(a) the period beginning with the day on which the Advisory Committee is established and ending with the following 31st March; and

(b) each subsequent period of twelve months ending with 31st March.

Textual Amendments

F1 Sch. 1 para. 9(5)and(6) substituted (1.10.1991) by S.I. 1991/1997, reg. 2, **Sch. para. 76(2)**.

Commencement Information

I9 Sch. 1 para. 9 in force 1. 4. 1991 see s. 124(3) and S.I. 1991/608, art. 2, **Sch.**

Grants to the Advisory Committee

10 (1) The Lord Chancellor may, with the approval of the Treasury, make to the Advisory Committee out of money provided by Parliament grants of such amounts as he thinks fit.

(2) The payment by the Lord Chancellor of a grant under this paragraph shall be on such terms as he may, with the approval of the Treasury, provide.

Commencement Information

I10 Sch. 1 para. 10 in force 1. 4. 1991 see s. 124(3) and S.I. 1991/608, art. 2, **Sch.**

Status: *Point in time view as at 14/12/1999.*
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Annual report of Advisory Committee

11 (1) The Advisory Committee shall submit to the Lord Chancellor an annual report on the discharge of its functions.

(2) The Lord Chancellor shall lay the Advisory Committee's annual report before each House of Parliament.

Commencement Information
I11 Sch. 1 para. 11 in force 1. 4. 1991 see s. 124(3) and S.I. 1991/608, art. 2, **Sch.**

Immunity for advice and reports

12 For the purposes of the law of defamation, the publication of any advice or report by the Advisory Committee in the exercise of any of its functions shall be absolutely privileged.

Commencement Information
I12 Sch. 1 para. 12 in force 1. 4. 1991 see s. 124(3) and S.I. 1991/608, art. 2, **Sch.**

Parliamentary disqualification etc.

13 (1) In Part II of Schedule 1 to the [M1]House of Commons Disqualification Act 1975 (bodies of which all members are disqualified) the following entry shall be inserted at the appropriate place— " The Lord Chancellor's Advisory Committee on Legal Education and Conduct ".

(2) The same entry shall be inserted at the appropriate place in Part II of Schedule 1 to the [M2]Northern Ireland Assembly Disqualification Act 1975.

Commencement Information
I13 Sch. 1 para. 13 in force 1. 4. 1991 see s. 124(3) and S.I. 1991/608, art. 2, **Sch.**

Marginal Citations
M1 1975 c. 24.
M2 1975 c. 25.

Status: *Point in time view as at 14/12/1999.*
Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

SCHEDULE 2

Section 20.

SPECIFIC FUNCTIONS OF THE ADVISORY COMMITTEE

Education and training: general

1 (1) The Advisory Committee shall—

(a) keep under review the education and training of those who offer to provide legal services;

(b) consider the need for continuing education and training for such persons and the form it should take; and

(c) consider the steps which professional and other bodies should take to ensure that their members benefit from such continuing education and training.

(2) The Advisory Committee shall give such advice as it thinks appropriate with a view to ensuring that the education and training of those who offer to provide legal services is relevant to the needs of legal practice and to the efficient delivery of legal services to the public.

(3) The Advisory Committee's duties under this paragraph shall extend to all stages of legal education and training.

Commencement Information

I14 Sch. 2 para. 1 in force 1. 4. 1991 see s. 124(3) and S.I. 1991/608, art. 2, **Sch.**

Training in advocacy

2 The Advisory Committee shall—

(a) consider what form of initial academic and practical training is necessary to ensure that those who qualify as persons entitled to exercise rights of audience are adequately trained under supervision (whether by their chambers or firms or otherwise); and

(b) consider the extent to which further training for persons exercising such rights is necessary.

Commencement Information

I15 Sch. 2 para. 2 in force 1. 4. 1991 see s. 124(3) and S.I. 1991/608, art. 2, **Sch.**

Training in the conduct of litigation

3 The Advisory Committee shall—

(a) consider what form of initial academic and practical training is necessary to ensure that those who qualify as persons entitled to exercise rights to

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conduct litigation are adequately trained under supervision (whether by their firms or otherwise); and

(b) consider the extent to which further training for persons exercising such rights is necessary.

Commencement Information

I16 Sch. 2 para. 3 in force 1. 4. 1991 see s. 124(3) and S.I. 1991/608, art. 2, **Sch.**

Practical training in other areas

4 The Advisory Committee may consider what form of practical training is necessary in other areas concerned with the provision of legal services.

Commencement Information

I17 Sch. 2 para. 4 in force 1. 4. 1991 see s. 124(3) and S.I. 1991/608, art. 2, **Sch.**

General advisory functions

5 (1) The Advisory Committee may make such recommendations with regard to any matters which it is required to keep under review or consider as it thinks appropriate.

(2) Any such recommendation may be made—

(a) by being included in the Advisory Committee's annual report;

(b) by being addressed to any professional body or group of professional bodies; or

(c) in such other manner as it thinks fit.

(3) The Advisory Committee may from time to time give advice to the General Council of the Bar, the Law Society and other authorised bodies on all aspects of their qualification regulations and rules of conduct, whether or not relating to advocacy or the conduct of litigation.

(4) Any body—

(a) to which a recommendation under this paragraph is addressed; or

(b) which is given advice by the Advisory Committee under sub-paragraph (3),

shall have regard to it to the extent that it applies in relation to matters connected with advocacy or the conduct of litigation.

Commencement Information

I18 Sch. 2 para. 5 in force 1. 4. 1991 see s. 124(3) and S.I. 1991/608, art. 2, **Sch.**

Status: *Point in time view as at 14/12/1999.*
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Specialisation schemes

6 (1) It shall be the duty of the Advisory Committee—

(a) to consider whether specialisation schemes should be established by any representative body in any particular area of legal services; and

(b) to keep under review specialisation schemes maintained by representative bodies.

(2) In this paragraph—

"representative body" means a professional or other body which represents persons (whether or not barristers or solicitors) who offer to provide legal services; and

"a specialisation scheme", in relation to any representative body, means a scheme for recognising those members of the body who—

(a) have undergone training relevant to the area of legal services to which the scheme relates;

(b) have acquired expertise in that area; and

(c) specialise in providing legal services in that area.

(3) Where the Advisory Committee considers that any specialisation scheme should be established it shall make the appropriate recommendation to the representative body concerned.

(4) The Advisory Committee shall give to the representative body concerned such advice (if any) as it considers appropriate with respect to any specialisation scheme maintained by that body.

(5) The Advisory Committee shall consider any proposed specialisation scheme which is referred to it by the representative body which proposes to establish it.

(6) Where the Advisory Committee has considered any such proposed scheme, it shall give such advice (if any) to the representative body concerned as it considers appropriate.

(7) In considering any such proposed scheme, the Advisory Committee shall have regard, in particular, to—

(a) the basis on which, and method by which, members of the representative body are chosen to participate in the scheme;

(b) the education, training and experience which are required in order for any person to provide the legal services in question at a satisfactory standard;

(c) whether that body is likely to be able to ensure that those requirements will be complied with in relation to members of the scheme; and

(d) whether that body is likely to be able to maintain and enforce satisfactory standards of conduct on the part of those who are members of the scheme.

Commencement Information

I19 Sch. 2 para.6 in force 1. 4. 1991 see s. 124(3) and S.I. 1991/608, art. 2, **Sch.**

Status: *Point in time view as at 14/12/1999.*
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Persons with special needs

7 In discharging its functions under this Schedule, the Advisory Committee shall have regard to the need for the efficient provision of legal services for persons who face special difficulties in making use of those services, including in particular special difficulties in expressing themselves or in understanding.

Commencement Information

I20 Sch. 2 para. 7 in force 1. 4. 1991 see s. 124(3) and S.I. 1991/608, art. 2, **Sch.**

[F2]SCHEDULE 3

Section 21.

THE LEGAL SERVICES OMBUDSMAN

Textual Amendments

F2 Sch. 3 repealed (prosp.) by Legal Services Act 2007 (c. 29), ss. 159(2)(b), 210, 211, **Sch. 23** (with ss. 29, 192, 193)

Provision for discharge of functions

1 (1) The Lord Chancellor may give general directions concerning the discharge of the functions of the Legal Services Ombudsman.

(2) Any such directions shall be published by the Lord Chancellor in such manner as appears to him to be appropriate.

(3) Subject to any such direction and to the provisions of this Act, the Ombudsman may make such provision as he considers appropriate for the discharge of his functions.

(4) The Ombudsman may, in particular, make provision as to—

(a) the procedure to be followed in relation to any investigation conducted by him or on his behalf;

(b) the form and conduct of any such investigation;

(c) the form, content and publication of reports under section 23.

Delegation of functions

2 (1) The Ombudsman may delegate any of his functions to such members of his staff as he thinks fit.

(2) All recommendations and reports prepared by or on behalf of the Ombudsman must be signed by him.

Status: *Point in time view as at 14/12/1999.*
Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

Remuneration

3 (1) The Lord Chancellor shall pay to, or in respect of, the Ombudsman, such amounts—
(a) by way of remuneration, pensions, allowances or gratuities; or
(b) by way of provision for any such benefits,
as he may determine [F3]. . ..

(2) If—
(a) the Ombudsman ceases to hold office; and
(b) it appears to the Lord Chancellor that there are special circumstances which make it right that he should receive compensation,
the Lord Chancellor may pay to him such sum as the Lord Chancellor may [F3]. . . determine.

Textual Amendments

F3 Words in Sch. 3 paras. 3(1)(2) repealed (27.9.1999) by 1999 c.22, s. 106, **Sch. 15 Pt. II** (with Sch. 14 paras. 7(2), 36(9)); S.I. 1999/2657, art. 2(d)(ii)(a), **Sch. 2 Pt. I para. 2(d)**

Staff

4 (1) The Ombudsman may appoint such staff as he thinks necessary for the discharge of his functions.

(2) Appointments shall be made by the Ombudsman on such terms and conditions (including terms as to pensions, allowances and gratuities) as he may, with the approval of the Lord Chancellor [F4]. . ., determine.

(3) The reference in sub-paragraph (2) to pensions, allowances or gratuities includes a reference to pensions, allowances or gratuities by way of compensation to or in respect of any of the Ombudsman's staff who suffer loss of employment or loss or diminution of emoluments.

Textual Amendments

F4 Words in Sch. 3 para. 4(2) repealed (27.9.1999) by 1999 c.22, s. 106, **Sch. 15 Pt. II** (with Sch. 14 paras. 7(2), 36(9)); S.I. 1999/2657, art. 2(d)(ii)(a), **Sch. 2 Pt. I para. 2(d)**

Annual and other reports

5 (1) The Ombudsman shall make an annual report to the Lord Chancellor on the discharge of his functions during the year to which the report relates.

(2) The Ombudsman may, in addition, report to the Lord Chancellor at any time on any matter relating to the discharge of the Ombudsman's functions.

Status: *Point in time view as at 14/12/1999.*
Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

(3) The Ombudsman shall provide the Lord Chancellor with such information relating to the discharge of his functions as the Lord Chancellor may see fit to require.

(4) The Lord Chancellor shall lay before each House of Parliament a copy of any annual report made to him under sub-paragraph (1).

Accounts and audit

6 (1) The Ombudsman shall keep accounts with respect to his receipts and expenditure and shall prepare a statement of accounts with respect to each financial year.

(2) The accounts shall be kept, and the statement of accounts prepared, in such form as the Lord Chancellor may, with the approval of the Treasury, direct.

(3) The accounts shall be audited by persons appointed by the Lord Chancellor in respect of each financial year.

(4) The auditors shall send to the Lord Chancellor a copy of the statement of accounts and of their report.

(5) The Lord Chancellor shall lay before each House of Parliament a copy of every statement of accounts and auditors' report sent to him under this paragraph.

Financial provisions

7 (1) Any expenses of the Ombudsman incurred under this Act shall be defrayed by the Lord Chancellor out of money provided by Parliament.

(2) The Ombudsman may, with the approval of the Lord Chancellor, pay fees or allowances to any person who, in the Ombudsman's opinion, is qualified to assist him in the discharge of his functions and who so assists him.

Parliamentary disqualification etc.

8 (1) In Part III of Schedule 1 to the [M3]House of Commons Disqualification Act 1975 (disqualifying offices) the following entry shall be inserted at the appropriate place — " The Legal Services Ombudsman ".

(2) The same entry shall be inserted at the appropriate place in Part III of Schedule 1 to the [M4]Northern Ireland Assembly Disqualification Act 1975.

Marginal Citations

M3 1975 c. 24.

M4 1975 c. 25.

Status: *Point in time view as at 14/12/1999.*
Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

Acting Ombudsman

9 (1) The Lord Chancellor may appoint a person to exercise the functions of the Ombudsman where—

(a) the Ombudsman's office becomes vacant; or

(b) the Ombudsman—

(i) is incapable of exercising his functions; or

(ii) considers that it would be inappropriate for him to exercise any of his functions in connection with a particular matter (because of a possible conflict of interests or for any other reason).

(2) A person so appointed shall have the powers of the Ombudsman but shall act only in accordance with the terms on which he is appointed.

(3) The Lord Chancellor may pay to any person so appointed such remuneration as he may determine [F5]. . ..

Textual Amendments

F5 Words in Sch. 3 para. 9(3) repealed (27.9.1999) by 1999 c.22, s. 106, **Sch. 15 Pt. II** (with Sch. 14 paras. 7(2), 36(9)); S.I. 2657, art. 2(d)(ii)(a), Sch. 2 Pt. I para. 2(d)

SCHEDULE 4

Sections 29 and 30.

AUTHORISATION AND APPROVAL

PART I

AUTHORISATION OF BODIES

1 (1) Any professional or other body which wishes to become an authorised body for the purposes of section 27 or 28 ("the applicant") shall send to the Advisory Committee—

(a) a draft of the qualification regulations which it proposes to apply to those of its members to whom it wishes to grant—

(i) any right of audience; or

(ii) any right to conduct litigation;

(b) a draft of the rules of conduct which it proposes to apply to those of its members exercising any such right granted by it; and

(c) a statement of the rights which it proposes to grant ("the proposed rights") and in relation to which it wishes to have those regulations and rules approved.

(2) Those documents shall be accompanied by such explanatory material (including material about the applicant's constitution and activities) as the applicant considers

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is likely to be needed by the Advisory Committee if the Committee is to carry out its functions under this Part of this Schedule properly.

(3) The applicant shall provide the Advisory Committee with such additional information as the Committee may reasonably require.

(4) It shall be the duty of the Advisory Committee to consider the applicant's draft qualification regulations and rules of conduct in relation to the proposed rights.

(5) When it has completed its consideration, the Advisory Committee shall advise the applicant of the extent to which (if at all) the draft regulations or rules should, in the Committee's opinion, be amended in order to make them better designed—

(a) to further the statutory objective; or

(b) to comply with the general principle.

(6) In subsequently making its qualification regulations and rules of conduct, with a view to applying for authorisation for the purposes of section 27 or 28, the applicant shall have regard to any advice given to it by the Advisory Committee under this paragraph.

Commencement Information

I21 Sch. 4 para. 1 in force 1. 4. 1991 see s. 124(3) and S.I. 1991/608, art. 2, **Sch.**

Submission to Lord Chancellor

2 (1) Where the applicant has complied with paragraph 1 and wishes to proceed with its application for authorisation, it shall apply to the Lord Chancellor for its qualification regulations and rules of conduct to be approved in relation to the proposed rights.

(2) An application under this paragraph shall—

(a) be in writing;

(b) specify whether approval is sought for the purposes of section 27 or 28; and

(c) be accompanied by—

(i) a copy of the regulations and rules;

(ii) such explanatory material as the applicant considers is likely to be needed for the purposes of this Part of this Schedule; and

(iii) a statement of the proposed rights.

(3) The applicant shall provide the Lord Chancellor with such additional information as he may reasonably require.

(4) On receipt of such an application, the Lord Chancellor shall—

(a) send a copy of the application and of any documents provided under sub-paragraph (2)(c) or (3) to the Advisory Committee and to each of the designated judges; and

(b) ask the Committee for advice as to whether the regulations and rules should be approved for the purposes of section 27 or 28.

Status: *Point in time view as at 14/12/1999.*
Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

Commencement Information
I22 Sch. 4 para. 2 wholly in force 1.4.1991 see s. 124(3) and S.I. 1991/608, art. 2, **Sch.**

Advice of the Director General of Fair Trading

3 (1) The Lord Chancellor shall also send copies of the documents mentioned in paragraph 2(4)(a) to the Director.

(2) The Director shall consider whether the regulations and rules would have, or would be likely to have, the effect of restricting, distorting or preventing competition to any significant extent.

(3) When the Director has completed his consideration he shall give such advice to the Lord Chancellor as he thinks fit.

(4) The Director may publish any advice given by him under this paragraph.

(5) The Director shall, so far as practicable, exclude from anything published under sub-paragraph (4) any matter which relates to the affairs of a particular person (other than the applicant) the publication of which would, or might in the Director's opinion, seriously and prejudicially affect the interests of that person.

Commencement Information
I23 Sch. 4 para. 3 in force 1. 4. 1991 see s. 124(3) and S.I. 1991/608, art. 2, **Sch.**

4 Section 46 shall apply in relation to the investigation of any matter with a view to its consideration under paragraph 3, as it applies in relation to the investigation of any matter under section 45.

Commencement Information
I24 Sch. 4 para. 4 in force 1. 4. 1991 see s. 124(3) and S.I. 1991/608, art. 2, **Sch.**

Approval by Lord Chancellor and designated judges

5 (1) When he has received the advice of the Advisory Committee and that of the Director, the Lord Chancellor shall send a copy of the advice to the applicant.

(2) The applicant shall be allowed a period of 28 days, beginning with the day on which the copy is sent to him, to make representations about the advice—

(a) to the Lord Chancellor; or

(b) where the Lord Chancellor appoints a person for the purposes of this sub-paragraph, to that person.

Status: *Point in time view as at 14/12/1999.*
Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

(3) When the period of 28 days has expired the Lord Chancellor shall consider, in the light of the advice and of any representations duly made by the applicant under sub-paragraph (2)—

(a) whether the regulations and rules should be approved for the purposes of section 27 or 28; and

(b) whether the application should be approved.

(4) When the Lord Chancellor has complied with sub-paragraph (3) he shall—

(a) send to each designated judge a copy of—

(i) the advice; and

(ii) any representations duly made by the applicant under sub-paragraph (2); and

(b) inform each of those judges of the answers which he proposes to give to the questions which he has considered under sub-paragraph (3).

(5) It shall then be the duty of each designated judge to consider the regulations and rules and, in the light of the other material sent to him by the Lord Chancellor under sub-paragraph (4), to consider the questions considered by the Lord Chancellor under sub-paragraph (3).

(6) The applicant shall provide each designated judge with such additional information about the regulations and rules as he may reasonably require.

(7) If the Lord Chancellor, or any of the designated judges, is satisfied that approving the application would be incompatible with the statutory objective or the general principle (whether because of any provision of the regulations or rules, or for any other reason), he shall refuse to approve the application.

(8) When each designated judge has discharged his duties under this paragraph he shall notify the Lord Chancellor in writing both of his decision and of his reasons for reaching it.

(9) When—

(a) the Lord Chancellor has discharged his duties under this paragraph; and

(b) the designated judges have notified him of their decisions,

the Lord Chancellor shall notify the applicant of the result of its application.

(10) If the Lord Chancellor or any of the designated judges has refused to approve the application it shall fail.

(11) The Lord Chancellor shall, if the applicant applies to him in writing, notify the applicant of—

(a) his reasons for reaching his decision; and

(b) the reasons given by each designated judge for reaching his decision.

Commencement Information

I25 Sch. 4 para. 5 in force 1. 4. 1991 see s. 124(3) and S.I. 1991/608, art. 2, **Sch.**

Status: *Point in time view as at 14/12/1999.*
Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

PART II

APPROVAL REQUIRED BY SECTION 29

Submission of proposals to Advisory Committee

6 (1) Where an authorised body proposes to make any alteration to its qualification regulations or rules of conduct which is required by section 29(3) to be approved under this Part of this Schedule, it shall send to the Advisory Committee a copy of—
(a) its qualification regulations;
(b) its rules of conduct; and
(c) the proposed amending regulations or rules.

(2) Where an authorised body proposes to make any alteration in the rights granted by it which calls for its qualification regulations and rules of conduct to be approved under section 29(4), it shall send to the Advisory Committee a copy of—
(a) its qualification regulations;
(b) its rules of conduct; and
(c) a statement of the proposed alteration to the rights in question.

(3) The documents sent to the Advisory Committee by the authorised body under sub-paragraph (1) or (2) shall be accompanied by such explanatory material as it considers is likely to be needed by the Advisory Committee in order for the Committee to be able to understand fully the implications of the proposed alteration.

(4) The applicant shall provide the Advisory Committee with such additional information as the Committee may reasonably require.

Commencement Information
I26 Sch. 4 para. 6 in force 1. 4. 1991 see s. 124(3) and S.I. 1991/608, art. 2, **Sch.**

Consideration by Advisory Committee

7 (1) It shall be the duty of the Advisory Committee to consider the applicant's regulations and rules and the proposed alteration.

(2) When it has completed its consideration, the Advisory Committee shall advise the applicant of the extent to which (if at all) its qualification regulations or rules of conduct should, in the Committee's opinion, be amended in order better to—
(a) further the statutory objective; or
(b) comply with the general principle.

Commencement Information
I27 Sch. 4 para. 7 in force 1. 4. 1991 see s. 124(3) and S.I. 1991/608, art. 2, **Sch.**

Status: *Point in time view as at 14/12/1999.*
Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

Submission to Lord Chancellor

8 (1) If, after—
(a) receiving the Advisory Committee's advice; and
(b) making the alteration in question,
the applicant wishes the approval required by section 29(3) or (as the case may be) (4) to be given, it shall apply to the Lord Chancellor under this paragraph.

(2) An application under this paragraph shall—
(a) be in writing;
(b) specify the purposes for which approval is sought; and
(c) be accompanied by—
(i) a copy of the amending regulations or rules or (as the case may be) of the statement mentioned in paragraph 6(2)(c) ("the statement"); and
(ii) such explanatory material as the applicant considers is likely to be needed for the implications of the alteration to be fully understood.

(3) The applicant shall provide the Lord Chancellor with such additional information as he may reasonably require.

(4) On receipt of such an application, the Lord Chancellor shall—
(a) send a copy of the application and of any documents provided under sub-paragraph (2)(c) or (3) to the Advisory Committee and to each of the designated judges; and
(b) refer the application to the Committee for advice.

Commencement Information
I28 Sch. 4 para. 8 in force 1. 4. 1991 see s. 124(3) and S.I. 1991/608, art. 2, **Sch.**

Advice of the Director General of Fair Trading

9 (1) The Lord Chancellor shall also send a copy of the documents mentioned in paragraph 8(4)(a) to the Director.

(2) The Director shall consider whether the amending regulations or rules would have, or would be likely to have, the effect of restricting, distorting or preventing competition to any significant extent.

(3) When the Director has completed his consideration he shall give such advice to the Lord Chancellor as he thinks fit.

(4) The Director may publish any advice given by him under this paragraph.

(5) The Director shall, so far as practicable, exclude from anything published under sub-paragraph (4) any matter which relates to the affairs of a particular person (other than the applicant) the publication of which would, or might in the Director's opinion, seriously and prejudicially affect the interests of that person.

Status: *Point in time view as at 14/12/1999.*
Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

Commencement Information
I29 Sch. 4 para. 9 in force 1. 4. 1991 see s. 124(3) and S.I. 1991/608, art. 2, **Sch.**

10 Section 46 shall apply in relation to the investigation of any matter with a view to its consideration under paragraph 9, as it applies in relation to the investigation of any matter under section 45.

Commencement Information
I30 Sch. 4 para. 10 in force 1. 4. 1991 see s. 124(3) and S.I. 1991/608, art. 2, **Sch.**

Approval by Lord Chancellor and designated judges

11 (1) When he has received the advice of the Advisory Committee and that of the Director, the Lord Chancellor shall send a copy of the advice to the applicant.

(2) The applicant shall be allowed a period of 28 days, beginning with the day on which the copy is sent to him, to make representations about the advice—
- (a) to the Lord Chancellor; or
- (b) where the Lord Chancellor appoints a person for the purposes of this sub-paragraph, to that person.

(3) When the period of 28 days has expired the Lord Chancellor shall consider, in the light of the advice and of any representations duly made by the applicant under sub-paragraph (2) whether the approval required by section 29(3) or (4) should be given.

(4) When the Lord Chancellor has complied with sub-paragraph (3) he shall—
- (a) send to each designated judge a copy of—
  - (i) the advice; and
  - (ii) any representations duly made by the applicant under sub-paragraph (2);
- (b) inform each designated judge as to whether he proposes to give the required approval; and
- (c) where he proposes to withhold that approval, inform each designated judge of his reason for doing so.

(5) It shall then be the duty of each designated judge to consider, in the light of the material sent to him by the Lord Chancellor under sub-paragraph (4), whether the required approval should be given.

(6) The applicant shall provide each designated judge with such additional information as may reasonably be required.

(7) If the Lord Chancellor, or any of the designated judges, is satisfied that the alteration is incompatible with the statutory objective or the general principle, he shall refuse to give the required approval.

Status: *Point in time view as at 14/12/1999.*
Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

(8) When each designated judge has discharged his duties under this paragraph he shall notify the Lord Chancellor in writing both of his decision and of his reasons for reaching it.

(9) When—

(a) the Lord Chancellor has discharged his duties under this paragraph; and

(b) the designated judges have notified him of their decisions,

the Lord Chancellor shall notify the applicant of the result of its application.

(10) If the Lord Chancellor or any of the designated judges refuses to give the required approval, the alteration in question shall not have effect.

(11) The Lord Chancellor shall, if the applicant applies to him in writing, notify the applicant of—

(a) his reasons for reaching his decision; and

(b) the reasons given by each designated judge for reaching his decision.

Commencement Information

I31 Sch. 4 para. 11 in force 1. 4. 1991 see s. 124(3) and S.I. 1991/608, art. 2, **Sch.**

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

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Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

(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
I32 Sch. 4 para. 12 in force 1. 4. 1991 see s. 124(3) and S.I. 1991/608, art. 2, **Sch.**

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
I33 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
I34 Sch. 4 para. 14 in force 1. 4. 1991 see s. 124(3) and S.I. 1991/608, art. 2, **Sch.**

Status: *Point in time view as at 14/12/1999.*
Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

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.

(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

I35 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.

Status: *Point in time view as at 14/12/1999.*
Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

Commencement Information

I36 Sch. 4 para. 16 in force 1. 4. 1991 see s. 124(3) and S.I. 1991/608, art. 2, **Sch.**

VALID FROM 01/01/2000

[F6]PART IV

REVOCATION OF DESIGNATION

Textual Amendments

F6 Sch. 4 substituted (1.1.2000) by 1999 c. 22, s. 41, **Sch. 5 para. 2** (with Sch. 14 para. 7(2)); S.I. 1999/3344, **art. 2(a)** (subject to art. 4, Sch. 2 of that S.I.)

[F7]Order in Council

Textual Amendments

F7 Sch. 4 substituted (1.1.2000) by 1999 c. 22, s. 41, **Sch. 5 para. 2** (with Sch. 14 para. 7(2)); S.I. 1999/3344, **art. 2(a)** (subject to art. 4, Sch. 2 of that S.I.)

[F8]25 (1) Where an Order in Council has been made designating a body as an authorised body for the purposes of section 27, or for the purposes of section 28, the Lord Chancellor may recommend to Her Majesty that an Order in Council be made revoking that designation.

(2) A recommendation may be made under sub-paragraph (1) only if—

(a) the authorised body has made a written request to the Lord Chancellor asking for it to be made;

(b) the authorised body has agreed in writing to its being made; or

(c) the Lord Chancellor is satisfied that the circumstances at the time when he is considering whether to make the recommendation are such that, had that body then been applying to become an authorised body, its application would have failed.

Textual Amendments

F8 Sch. 4 substituted (1.1.2000) by 1999 c.22, s. 41, **Sch. 5 para. 2** (with Sch. 14 para. 7(2)); S.I. 1999/3344, **art. 2(a)** (subject to art. 4, Sch. 2 of that S.I.)

Status: *Point in time view as at 14/12/1999.*
Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

[F9] *Requirement to seek advice*

Textual Amendments

F9 Sch. 4 substituted (1.1.2000) by 1999 c. 22, s. 41, **Sch. 5 para. 2** (with Sch. 14 para. 7(2)); S.I. 1999/3344, **art. 2(a)** (subject to art. 4, Sch. 2 of that S.I.)

[F10]26 Where the Lord Chancellor considers that it may be appropriate for him to make a recommendation in reliance on paragraph 25(2)(c), he shall seek the advice of the Consultative Panel and the Director.

Textual Amendments

F10 Sch. 4 substituted (1.1.2000) by 1999 c.22, s. 41, **Sch. 5 para. 2** (with Sch. 14 para. 7(2)); S.I. 1999/3344, **art. 2(a)** (subject to art. 4, Sch. 2 of that S.I.)

[F11] *Advice of Consultative Panel*

Textual Amendments

F11 Sch. 4 substituted (1.1.2000) by 1999 c. 22, s. 41, **Sch. 5 para. 2** (with Sch. 14 para. 7(2)); S.I. 1999/3344, **art. 2(a)** (subject to art. 4, Sch. 2 of that S.I.)

[F12]27 (1) The Consultative Panel shall carry out such investigations with respect to the authorised body as it considers appropriate.

(2) The Lord Chancellor and the authorised body shall provide the Consultative Panel with such additional information as it may reasonably require.

(3) When the Consultative Panel has completed its investigations it shall—

(a) advise the Lord Chancellor as to whether or not there appear to be grounds for making the recommendation; 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 included in any Order made in pursuance of it.

(4) The Consultative Panel shall publish any advice given by it under this paragraph.

Textual Amendments

F12 Sch. 4 substituted (1.1.2000) by 1999 c.22, s. 41, **Sch. 5 para. 2** (with Sch. 14 para. 7(2)); S.I. 1999/3344, **art. 2(a)** (subject to art. 4, Sch. 2 of that S.I.)

Status: *Point in time view as at 14/12/1999.*
Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

[F13] *Advice of Director General of Fair Trading*

Textual Amendments

F13 Sch. 4 substituted (1.1.2000) by 1999 c. 22, s. 41, **Sch. 5 para. 2** (with Sch. 14 para. 7(2)); S.I. 1999/3344, **art. 2(a)** (subject to art. 4, Sch. 2 of that S.I.)

[F14] 28 (1) The Director shall consider whether revoking the designation would have, or be likely to have, any significant effect on competition.

(2) The Lord Chancellor and the authorised body shall provide the Director with such additional information as he may reasonably require.

(3) When the Director has completed his consideration he shall give such advice to the Lord Chancellor as he thinks fit.

(4) The Director shall publish any advice given by him under this paragraph.

(5) The Director shall, so far as practicable, exclude from anything published under sub-paragraph (4) any matter which relates to the affairs of a particular person (other than the authorised body) the publication of which would, or might in the Director's opinion, seriously and prejudicially affect the interests of that person.

(6) Section 46 shall apply in relation to the investigation of any matter with a view to its consideration under this paragraph as it applies in relation to the investigation of any matter under section 45.

Textual Amendments

F14 Sch. 4 substituted (1.1.2000) by 1999 c.22, s. 41, **Sch. 5 para. 2** (with Sch. 14 para. 7(2)); S.I. 1999/3344, **art. 2(a)** (subject to art. 4, Sch. 2 of that S.I.)

[F15] *Notice to authorised body*

Textual Amendments

F15 Sch. 4 substituted (1.1.2000) by 1999 c. 22, s. 41, **Sch. 5 para. 2** (with Sch. 14 para. 7(2)); S.I. 1999/3344, **art. 2(a)** (subject to art. 4, Sch. 2 of that S.I.)

[F16] 29 (1) When the Lord Chancellor has received the advice of the Consultative Panel and the Director, he may give to the body a notice containing—

(a) a copy of the advice; and

(b) a statement of the effect of an Order made in pursuance of the recommendation.

(2) The notice shall invite the authorised body to make representations in writing to the Lord Chancellor.

(3) Any such representations must be made before the end of—

Status: *Point in time view as at 14/12/1999.*
Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

(a) the period of three months beginning with the date on which the notice was given; or

(b) such other period as the authorised body and the Lord Chancellor may agree.

Textual Amendments

F16 Sch. 4 substituted (1.1.2000) by 1999 c.22, s. 41, **Sch. 5 para. 2** (with Sch. 14 para. 7(2)); S.I. 1999/3344, **art. 2(a)** (subject to art. 4, Sch. 2 of that S.I.)

[F17]*Notice to members of authorised body*

Textual Amendments

F17 Sch. 4 substituted (1.1.2000) by 1999 c. 22, s. 41, **Sch. 5 para. 2** (with Sch. 14 para. 7(2)); S.I. 1999/3344, **art. 2(a)** (subject to art. 4, Sch. 2 of that S.I.)

[F18]30 (1) Where the Lord Chancellor—

(a) has given a notice to an authorised body under paragraph 29(1); or

(b) is proposing to make a recommendation in relation to an authorised body in reliance on paragraph 25(2)(a) or (b),

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 an Order made in pursuance of the recommendation.

(2) Any such steps shall include inviting those members and other persons to make representations to the Lord Chancellor.

(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 specified by the Lord Chancellor.

Textual Amendments

F18 Sch. 4 substituted (1.1.2000) by 1999 c.22, s. 41, **Sch. 5 para. 2** (with Sch. 14 para. 7(2)); S.I. 1999/3344, **art. 2(a)** (subject to art. 4, Sch. 2 of that S.I.)

[F19]*Advice of designated judges*

Textual Amendments

F19 Sch. 4 substituted (1.1.2000) by 1999 c. 22, s. 41, **Sch. 5 para. 2** (with Sch. 14 para. 7(2)); S.I. 1999/3344, **art. 2(a)** (subject to art. 4, Sch. 2 of that S.I.)

Status: *Point in time view as at 14/12/1999.*
Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

[F20]31 (1) The Lord Chancellor shall send to each of the designated judges—

(a) a copy of any written representations made under paragraph 30 and a note of any oral representations made under that paragraph; and

(b) in a case where he is required to seek the advice of the Consultative Panel and the Director, a copy of the advice given to him by the Consultative Panel and the Director and of any representations made under paragraph 29.

(2) Each of the designated judges shall then consider whether the Lord Chancellor should make the recommendation.

(3) The Lord Chancellor and the authorised body shall provide each of the designated judges with such additional information as he may reasonably require.

(4) When each of the designated judges has completed his consideration he shall give such advice to the Lord Chancellor as he thinks fit.

Textual Amendments

F20 Sch. 4 substituted (1.1.2000) by 1999 c.22, s. 41, **Sch. 5 para. 2** (with Sch. 14 para. 7(2)); S.I. 1999/3344, **art. 2(a)** (subject to art. 4, Sch. 2 of that S.I.)

[F21]Consideration by Lord Chancellor

Textual Amendments

F21 Sch. 4 substituted (1.1.2000) by 1999 c. 22, s. 41, **Sch. 5 para. 2** (with Sch. 14 para. 7(2)); S.I. 1999/3344, **art. 2(a)** (subject to art. 4, Sch. 2 of that S.I.)

[F22]32 Before deciding whether to make the recommendation the Lord Chancellor shall consider—

(a) any representations made under paragraph 30 and the advice given by each of the designated judges; and

(b) in a case where he is required to seek the advice of the Consultative Panel and the Director, the advice given to him by the Consultative Panel and the Director and of any representations made under paragraph 29.

Textual Amendments

F22 Sch. 4 substituted (1.1.2000) by 1999 c.22, s. 41, **Sch. 5 para. 2** (with Sch. 14 para. 7(2)); S.I. 1999/3344, **art. 2(a)** (subject to art. 4, Sch. 2 of that S.I.)

[F23]The Order

Textual Amendments

F23 Sch. 4 substituted (1.1.2000) by 1999 c. 22, s. 41, **Sch. 5 para. 2** (with Sch. 14 para. 7(2)); S.I. 1999/3344, **art. 2(a)** (subject to art. 4, Sch. 2 of that S.I.)

Status: *Point in time view as at 14/12/1999.*
Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

[F24]33 (1) An Order made in pursuance of a recommendation under paragraph 25 may include any appropriate transitional and incidental provision.

(2) Where an Order is made in relation to a body in pursuance of such a recommendation, the grant of any rights of audience, or rights to conduct litigation, to any person by the body shall cease to have effect, subject to any transitional provision included in the Order.

(3) Where such an Order is made, the Lord Chancellor shall—

(a) give the body written notice of the making of the Order and of his reasons for recommending that it be made;

(b) take such steps as are reasonably practicable to bring the making of the Order to the attention of the members of that body; and

(c) publish notice of the making of the Order in such manner as he considers appropriate for bringing it to the attention of persons (other than those members) who, in his opinion, are likely to be affected by the Order.

Textual Amendments

F24 Sch. 4 substituted (1.1.2000) by 1999 c.22, s. 41, **Sch. 5 para. 2** (with Sch. 14 para. 7(2)); S.I. 1999/3344, **art. 2(a)** (subject to art. 4, Sch. 2 of that S.I.)

[F25]SCHEDULE 5

Section 34(8).

THE AUTHORISED CONVEYANCING PRACTITIONERS BOARD

Textual Amendments

F25 Sch. 5 repealed (prosp.) by Legal Services Act 2007 (c. 29), ss. 208, 210, 211, Sch. 21 para. 100(b), **Sch. 23** (with ss. 29, 192, 193)

Appointment of members

1 (1) Every member of the Board—

(a) shall be appointed for such term, not exceeding three years, as the Lord Chancellor may specify; and

(b) shall hold and vacate office in accordance with the terms of his appointment.

(2) Any person who ceases to be a member of the Board shall be eligible for re-appointment.

(3) A member of the Board may at any time resign his office by giving notice in writing to the Lord Chancellor.

(4) The Lord Chancellor may remove a member of the Board if satisfied—

(a) that he has failed to carry out his duties;

Status: *Point in time view as at 14/12/1999.*
Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

(b) that a bankruptcy order has been made against him or that his estate has been sequestrated or that he has made a composition or arrangement with, or granted a trust deed for, his creditors; or

(c) that he is otherwise unable or unfit to discharge the functions of a member of the Board.

Commencement Information

I37 Sch. 5 para. 1 in force 1. 4. 1991 see s. 124(3) and S.I. 1991/608, art. 2, **Sch.**

Proceedings of the Board

2 The Board may regulate its own procedure.

Commencement Information

I38 Sch. 5 para. 2 in force 1. 4. 1991 see s. 124(3) and S.I. 1991/608, art. 2, **Sch.**

Delegation of powers

3 Anything authorised or required by or under any enactment to be done by the Board, other than the making of rules, may be done—

(a) by any member of the Board, or of the Board's staff, who has been authorised for the purpose, whether generally or specifically, by the Board; or

(b) by any committee or sub-committee of the Board which has been so authorised.

Commencement Information

I39 Sch. 5 para. 3 in force 1. 4. 1991 see s. 124(3) and S.I. 1991/608, art. 2, **Sch.**

Vacancies and defective appointments

4 The validity of any proceedings of the Board shall not be affected by a vacancy amongst the members or by any defect in the appointment of a member.

Commencement Information

I40 Sch. 5 para. 4 in force 1. 4. 1991 see s. 124(3) and S.I. 1991/608, art. 2, **Sch.**

Status: *Point in time view as at 14/12/1999.*
Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

Application of seal and proof of instruments

5 The application of the seal of the Board shall be authenticated by the signature of—

(a) the Chairman or any other member of the Board; and

(b) a member of the Board's staff who has been authorised by the Board for the purpose, whether generally or specifically.

Commencement Information

I41 Sch. 5 para. 5 in force 1. 4. 1991 see s. 124(3) and S.I. 1991/608, art. 2, **Sch.**

Documents served etc. by the Board

6 (1) Any document which the Board is authorised or required by or under any enactment to serve, make or issue may be signed on behalf of the Board by any member of the Board or of its staff who has been authorised for the purpose, whether generally or specifically, by the Board.

(2) Every document purporting to be an instrument made or issued by or on behalf of the Board and—

(a) to be duly executed under the seal of the Board; or

(b) to be signed or executed by a person authorised by the Board for the purpose,

shall be received in evidence and treated, without further proof, as being so made or issued unless the contrary is proved.

Commencement Information

I42 Sch. 5 para.6 in force 1. 4. 1991 see s. 124(3) and S.I. 1991/608, art. 2, **Sch.**

Remuneration

7 (1) The Board shall pay to its members such remuneration, and such travelling and other allowances, as it may determine.

(2) If a member of the Board ceases to hold office and it appears to the Board that there are special circumstances which make it right that he should receive compensation, the Board may pay him such sum as it may determine.

Commencement Information

I43 Sch. 5 para. 7 in force 1. 4. 1991 see s. 124(3) and S.I. 1991/608, art. 2, **Sch.**

Status: *Point in time view as at 14/12/1999.*
Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

Staff

8 (1) The Board may appoint such staff, and shall pay them such remuneration, as it may determine.

(2) The Board may, as regards any of its staff—

(a) pay to or in respect of them such pensions, allowances or gratuities, as it may determine; or

(b) provide and maintain for them such schemes (whether or not contributory) for the payment to or in respect of them of such pensions, allowances or gratuities, as it may determine.

(3) The references in sub-paragraph (2) to pensions, allowances or gratuities include references to pensions, allowances or gratuities by way of compensation to or in respect of any of the Board's staff who suffer loss of employment or loss or diminution of emoluments.

Commencement Information

I44 Sch. 5 para. 8 in force 1. 4. 1991 see s. 124(3) and S.I. 1991/608, art. 2, **Sch.**

Accounts

9 (1) The Board shall keep proper accounts of all sums received and paid by it and proper records in relation to those accounts.

(2) The Board shall appoint auditors and cause its accounts to be audited annually by the auditors.

(3) As soon as is practicable after the accounts for any period have been audited, the Board shall cause them to be published and shall send a copy of them to the Lord Chancellor together with a copy of any report of the auditors on the accounts.

[[F26](4) No person shall be appointed as an auditor under this paragraph unless he is eligible for appointment as a company auditor under section 25 of the Companies Act 1989 or is a member of the Chartered Institute of Public Finance and Accountancy.**]**

Textual Amendments

F26 Sch. 5 para. 9(4) and (5) substituted (1.10.1991) by S.I. 1991/1997, reg. 2, **Sch. para. 76(3)**

Commencement Information

I45 Sch. 5 para. 9 in force 1. 4. 1991 see s. 124(3) and S.I. 1991/608, art. 2, **Sch.**

Annual report of Board

10 (1) The Board shall submit to the Lord Chancellor an annual report on the discharge of its functions.

Status: *Point in time view as at 14/12/1999.*
Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

(2) The Lord Chancellor shall lay the Board's annual report before Parliament.

Commencement Information
I46 Sch. 5 para. 10 in force 1. 4. 1991 see s. 124(3) and S.I. 1991/608, art. 2, **Sch.**

Parliamentary disqualification etc.

11 (1) In Part II of Schedule 1 to the [M5]House of Commons Disqualification Act 1975 (bodies of which all members are disqualified) the following entry shall be inserted at the appropriate place— " The Authorised Conveyancing Practitioners Board ".

(2) The same entry shall be inserted at the appropriate place in Part II of Schedule 1 to the [M6]Northern Ireland Assembly Disqualification Act 1975.

Commencement Information
I47 Sch. 5 para. 11 in force 1. 4. 1991 see s. 124(3) and S.I. 1991/608, art. 2, **Sch.**

Marginal Citations
M5 1975 c. 24.
M6 1975 c. 25.

[F27]SCHEDULE 6

Section 41.

THE CONVEYANCING APPEAL TRIBUNALS

Textual Amendments
F27 Sch. 6 repealed (prosp.) by Legal Services Act 2007 (c. 29), ss. 208, 210, 211, Sch. 21 para. 100(c), **Sch. 23** (with ss. 29, 192, 193)

Powers of Tribunals

1 (1) A Tribunal hearing any appeal shall have power to—
(a) investigate the facts on which the decision appealed against was based;
(b) order the production of documents which it considers are relevant to the appeal;
(c) summon witnesses;
(d) consider fresh evidence, including evidence which could have been produced to the Board before it made the decision in question;
(e) admit any evidence which it considers is relevant to the hearing even though it would not be admissible in proceedings before a court.

Status: *Point in time view as at 14/12/1999.*
Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

(2) On determining any appeal, a Tribunal may—
- (a) confirm, reverse or vary any decision of the Board which is the subject of the appeal; or
- (b) remit the case to the Board with directions as to the action to be taken by the Board.

Procedure of Tribunals

2 (1) The Lord Chancellor may by regulations make provision with respect to the making of appeals to, and the procedure to be followed by, Tribunals.

(2) The regulations may, in particular, make provision—
- (a) as to the period within which appeals must be brought;
- (b) for the holding of hearings in private in prescribed circumstances;
- (c) as to the persons who may appear on behalf of the parties;
- (d) for enabling hearings to be conducted even though a member of the Tribunal, other than the Chairman, is absent;
- (e) as to the disclosure by the appellant, and others, of documents and the inspection of documents;
- (f) requiring persons to attend the proceedings and give evidence;
- (g) as to the payment of expenses incurred by persons compelled to attend proceedings by regulations made by virtue of paragraph (f);
- (h) authorising the administration of oaths to witnesses;
- (i) as to the withdrawal of appeals;
- (j) as to costs and expenses incurred by any party to the proceedings; and
- (k) authorising preliminary or incidental matters in relation to an appeal to be dealt with by the Chairman of the Tribunal hearing that appeal.

Staff

3 (1) The Lord Chancellor may, with the consent of the Treasury, make such provision as he thinks fit for—
- (a) the allocation of staff for any Tribunal;
- (b) the remuneration of members of Tribunals and the reimbursement of their expenses;
- (c) defraying any reasonable expenses incurred by any Tribunal.

(2) Any sums payable under any provision made by the Lord Chancellor under sub-paragraph (1) shall be paid out of money provided by Parliament.

Status: *Point in time view as at 14/12/1999.*
Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

[F28]SCHEDULE 7

Section 43(4).

THE CONVEYANCING OMBUDSMAN SCHEME

Textual Amendments

F28 Sch. 7 repealed (prosp.) by Legal Services Act 2007 (c. 29), ss. 208, 210, 211, Sch. 21 para. 100(d), **Sch. 23** (with ss. 29, 192, 193)

1 In this Schedule "the scheme" means the "Conveyancing Ombudsman Scheme" established by rules made under section 43(1).

2 The scheme may provide—

(a) for the Conveyancing Ombudsman to appoint his staff; and

(b) for the establishment and functioning of an independent body (whether corporate or unincorporate) to administer the scheme.

3 (1) The scheme may provide for the Conveyancing Ombudsman—

(a) to pay, as regards any of his staff, such remuneration and travelling and other allowances as he may determine with the approval of the Board; and

(b) to pay such pensions, allowances or gratuities to or in respect of any of his staff as may be so determined.

(2) The reference in sub-paragraph (1) to pensions, allowances or gratuities includes a reference to pensions, allowances or gratuities by way of compensation to or in respect of any of the Conveyancing Ombudsman's staff who suffer loss of employment or loss or diminution of emoluments.

4 The jurisdiction of the Conveyancing Ombudsman shall be determined by the scheme.

5 The scheme may provide for the Conveyancing Ombudsman not to have jurisdiction to investigate complaints unless—

(a) the procedure for investigating complaints which is maintained by the authorised practitioner against whom the complaint is made has been exhausted; or

(b) the Conveyancing Ombudsman considers that the circumstances of the case are such as to justify his investigating the complaint before that procedure has been exhausted.

6 The scheme shall require the Conveyancing Ombudsman to investigate any complaint which falls within his jurisdiction and which is properly made to him in accordance with the provisions of the scheme.

Status: *Point in time view as at 14/12/1999.*
Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

7 The scheme may empower the Conveyancing Ombudsman, when investigating any complaint, to investigate the subject matter of the complaint as well as the way in which it has been handled by the authorised practitioner concerned.

8 The scheme shall—

(a) confer on the Conveyancing Ombudsman power to require—

(i) information and documents relevant to any investigation under the scheme to be furnished to him;

(ii) the payment by an authorised practitioner of compensation where loss has been suffered by, or inconvenience or distress has been caused to, any person as a result of any matter in respect of which a complaint made against that practitioner has been investigated under the scheme;

(b) provide for an authorised practitioner against whom a determination has been made by the Conveyancing Ombudsman, on an investigation under the scheme, to be relieved of the obligation to comply with that determination on publishing, in such manner as may be required by the scheme, details of the determination and of the practitioner's reasons for failing to comply with it.

9 The scheme may provide that compensation which the Conveyancing Ombudsman may require to be paid by virtue of any provision made under paragraph 8(a)(ii) is not to exceed a specified amount.

10 Subject to paragraphs 11 and 12, a determination of the Conveyancing Ombudsman under the scheme which is, by virtue of the complainant's acceptance of it, binding on the authorised practitioner concerned shall be final and shall not be questioned in any court of law.

11 Paragraph 10 does not apply where the authorised practitioner concerned is, by provisions of the scheme made by virtue of paragraph 8(b), relieved of the obligation to comply with the Conveyancing Ombudsman's determination.

12 Where a determination of the Conveyancing Ombudsman is binding on an authorised practitioner, the Conveyancing Ombudsman shall, at the request of that practitioner, state a case for the opinion of the High Court on any question of law.

13 Where a case is so stated the High Court may direct the Conveyancing Ombudsman to reconsider the complaint.

14 A decision of the High Court under paragraph 13 shall be treated as a judgment of the High Court within the meaning of section 16 of the [M7]Supreme Court Act 1981 (jurisdiction of Court of Appeal to hear and determine appeals).

Status: *Point in time view as at 14/12/1999.*
Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

Marginal Citations

M7 1981 c. 54.

15 No appeal shall lie from any decision of the High Court under paragraph 13 without the leave of the Court of Appeal.

16 Nothing in this Schedule is to be taken as prejudicing the generality of the power to make rules under section 43.

SCHEDULE 8

Section 53.

LICENSED CONVEYANCERS

PART I

ADDITIONAL POWERS OF COUNCIL FOR LICENSED CONVEYANCERS IN CONNECTION WITH SECTIONS 27, 28, AND 53

General

1 In this Schedule—

"the [M8]Act of 1985" means the Administration of Justice Act 1985;

"advocacy licence" means a licence issued under section 53 and constituting the grant by the Council to the licensed conveyancer concerned of a right of audience;

"the Council" means the Council for Licensed Conveyancers;

"the Discipline and Appeals Committee" means the committee established under section 25 of the Act of 1985;

"litigation licence" means a licence issued under section 53 and constituting the grant by the Council to the licensed conveyancer concerned of a right to conduct litigation;

"probate licence" means a licence issued under section 53 and constituting the grant by the Council to the licensed conveyancer concerned of an exemption under section 55; and

"relevant licence" means a licence under Part II of the Act of 1985 or an advocacy, litigation or probate licence.

Commencement Information

I48 Sch. 8 Pt. 1 para. 1 wholly in force at 7.12.2004; Sch. 8 Pt. 1 para. 1 in force at 1.4.1991 (except in so far as it relates to certain exemptions under section 55) see s. 124(3) and S.I. 1991/608, art. 2, Sch.; Sch. 8 Pt. 1 para. 1 otherwise in force at 7.12.2004 by S.I. 2004/2950, **art. 2**

Status: *Point in time view as at 14/12/1999.*
Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

Marginal Citations

M8 1985 c. 61.

Qualification regulations and rules of conduct

2 (1) For the purpose of exercising the powers conferred by section 53 the Council may make such qualification regulations and rules of conduct as it considers appropriate in connection with the granting of the rights or exemption in question.

(2) In making any such regulations or rules the Council may, in particular, do anything which it has power to do in making rules under section 13 of the Act of 1985 (training rules).

Commencement Information

I49 Sch. 8 para. 2 wholly in force at 7.12.2004; Sch. 8 para. 2 in force at 1.4.1991 (except in so far as it relates to certain exemptions under section 55) see s. 124(3) and S.I. 1991/608, art. 2, Sch.; Sch. 8 para. 2 otherwise in force at 7.12.2004 by S.I. 2004/2950, **art. 2**

Applications for licences

3 (1) An application for an advocacy licence, litigation licence or probate licence shall be made to the Council in such manner, and shall be accompanied by such fee, as may be prescribed by rules made by the Council under this paragraph.

(2) Any such rules—

(a) may prescribe the forms to be used in connection with applications for any such licence; and

(b) may provide for applications of any description specified in the rules to be exempt from any of the requirements of the rules.

(3) Rules made under section 14 of the Act of 1985 and this paragraph may make provision with respect to applications for composite licences.

Commencement Information

I50 Sch. 8 Pt. 1 para. 3 wholly in force at 7.12.2004; Sch. 8 Pt. 1 para. 3 in force at 1.4.1991 (except in so far as it relates to certain exemptions under section 55) see s. 124(3) and S.I. 1991/608, art. 2, Sch.; Sch. 8 Pt. 1 para. 3 otherwise in force at 7.12.2004 by S.I. 2004/2950, **art. 2**

Issue of licences

4 (1) If, on an application for an advocacy, litigation or probate licence, the Council is satisfied that—

(a) the applicant has complied with such qualification regulations, rules of conduct or other requirements as are applicable in his case in relation to the licence applied for;

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(b) that he has made adequate arrangements for the purpose of complying with any provisions which are applicable in his case in relation to the licence applied for; and

(c) that he is a fit and proper person to provide the advocacy, litigation or probate services in question,

the Council may issue the applicant either with a licence free of conditions or with a licence subject to such conditions as it sees fit to impose.

(2) If the Council is for any reason not so satisfied, or for any other reason refuses the application, it shall notify the applicant of its refusal and of the grounds on which the application has been refused.

(3) Subsections (3) to (6) of section 15 of the Act of 1985 (issue of licences under section 14 of that Act) shall apply, with the necessary modifications, with respect to any application under paragraph 3 and any licence in force under section 53 as they apply with respect to any application under section 14 of that Act and any licence under Part II of that Act.

Commencement Information

I51 Sch. 8 Pt. 1 para. 4 wholly in force at 7.12.2004; Sch. 8 Pt. 1 para. 4 in force at 1.4.1991 (except in so far as it relates to certain exemptions under section 55) see s. 124(3) and S.I. 1991/608, art. 2, Sch.; Sch. 8 Pt. 1 para. 4 otherwise in force at 7.12.2004 by S.I. 2004/2950, **art. 2**

Conditional licences

5 (1) This paragraph has effect in any case where a person applies for an advocacy, litigation or probate licence—

(a) for the first time;

(b) when a licence of the kind applied for which has previously been held by him has been subject to conditions;

(c) when, on the first day of the period to which the licence applied for would (if granted) relate, a period of twelve months or more will have elapsed since he held a licence of that kind;

(d) after the Discipline and Appeals Committee have made any order in his case under section 26 of the Act of 1985.

(2) This paragraph also has effect in any case where a person applies for such a licence and any of the circumstances mentioned in paragraphs (e) to (j) of section 16 of the Act of 1985 (conditional licences) apply in his case.

(3) Sub-paragraphs (1) and (2) are subject to subsection (4) of section 16 of the Act of 1985, as applied by sub-paragraph (7) of this paragraph.

(4) In any case where this paragraph has effect the Council may, on issuing an advocacy, litigation or probate licence to the applicant, issue it subject to such conditions as the Council thinks fit.

(5) The Council's decision in any such case to impose any particular conditions under this paragraph may be made by reference to such criteria of general application as may have been determined by the Council.

Status: *Point in time view as at 14/12/1999.*
Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

(6) Without prejudice to the generality of sub-paragraph (4), conditions may be imposed under that sub-paragraph—

(a) for restricting the kinds of service that may be provided by the applicant by virtue of his having the advocacy, litigation or probate licence in question; or

(b) for requiring the applicant to take any specified steps that will, in the opinion of the Council, be conducive to his carrying on an efficient practice as a licensed conveyancer who provides the additional services authorised by that licence,

and conditions may be imposed under that sub-paragraph (whether for the purposes mentioned in paragraph (b) or otherwise) as they may be under Part II of the Act of 1985.

(7) Subsections (4) and (5) of section 16 of the Act of 1985 shall have effect, with the necessary modifications, with respect to an advocacy, litigation or probate licence as they have effect with respect to a licence issued under Part II of that Act.

Commencement Information

I52 Sch. 8 Pt. 1 para. 5 wholly in force at 7.12.2004; Sch. 8 Pt. 1 para. 5 in force at 1.4.1991 (except in so far as it relates to certain exemptions under section 55) see s. 124(3) and S.I. 1991/608, art. 2, Sch.; Sch. 8 Pt. 1 para. 5 otherwise in force at 7.12.2004 by S.I. 2004/2950, **art. 2**

Register of licensed conveyancers

6 (1) Where an advocacy, litigation or probate licence is in force with respect to a licensed conveyancer, the Council shall enter details of the licence in the appropriate place in the register of licensed conveyancers maintained by it under section 19 of the Act of 1985.

(2) The Council shall accordingly cause the appropriate entries to be made on the issue of any advocacy, litigation or probate licence and deletions on any such licence ceasing to be in force.

(3) Where any such licence is for the time being suspended, the Council shall cause that fact to be noted in the register against the name of the licensed conveyancer concerned.

Commencement Information

I53 Sch. 8 Pt. 1 para. 6 wholly in force at 7.12.2004; Sch. 8 Pt. 1 para. 6 in force at 1.4.1991 (except in so far as it relates to certain exemptions under section 55) see s. 124(3) and S.I. 1991/608, art. 2, Sch.; Sch. 8 Pt. 1 para. 6 otherwise in force at 7.12.2004 by S.I. 2004/2950, **art. 2**

Code of conduct

7 (1) The rules made by the Council under section 20 of the Act of 1985 (rules as to professional practice, conduct and discipline) shall also be made in pursuance of the Council's general duty under section 53(5).

Status: *Point in time view as at 14/12/1999.*
Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

(2) Those rules may also provide for regulating the association of licensed conveyancers with respect to whom advocacy, litigation or probate licences are in force, with other persons in connection with the provision of advocacy, litigation or (as the case may be) probate services to members of the public.

Commencement Information

I54 Sch. 8 Pt. 1 para. 7 wholly in force at 7.12.2004; Sch. 8 Pt. 1 para. 7 in force at 1.4.1991 (except in so far as it relates to certain exemptions under section 55) see s. 124(3) and S.I. 1991/608, art. 2, Sch.; Sch. 8 Pt. 1 para. 7 otherwise in force at 7.12.2004 by S.I. 2004/2950, **art. 2**

Effect of suspension or disqualification under Part II of the Act of 1985

8 Where a licence issued under Part II of the Act of 1985 ceases to be in force (whether because it is suspended or the licensed conveyancer concerned is disqualified from holding such a licence or for any other reason), any advocacy, litigation or probate licence in force with respect to that licensed conveyancer at the time shall cease to have effect to the same extent as the licence under Part II of the Act of 1985.

Commencement Information

I55 Sch. 8 Pt. 1 para. 8 wholly in force at 7.12.2004; Sch. 8 Pt. 1 para. 8 in force at 1.4.1991 (except in so far as it relates to certain exemptions under section 55) see s. 124(3) and S.I. 1991/608, art. 2, Sch.; Sch. 8 Pt. 1 para. 8 otherwise in force at 7.12.2004 by S.I. 2004/2950, **art. 2**

Removal of disqualification from holding a licence

9 (1) Where the Discipline and Appeals Committee have made any order directing that a licensed conveyancer shall be disqualified (either permanently or during a specified period) from holding an advocacy licence, a litigation licence or a probate licence, he shall not, while his disqualification continues in force, be issued with a licence of a kind to which the disqualification relates unless the Committee, on an application made to them in that behalf, direct otherwise.

(2) An application under this paragraph shall not be made to the Committee—

(a) within ten months of the date of the Committee's order relating to the kind of licence in question; or

(b) within ten months of a previous such application by the licensed conveyancer concerned with respect to that kind of licence.

Commencement Information

I56 Sch. 8 Pt. 1 para. 9 wholly in force at 7.12.2004; Sch. 8 Pt. 1 para. 9 in force at 1.4.1991 (except in so far as it relates to certain exemptions under section 55) see s. 124(3) and S.I. 1991/608, art. 2, Sch.; Sch. 8 Pt. 1 para. 9 otherwise in force at 7.12.2004 by S.I. 2004/2950, **art. 2**

Status: *Point in time view as at 14/12/1999.*
Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

Revocation on grounds of error or fraud

10 (1) Where the Discipline and Appeals Committee are satisfied that a relevant licence was issued to any person as a result of any error, or as a result of fraud on the part of that person, they may if they think fit by order revoke that licence and any other relevant licence issued to that person.

(2) Where a person has had a relevant licence which was held by him revoked, he shall not be issued with any relevant licence except on the advice of the Committee given to the Council as the result of an application made by that person to the Committee.

(3) On any such application the Committee may, if they think fit, direct that the applicant shall be disqualified from holding any relevant licence, or a relevant licence of a specified kind, until the expiry of such period as may be specified in the direction.

(4) Paragraph 9 shall apply in relation to a direction under sub-paragraph (3) as it applies in relation to any direction of a kind mentioned in sub-paragraph (1) of that paragraph.

Commencement Information

I57 Sch. 8 Pt. 1 para. 10 wholly in force at 7.12.2004; Sch. 8 Pt. 1 para. 10 in force at 1.4.1991 (except in so far as it relates to certain exemptions under section 55) see s. 124(3) and S.I. 1991/608, art. 2, Sch.; Sch. 8 Pt. 1 para. 10 otherwise in force at 7.12.2004 by S.I. 2004/2950, **art. 2**

Recognised bodies

11 Section 32 of the Act of 1985 (provision of conveyancing services by recognised bodies) shall have effect as if the references to conveyancing services included references to advocacy, litigation or probate services.

Commencement Information

I58 Sch. 8 Pt. 1 para. 11 wholly in force at 7.12.2004; Sch. 8 Pt. 1 para. 11 in force at 1.4.1991 (except in so far as it relates to certain exemptions under section 55) see s. 124(3) and S.I. 1991/608, art. 2, Sch.; Sch. 8 Pt. 1 para. 11 otherwise in force at 7.12.2004 by S.I. 2004/2950, **art. 2**

PART II

AMENDMENTS OF PROVISIONS RELATING TO POWERS OF COUNCIL ETC.

Delegation of powers etc.

12 (1) Subject to any provision to the contrary made by or under any enactment, the Council may arrange for any of its functions (other than those of making rules, schemes or standing orders under Part II of the Act of 1985) to be discharged—

(a) by a committee of the Council; or

Status: *Point in time view as at 14/12/1999.*
Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

(b) by a member of the Council's staff.

(2) The Council may make rules providing for functions conferred by Part II of the Act of 1985 on any committee established under that Part to be discharged by a committee established under this paragraph.

(3) In exercising its powers under sub-paragraphs (1) or (2), the Council may impose restrictions or conditions on the committee by which the functions concerned are to be discharged.

(4) The Council may make rules providing for any of its committees (including one established under Part II of the Act of 1985) to refer any matter of a kind specified in the rules, in such circumstances as may be so specified, to any other such committee, or to the Council.

(5) Where any matter is referred under sub-paragraph (4) to a committee of the Council or to the Council, that committee or (as the case may be) the Council shall have the same power to deal with it as the committee referring it.

(6) The number of members of a committee established under this paragraph, and the terms on which they are to hold and vacate office, shall be fixed by the Council.

(7) A committee established under this paragraph may include persons who are not members of the Council (whether licensed conveyancers or not) but a majority of the members of any such committee (including the chairman) shall be members of the Council.

(8) The validity of any proceedings of such a committee shall not be affected by any casual vacancy among its members.

(9) Any rules made under this paragraph—

(a) may make such incidental and supplemental provision as the Council considers appropriate; and

(b) may make different provision for different circumstances.

Commencement Information

I59 Sch. 8 para. 12 in force 1.4.1991 (except in so far as it relates to certain exemptions under section 55) see s. 124(3) and S.I. 1991/608, art. 2, **Sch.**

Council's intervention powers

13 (1) Subject to sub-paragraph (2), the powers conferred by Part II of Schedule 5 to the Act of 1985 (intervention in licensed conveyancer's practice) shall also be exercisable where—

(a) the Council is satisfied that a sole licensed conveyancer has abandoned his practice; or

(b) the Council is satisfied that a licensed conveyancer has been practising in breach of any condition imposed on him in connection with any relevant licence of his.

(2) The powers—

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(a) conferred by Part II of Schedule 5 to the Act of 1985; and
(b) exercisable by virtue of sub-paragraph (1)(b),

shall only be exercised if the Council has given the licensed conveyancer notice in writing that it is satisfied as mentioned in sub-paragraph (1)(b) and also (at the same or any later time) notice in writing that the powers conferred by Part II of that Schedule are accordingly exercisable in his case.

Commencement Information

I60 Sch. 8 para. 13 in force 1.4.1991 (except in so far as it relates to certain exemptions under section 55) see s. 124(3) and S.I. 1991/608, art. 2, **Sch.**

Inadequate professional services

14 (1) The Council may take any of the steps mentioned in paragraph 15 (“the steps") with respect to a licensed conveyancer where it appears to it that the professional services provided by him in connection with any matter in which he or his firm has been instructed by a client have, in any respect, not been of the quality which it is reasonable to expect of him as a licensed conveyancer.

(2) The Council shall not take any of the steps unless it is satisfied that in all the circumstances of the case it is appropriate to do so.

(3) In determining in any case whether it is appropriate to take any of the steps, the Council may—
(a) have regard to the existence of any remedy which it is reasonable to expect to be available to the client in civil proceedings; and
(b) where proceedings seeking any such remedy have not been begun by him, have regard to whether it is reasonable to expect him to begin them.

(4) The Council’s powers under this paragraph are exercisable in relation to a person who was, at the material time, a licensed conveyancer even though he is no longer a licensed conveyancer and references to a licensed conveyancer in this paragraph and paragraphs 15 to 20, so far as they relate to the exercise of those powers, shall be construed accordingly.

Commencement Information

I61 Sch. 8 para. 14 in force 1.4.1991 (except in so far as it relates to certain exemptions under section 55) see s. 124(3) and S.I. 1991/608, art. 2, **Sch.**

Inadequate professional services: steps that may be taken

15 (1) The steps are—
(a) determining that the costs to which the licensed conveyancer is entitled in respect of his services (“the costs") are to be limited to such amount as may be specified in the determination and directing him to comply, or to secure compliance, with such one or more of the permitted requirements as

appear to the Council to be necessary in order for effect to be given to its determination;

(b) directing him to secure the rectification, at his expense or at that of his firm, of any such error, omission or other deficiency arising in connection with the matter in question as it may specify;

(c) directing him to pay such compensation to the client as the Council sees fit to specify in the direction;

(d) directing him to take, at his expense or at that of his firm, such other action in the interests of the client as it may specify.

(2) The "permitted requirements" are—

(a) that the whole or part of any amount already paid by or on behalf of the client in respect of the costs be refunded;

(b) that the whole or part of the costs be remitted;

(c) that the right to recover the costs be waived, whether wholly or to any specified extent.

(3) The power of the Council to take any such steps is not confined to cases where the client may have a cause of action against the licensed conveyancer for negligence.

Commencement Information

I62 Sch. 8 para. 15 in force 1.4.1991 (except in so far as it relates to certain exemptions under section 55) see s. 124(3) and S.I. 1991/608, art. 2, **Sch.**

Inadequate professional services: compensation

16 (1) The amount specified in a direction by virtue of paragraph 15(1)(c) shall not exceed £1,000.

(2) The Lord Chancellor may by order made by statutory instrument amend sub-paragraph (1) by substituting for the sum of £1,000 such other sum as he considers appropriate.

(3) Before making any such order the Lord Chancellor shall consult the Council.

(4) Any statutory instrument made under this paragraph shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Commencement Information

I63 Sch. 8 para. 16 in force 1. 4. 1991 (except in so far as it relates to certain exemptions under section 55) see s. 124(3) and S.I. 1991/608, art. 2, **Sch**

Inadequate professional services: failure to comply with direction

17 (1) If a licensed conveyancer fails to comply with a direction given under this Part of this Schedule, any person may make a complaint in respect of that failure to the Discipline

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and Appeals Committee; but no other proceedings whatever shall be brought in respect of it.

(2) On the hearing of such a complaint the Discipline and Appeals Committee may, if it thinks fit (and whether or not it makes any order under section 26(2) of the Act of 1985), direct that the direction be treated, for the purpose of enforcement, as if it were contained in an order made by the High Court.

Modifications etc. (not altering text)

C1 Sch. 8 para. 17 modified (temp.) (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 209, 211, **Sch. 22 para. 8(a)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(e)**

Commencement Information

I64 Sch. 8 para. 17 in force 1.4.1991 (except in so far as it relates to certain exemptions under section 55) see s. 124(3) and S.I. 1991/608, art. 2, **Sch.**

Inadequate professional services: fees

18 (1) The Council may, by regulations made with the concurrence of the Lord Chancellor, make provision for the payment, by any client with respect to whom the Council is asked to consider whether to take any of the steps, of such fee as may be prescribed.

(2) The regulations may provide for the exemption of such classes of client as may be prescribed.

(3) Where a client pays the prescribed fee it shall be repaid to him if the Council takes any of the steps in the matter with respect to which the fee was paid.

(4) In this paragraph "prescribed" means prescribed by the regulations.

Commencement Information

I65 Sch. 8 para. 18 in force 1.4.1991 (except in so far as it relates to certain exemptions under section 55) see s. 124(3) and S.I. 1991/608, art. 2, **Sch.**

Inadequate professional services: costs

19 Where the Council takes any of the steps with respect to a licensed conveyancer it may also direct him to pay to the Council—

(a) the amount of the fee repayable by the Council to the client under paragraph 18(3); and

(b) an amount which is calculated by the Council as the cost to it of dealing with the complaint, or which in its opinion represents a reasonable contribution towards that cost.

Status: *Point in time view as at 14/12/1999.*
Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

Modifications etc. (not altering text)

C2 Sch. 8 para. 19 modified (temp.) (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 209, 211, **Sch. 22 para. 8(b)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(c)(ii)**

Commencement Information

I66 Sch. 8 para. 19 in force 1.4.1991 (except in so far as it relates to certain exemptions under section 55) see s. 124(3) and S.I. 1991/608, art. 2, **Sch.**

Duty of Discipline and Appeals Committee

20 Where the Discipline and Appeals Committee—

(a) is considering, or has considered, an application or complaint with respect to a licensed conveyancer; and

(b) is of the opinion that the Council should consider whether to take any of the steps with respect to that licensed conveyancer,

it shall inform the Council.

Commencement Information

I67 Sch. 8 para. 20 in force 1.4.1991 (except in so far as it relates to certain exemptions under section 55) see s. 124(3) and S.I. 1991/608, art. 2, **Sch.**

Power to examine files

21 (1) Where the Council is satisfied that it is necessary to do so for the purpose of investigating any complaint made to it—

(a) alleging professional misconduct by a licensed conveyancer; or

(b) relating to the quality of any professional services provided by a licensed conveyancer,

the Council may give notice to the licensed conveyancer or his firm requiring the production or delivery to any person appointed by the Council, at a time and place to be fixed by the Council, of all documents in the possession of the licensed conveyancer or his firm in connection with the matters to which the complaint relates (whether or not they relate also to other matters).

(2) The provisions of paragraphs 9(2) to (12), 11 and 12 of Schedule 5 to the Act of 1985 shall apply in relation to the powers conferred by sub-paragraph (1) as they apply in relation to the powers conferred by paragraph 9(1) of that Schedule.

Commencement Information

I68 Sch. 8 para. 21 in force 1.4.1991 (except in so far as it relates to certain exemptions under section 55) see s. 124(3) and S.I. 1991/608, art. 2, **Sch.**

Status: *Point in time view as at 14/12/1999.*
Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

Interest on clients' money

22 Where a licensed conveyancer—

(a) is required by rules made under section 23 of the Act of 1985 to place any sum of money in a separate deposit account; but

(b) fails to do so as soon as is reasonably practicable,

the Council may give a direction requiring him to account to the client in question for any interest which has not been earned but which would have been earned if that sum had been placed in a separate deposit account as soon as was reasonably practicable.

Commencement Information

I69 Sch. 8 para. 22 in force 1.4.1991 (except in so far as it relates to certain exemptions under section 55) see s. 124(3) and S.I. 1991/608, art. 2, **Sch.**

Full and limited licences

23 In section 15 of the Act of 1985 (issue of licences by Council), the following subsections shall be added at the end—

"(7) A licence issued under this Part may be endorsed by the Council as—

(a) a full licence, if the Council is satisfied that the person to whom it is issued has complied, or will comply, with the requirements made under this Part with respect to professional indemnity and compensation; or

(b) as a limited licence, if the Council is not so satisfied.

(8) Rules made under section 21 may make provision for the making, or removal, of endorsements while a licence is in force and for the recording of any such endorsement, or of its removal, in the register maintained under section 19."

Commencement Information

I70 Sch. 8 para. 23 in force 1.4.1991 (except in so far as it relates to certain exemptions under section 55) see s. 124(3) and S.I. 1991/608, art. 2, **Sch.**

Cases in which conditions may be attached to licences

24 In section 16(1) of the Act of 1985 (cases in which conditions may be attached to licences), the following shall be substituted for paragraph (i)—

"(i) after having been committed to prison in civil proceedings;

(ia) after having been convicted of an offence involving dishonesty or deception or a serious arrestable offence (as defined by section 116 of the Police and Criminal Evidence Act 1984); or".

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Commencement Information

I71 Sch. 8 para. 24 in force 1.4.1991 (except in so far as it relates to certain exemptions under section 55) see s. 124(3) and S.I. 1991/608, art. 2, **Sch.**

VALID FROM 07/12/2004

SCHEDULE 9

Section 55.

PROBATE

. . . . . .

SCHEDULE 10

Section 71(2).

JUDICIAL AND OTHER APPOINTMENTS

Appellate Jurisdiction Act 1876 (c. 59)

Lord of Appeal in Ordinary

1 In section 6 of the Appellate Jurisdiction Act 1876 (appointment of Lords of Appeal in Ordinary) for the words "a practising barrister in England or Ireland, or a practising advocate in Scotland" there shall be substituted—

"(a) a person who has a Supreme Court qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990;

(b) an advocate in Scotland, or a solicitor entitled to appear in the Court of Session and the High Court of Justiciary; or

(c) a practising member of the Bar of Northern Ireland."

War Pensions (Administrative Provisions) Act 1919 (c. 53)

Pensions Appeal Tribunal

2 (1) In paragraph 2 of the Schedule to the War Pensions (Administrative Provisions) Act 1919 (members of tribunal) in sub-paragraph (i) the words from "being a barrister" to "standing" shall be omitted.

(2) After that paragraph there shall be inserted—

"2A For the purposes of paragraph 2(i) the legal representative shall be—

(a) a person who has a 7 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990;

(b) an advocate or solicitor in Scotland of at least 7 years' standing; or

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(c) a member of the Bar of Northern Ireland or solicitor of the Supreme Court of Northern Ireland of at least 7 years' standing."

Land Registration Act 1925 (c. 21)

District Registrar

3 In section 132(2) of the Land Registration Act 1925 (district registrar and assistant district registrar)—

(a) for the words "is a barrister" to "ten years' standing" there shall be substituted "has a 10 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990"; and

(b) for the words "is either a barrister" to the end there shall be substituted "has a 5 year general qualification, within the meaning of that section."

London Building Acts (Amendment) Act 1939 (c. xcvii)

4 In section 109(1) of the London Building Acts (Amendment) Act 1939 (constitution of appeal tribunal) in paragraph (b) for the words "barrister or a solicitor" there shall be substituted " a person who has a general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990" ".

Pensions Appeal Tribunals Act 1943 (c. 39)

5 In paragraph 3(1) of the Schedule to the Pensions Appeal Tribunals Act 1943 (appointment of members of Appeal Tribunals) for paragraph (a) there shall be substituted—

"(a) a person who—

(i) has a 7 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990; or

(ii) is an advocate or solicitor in Scotland of at least 7 years' standing;

(iii) is a member of the Bar of Northern Ireland or solicitor of the Supreme Court of Northern Ireland of at least 7 years' standing;".

Agriculture Act 1947 (c. 48)

Agricultural Land Tribunal

6 (1) In paragraph 13(1) of Schedule 9 to the Agriculture Act 1947 (chairman of agricultural land tribunal) for the words from "barrister" to the end there shall be

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substituted " person who has a 7 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990." "

(2) In paragraph 14 of that Schedule (deputies) for the words from "barristers" to the end there shall be substituted the words " persons eligible for appointment under paragraph 13(1)." "

Lands Tribunal Act 1949 (c. 42)

Lands Tribunal

7 In section 2(2) of the Lands Tribunal Act 1949 (President and members of Lands Tribunal)—

(a) after the words "person who" there shall be inserted " (a)" ";

(b) for the words "or a barrister-at-law of at least seven years' standing" there shall be substituted

"(b) has a 7 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990; or

(c) is a member of the Bar of Northern Ireland of at least 7 years' standing,"; and

(c) for the words "barristers-at-law or solicitors of the like standing" there shall be substituted " persons falling within paragraph (b) or (c) or solicitors of the Supreme Court of Northern Ireland of at least 7 years' standing" ".

Wireless Telegraphy Act 1949 (c. 54)

8 In section 9(3)(a) of the Wireless Telegraphy Act 1949 (president of appeal tribunal) for the words "barrister of not less than seven years' standing or a solicitor of not less than seven years' standing" there shall be substituted " person who has a 7 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990," ".

National Health Service (Amendment) Act 1949 (c. 93)

Arbitration committee

9 In section 7(6) of the National Health Service (Amendment) Act 1949 (member of arbitration committee) for the words "a practising barrister, advocate or solicitor" there shall be substituted " a person who has a 7 year general qualification (within the meaning of section 71 of the Courts and Legal Services Act 1990) or an advocate or solicitor in Scotland" ".

Courts-Martial Appeals Act 1951 (c. 46)

Status: *Point in time view as at 14/12/1999.*
Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

Judge Advocate of the Fleet

10 In section 28(2) of the Courts-Martial (Appeals) Act 1951 (appointment of Judge Advocate of the Fleet) for the words "unless he is" to the end there shall be substituted "unless he is—

(a) a person who has a 10 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990;

(b) an advocate in Scotland of at least 10 years' standing, or a solicitor who has been entitled to appear in the Court of Session and the High Court of Justiciary for at least 10 years; or

(c) a member of the Bar of Northern Ireland of at least 10 years' standing."

Judge Advocate General etc

11 (1) In section 31(1) of that Act (appointment of Judge Advocate General) for the words "unless he is" to the end there shall be substituted "unless he is—

(a) a person who has a 10 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990;

(b) an advocate in Scotland of at least 10 years' standing, or a solicitor who has been entitled to appear in the Court of Session and the High Court of Justiciary for at least 10 years;

(c) a member of the Bar of Northern Ireland of at least 10 years' standing;

(d) the Vice Judge Advocate General; or

(e) an Assistant Judge Advocate General."

(2) In subsection (2) of that section (Vice or Assistant Judge Advocate General) for the words "unless he is" to the end there shall be substituted "unless he is—

(a) a person who has a 7 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990;

(b) an advocate in Scotland of at least 7 years' standing, or a solicitor who has been entitled to appear in the Court of Session and the High Court of Justiciary for at least 7 years;

(c) a member of the Bar of Northern Ireland of at least 7 years' standing; or

(d) a Deputy Judge Advocate General."

(3) In subsection (3) of that section (Deputy Judge Advocate General) for the words "unless he is" to the end there shall be substituted "unless he is—

(a) a person who has a 5 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990;

(b) an advocate in Scotland of at least 5 years' standing, or a solicitor who has been entitled to appear in the Court of Session and the High Court of Justiciary for at least 5 years; or

(c) a member of the Bar of Northern Ireland of at least 5 years' standing."

Agricultural Marketing Act 1958 (c. 47)

Status: *Point in time view as at 14/12/1999.*
Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

Chairman of disciplinary committee

12 In section 9(1) of the Agricultural Marketing Act 1958 (constitution of disciplinary committee) for the words "who is a barrister" to the end there shall be substituted "who—

(a) has a 7 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990;

(b) is an advocate or solicitor in Scotland of at least 7 years' standing; or

(c) is a member of the Bar of Northern Ireland or solicitor of the Supreme Court of Northern Ireland of at least 7 years' standing,

and is approved by the Minister. "

County Courts Act (Northern Ireland) 1959 (c. 25 (N.I.))

County Court Judge

13 In section 103 of the County Courts Act (Northern Ireland) 1959 (qualifications for appointment as county court judge in Northern Ireland) after paragraph (a) of subsection (1) there shall be inserted—

"(aa) he is a solicitor who has practised for not less than ten years as a solicitor in Northern Ireland; or".

Charities Act 1960 (c. 58)

Charity Commissioner

F29 14 . . . . . .

Textual Amendments

F29 Sch. 10 para. 14 repealed (1.8.1993) by 1993 c. 10, ss. 98(2), 99, **Sch.7**.

Professions Supplementary to Medicine Act 1960 (c. 66)

Assessor to disciplinary committee

15 In paragraph 4(1) of the Second Schedule to the Professions Supplementary to Medicine Act 1960 (assessor to disciplinary committee) for the words "a barrister" to the end there shall be substituted—

"(a) a person who has a 10 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990;

(b) an advocate or solicitor in Scotland of at least 10 years' standing; or

(c) a member of the Bar of Northern Ireland or solicitor of the Supreme Court of Northern Ireland of at least 10 years' standing."

Status: *Point in time view as at 14/12/1999.*
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Betting Gaming and Lotteries Act 1963 (c. 2)

Levy Appeal Tribunal

16 In section 29(2)(a) of the Betting, Gaming and Lotteries Act 1963 (chairman of levy appeal tribunal) for the words "a barrister, advocate or solicitor of not less than seven years' standing" there shall be substituted—

"(i) a person who has a 7 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990; or

(ii) an advocate or solicitor in Scotland of at least 7 years' standing,".

Ecclesiastical Jurisdiction Measure 1963 (No. 1)

Judge of Consistory Court

17 In section 2(2) of the Ecclesiastical Jurisdiction Measure 1963 (judge of consistory court) for the words "barrister at law of at least seven years' standing" there shall be substituted " person who has a 7 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990," ".

Dean of the Arches and Auditor

18 (1) In section 3(3) of that Measure (Dean of the Arches and Auditor) for the words "barrister at law of at least ten years' standing" there shall be substituted " person who has a 10 year High Court qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990," ".

(2) In section 42(3) of that Measure (deputy appointed by Dean of the Arches to sit on inquiry into complaint against bishop by committee of convocation) for the words "barrister at law of at least ten years' standing" there shall be substituted " person who has a 10 year High Court qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990;" ".

Assessor for episcopal committee inquiry

19 In section 33(4) of that Measure (barrister to assist episcopal committee in inquiry into complaint) for the words "barrister at law of not less than ten years' standing" there shall be substituted " person who has a 10 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990," ".

Examiner

20 In paragraph 1(1) of the Second Schedule to that Measure (members of panel of examiners) for the words "who shall be either barristers at law or solicitors" there shall be substituted " having a 7 year general qualification (within the meaning of section 71 of the Courts and Legal Services Act 1990) and" ".

Plant Varieties and Seeds Act 1964 (c. 14)

Status: *Point in time view as at 14/12/1999.*
Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

Plant Variety Rights Tribunal

[F30]21 . . . . . .

Textual Amendments

F30 Sch. 10 para. 21 repealed (8.5.1998) by 1997 c. 66, s. 52, **Sch. 4**; S.I. 1998/1028, **art. 2**

Police Act 1964 (c. 48)

[F31]22 . . . . . .

Textual Amendments

F31 Sch. 10 para. 22 repealed (1.4.1999) by 1996 c. 16, s. 103, **Sch. 9 Pt. II**; S.I. 1999/533, **art. 2**

Hairdressers (Registration) Act 1964 (c. 89)

Assessor to disciplinary committee

23 In paragraph 3(1) of Schedule 2 to the Hairdressers (Registration) Act 1964 (assessor to disciplinary committee) for the words "a barrister" to the end there shall be substituted—

"(a) a person who has a 10 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990; or

(b) an advocate or solicitor in Scotland of at least 10 years' standing."

City of London Courts Act 1964 (c. iv)

The Common Serjeant

24 In section 12(2) of the City of London (Courts) Act 1964 (appointment of Common Serjeant) for the words "he is a barrister of not less than ten years' standing" there shall be substituted " he has a 10 year Crown Court qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990." "

Law Commissions Act 1965 (c. 22)

Law Commissioner

25 In section 1(2) of the Law Commissions Act 1965 (Law Commissioners) for the words "barrister or solicitor" there shall be substituted " person having a general qualification (within the meaning of section 71 of the Courts and Legal Services Act 1990)" ".

Status: *Point in time view as at 14/12/1999.*
Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

Commons Registration Act 1965 (c. 64)

Commons Commissioner

26 In section 17(1) of the Commons Registration Act 1965 (Commons Commissioners) for the words "barristers or solicitors of not less than seven years' standing" there shall be substituted " persons who have a 7 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990," ".

[F32 Employment Tribunal] (England and Wales) Regulations 1965

Textual Amendments

F32 Words in cross-heading to Sch. 9 para. 27 substituted (1.8.1998) by 1998 c. 8, **s. 1(2)(a)** (with s. 16(2)); S.I. 1998/1658, art. 2(1), **Sch. 1**

[F33 Employment tribunal] (S.I. 1965/1101.)

Textual Amendments

F33 Words in cross-heading to Sch. 9 para. 27 substituted (1.8.1998) by 1998 c. 8, **s. 1(2)(a)** (with s. 16(2)); S.I. 1998/1658, art. 2(1), **Sch. 1**

27 (1) In regulation 3(1) of the [F34 Employment Tribunal] (England and Wales) Regulations 1965 (President of [F34 Employment Tribunal]) for the words "barrister or solicitor of not less than seven years' standing" there shall be substituted " person who has a 7 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990." "

(2) In regulation 5(2) of those regulations (chairman of tribunal) for the words "being barristers or solicitors of not less than seven years' standing" there shall be substituted " who have a 7 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990," ".

(3) The amendments by sub-paragraphs (1) and (2) of provisions contained in regulations shall not be taken to have prejudiced any power to make further regulations amending or revoking those provisions.

Textual Amendments

F34 Words in Sch. 9 para. 27 substituted (1.8.1998) by 1998 c. 8, **s. 1(2)(a)** (with s. 16(2)); S.I. 1998/1658, art. 2(1), **Sch. 1**

Veterinary Surgeons Act 1966 (c. 36)

Status: *Point in time view as at 14/12/1999.*
Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

Assessor to disciplinary committee

28 In paragraph 6(1) of Schedule 2 to the Veterinary Surgeons Act 1966 (assessor to disciplinary committee) for the words from "a barrister" to the end there shall be substituted—

"(a) a person who has a 10 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990;

(b) an advocate or solicitor in Scotland of at least 10 years' standing; or

(c) a member of the Bar of Northern Ireland or solicitor of the Supreme Court of Northern Ireland of at least 10 years' standing."

Hearing Aid Council Act 1968 (c. 50)

Assessor to Disciplinary Committee

29 In section 11(1) of the Hearing Aid Council Act 1968 (assessor to Disciplinary Committee) for the words "a barrister" to the end there shall be substituted—

"(a) a person who has a 10 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990;

(b) an advocate or solicitor in Scotland of at least 10 years' standing; or

(c) a member of the Bar of Northern Ireland or solicitor of the Supreme Court of Northern Ireland of at least 10 years' standing."

Taxes Management Act 1970 (c. 9)

Special Commissioner

30 In section 4(2) of the Taxes Management Act 1970 (Special Commissioner for income tax) for the words "unless he is" to the end there shall be substituted "unless —

(a) he has a 10 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990;

(b) he is an advocate or solicitor in Scotland of at least 10 years' standing; or

(c) he is a member of the Bar of Northern Ireland or solicitor of the Supreme Court of Northern Ireland of at least 10 years' standing."

Courts Act 1971 (c. 23)

Circuit Judge

31 (1) In section 16(3) of the Courts Act 1971 (appointment of Circuit judges) for the words from "unless he is a barrister" to the end there shall be substituted "unless—

(a) he has a 10 year Crown Court or 10 year county court qualification within the meaning of section 71 of the Courts and Legal Services Act 1990;

(b) he is a Recorder; or

Status: *Point in time view as at 14/12/1999.*
Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

(c) he has held as a full-time appointment for at least 3 years one of the offices listed in Part IA of Schedule 2."

(2) After Part I of Schedule 2 to that Act (certain office-holders to be circuit judges) there shall be inserted the following—

"**PART IA**

CERTAIN OFFICE-HOLDERS ELIGIBLE FOR APPOINTMENT AS CIRCUIT JUDGES

Social Security Commissioner appointed under section 97 of the Social Security Act 1975.

President of Social Security Appeal Tribunals and Medical Appeal Tribunals or chairman of such a tribunal appointed under Schedule 10 to that Act.

President of **[**[F35]Employment Tribunals**]** or chairman of such a tribunal appointed under the **[**[F35]Employment Tribunals**]** (England and Wales) Regulations 1965.

President or member of the Immigration Appeal Tribunal appointed under Schedule 5 to the Immigration Act 1971.

Member (excluding the President) of the Lands Tribunal appointed under section 2 of the Lands Tribunal Act 1949.

President of Pensions Appeal Tribunals appointed under the Schedule to the Pensions Appeal Tribunals Act 1943.

President of Value Added Tax Tribunals or chairman of such a tribunal appointed under Schedule 8 to the Value Added Tax Act 1983.

Special Commissioner appointed under section 4 of the Taxes Management Act 1970.

Coroner appointed under section 2 of the Coroners Act 1988.

Master of the Queen's Bench Division.

Queen's Coroner and Attorney and Master of the Crown Office and Registrar of Criminal Appeals.

Admiralty Registrar.

Master of the Chancery Division.

Registrar in Bankruptcy of the High Court.

Taxing Master of the Supreme Court.

District judge of the principal registry of the Family Division.

Registrar of Civil Appeals.

Master of the Court of Protection.

District judge.

Stipendiary magistrate."

Status: *Point in time view as at 14/12/1999.*
Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

Textual Amendments

F35 Words in Sch. 9 para. 31 substituted (1.8.1998) by 1998 c. 8, **s. 1(2)** (with s. 16(2)); S.I. 1998/1658, art. 2(1), **Sch. 1**

Recorder and Assistant Recorder

32 (1) In section 21(2) of that Act (appointment of Recorders) for the words "he is a barrister or solicitor of at least 10 years' standing" there shall be substituted " he has a 10 year Crown Court or 10 year county court qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990." "

(2) In section 24(1)(b) of that Act (appointment of assistant Recorders) for the words "any barrister or solicitor of at least 10 years' standing" there shall be substituted " any person who has a 10 year Crown Court or 10 year county court qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990." "

Misuse of Drugs Act 1971 (c. 38)

33 In paragraph 1(1)(a) of Schedule 3 to the Misuse of Drugs Act 1971 (chairman of tribunal) for the words "a barrister, advocate or solicitor of not less than seven years' standing" there shall be substituted—

"(i) a person who has a 7 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990;

(ii) an advocate or solicitor in Scotland of at least 7 years' standing; or

(iii) a member of the Bar of Northern Ireland or solicitor of the Supreme Court of Northern Ireland of at least 7 years' standing,".

Immigration Act 1971 (c. 77)

Immigration Appeal Tribunal

34 In paragraph 7 of Schedule 5 to the Immigration Act 1971 (president and members of Appeal Tribunal) for the words from "barristers" to the end there shall be substituted—

"(a) persons who have a 7 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990;

(b) advocates or solicitors in Scotland of at least 7 years' standing; or

(c) members of the Bar of Northern Ireland or solicitors of the Supreme Court of Northern Ireland of at least 7 years' standing."

Friendly Societies Act 1974 (c. 46)

Status: *Point in time view as at 14/12/1999.*
Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

Assistant registrar of friendly societies

35 In section 2(2) of the Friendly Societies Act 1974 (at least one assistant registrar to be barrister or solicitor) for the words "barrister" to the end there shall be substituted " person who has a 7 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990." "

Social Security Act 1975 (c. 14)

Social Security Commissioner

[F36]36 . . . . . .

Textual Amendments

F36 Sch. 10 para. 36 repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6, SIF 113:1), ss. 3, 7(2), **Sch.1** (with Sch. 3) (subject as mentioned (6.3.1992) in Local Government Finance Act 1992 (c. 14), **s.118**)

Social security appeal tribunal and medical appeal tribunal

[F37]37 . . . . . .

Textual Amendments

F37 Sch. 10 para. 37 repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6, SIF 113:1), ss. 3, 7(2), **Sch. 1** (with Sch. 3) (subject as mentioned (6.3.1992) in Local Government Finance Act 1992 (c. 14), **s.118**)

Farriers Registration Act 1975 (c. 35)

Assessor to Disciplinary Committee

38 In paragraph 5(1) of Schedule 3 to the Farriers (Registration) Act 1975 (assessor to Disciplinary Committee) for the words "a barrister" to the end there shall be substituted—

"(a) a person who has a 10 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990; or

(b) an advocate or solicitor in Scotland of at least 10 years' standing."

Industry Act 1975 (c. 68)

Arbitration Tribunal

39 In paragraph 4(a) of Schedule 3 to the Industry Act 1975 (president of an arbitration tribunal) for the words "a barrister or solicitor of at least seven years' standing" there shall be substituted—

Status: *Point in time view as at 14/12/1999.*
Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

"(i) a person who has a 7 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990; or

(ii) a member of the Bar of Northern Ireland or solicitor of the Supreme Court of Northern Ireland of at least 7 years' standing,".

Aircraft and Shipbuilding Industries Act 1977 (c. 3)

Aircraft and Shipbuilding Industries Arbitration Tribunal

40 In section 42(3)(a) of the Aircraft and Shipbuilding Industries Act 1977 (president of the arbitration tribunal) for the words "a barrister or solicitor of not less than seven years' standing" there shall be substituted—

"(i) a person who has a 7 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990; or

(ii) a member of the Bar of Northern Ireland or solicitor of the Supreme Court of Northern Ireland of at least 7 years' standing,".

Insurance Brokers (Registration) Act 1977 (c. 46)

Assessor to Disciplinary Committee

41 In section 20(1) of the Insurance Brokers (Registration) Act 1977 (assessor to Disciplinary Committee) for the words "a barrister" to the end there shall be substituted—

"(a) a person who has a 10 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990;

(b) an advocate or solicitor in Scotland of at least 10 years' standing; or

(c) a member of the Bar of Northern Ireland or solicitor of the Supreme Court of Northern Ireland of at least 10 years' standing."

National Health Service Act 1977 (c. 49)

42 In paragraph 2 of Schedule 9 to the National Health Service Act 1977 (chairman of the tribunal) for the words "a practising barrister or solicitor of not less than ten years' standing" there shall be substituted " a person who has a 10 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990," ".

Nurses, Midwives and Health Visitors Act 1979 (c. 36)

Assessors to the Central Council

F38 43 . . . . . .

Status: *Point in time view as at 14/12/1999.*
Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

Textual Amendments

F38 Sch. 10 para. 43 repealed (19.6.1997) by 1997 c. 24, ss. 23(3), 24(2), **Sch. 6**

Justices of the Peace Act 1979 (c. 55)

Stipendiary Magistrate

F39 44 . . . . . .

Textual Amendments

F39 Sch. 10 para. 44 repealed (19.6.1997) by 1997 c. 25, ss. 73(1), 74(1), **Sch. 6 Pt. I** (with Sch. 4 para. 27)

Justices' Clerk

F40 45 . . . . . .

Textual Amendments

F40 Sch. 10 para. 45 repealed (19.6.1997) by 1997 c. 25, **ss. 73(1)**. 74(1). Sch. 6 Pt. I (with Sch. 4 para. 27)

Social Security Act 1980 (c. 30)

Deputy Social Security Commissioner

F41 46 . . . . . .

Textual Amendments

F41 Sch. 10 para. 46 repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6, SIF 113:1), ss. 3, 7(2), **Sch.1** (with Sch. 3) (subject as mentioned (6.3.1992) in Local Government Finance Act 1992 (c. 14), **s.118**)

Supreme Court Act 1981 (c. 54)

Judge's legal secretary

47 In section 98(4) of the Supreme Court Act 1981 (appointment by certain senior judges of a legally qualified secretary) for the words "barrister or solicitor" there shall be substituted " person who has a general qualification (within the meaning of section 71 of the Courts and Legal Services Act 1990)" ".

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Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

Conveyancing counsel

48 In section 131(1) of that Act (conveyancing counsel of the Supreme Court) for the words "conveyancing counsel in actual practice" to the end there shall be substituted " persons who have a 10 year High Court qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990." "

Master, Registrar etc

49 For Schedule 2 to that Act (which sets out the persons eligible for appointment to certain offices in the Supreme Court) there shall be substituted—

"SCHEDULE 2

LIST OF OFFICES IN SUPREME COURT FOR PURPOSES OF PART IV

References in this Schedule to a person having a general qualification shall be construed in accordance with section 71 of the Courts and Legal Services Act 1990.

Part I

1.*Office*	**2.*Persons qualified***
1. Permanent Secretary to the Lord Chancellor and Clerk of the Crown in Chancery.	1.—(1) A person who has a 10 year general qualification.(2) A civil servant who has served at least 5 years in the Lord Chancellor's Department.
2. Official Solicitor.	2. A person who has a 10 year general qualification.

Part II

1.*Office*	**2.*Persons qualified***
3. Master, Queen's Bench Division.	3. A person who has a 7 year general qualification.
4. Queen's Coroner and Attorney and Master of the Crown Office and Registrar of Criminal Appeals.	4. A person who has a 10 year general qualification.
5. Admiralty Registrar.	5. A person who has a 7 year general qualification.
6. Master, Chancery Division.	6. A person who has a 7 year general qualification.
7. Registrar in Bankruptcy of the High Court.	7. A person who has a 7 year general qualification.
8. Taxing Master of the Supreme Court.	8. A person who has a 7 year general qualification.
9. District judge of the principal registry of the Family Division.	9.—(1) A person who has a 7 year general qualification.(2) A district probate registrar who either— (a) is

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	of at least 5 years' standing; or (b) has, during so much of the 10 years immediately preceding his appointment as he has not been a district probate registrar, served as a civil servant in the principal registry or a district probate registry.(3) A civil servant who has served at least 10 years in the principal registry or a district probate registry.
10. Registrar of Civil Appeals.	10. A person who has a 10 year general qualification.
11. Master of the Court of Protection.	11. A person who has a 7 year general qualification.

Part III	
1.*Office*	**2.*Persons qualified***
12. District probate registrar.	12.—(1) A person who has a 5 year general qualification.(2) A civil servant who has served at least 5 years in the principal registry of the Family Division or a district probate registry.”

Representation of the People Act 1983 (c. 2)

Election Court Commissioner

50 (1) In section 130 of the Representation of the People Act 1983 (barristers qualified to constitute election court) in subsection (1) for the word “barrister" there shall be substituted “ person" ”.

(2) In subsection (2) of that section—

(a) for the word “barrister" there shall be substituted “ person" ”;

(b) for paragraph (a) there shall be substituted—

“(a) unless he has a 10 year High Court qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990; or”; and

(c) for paragraph (b)(ii) there shall be substituted—

“(ii) in which he practises.”

(3) In subsection (3)(a) for the word “barristers" there shall be substituted “ qualified persons" ”.

Mental Health Act 1983 (c. 20)

Status: *Point in time view as at 14/12/1999.*
Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

Lord Chancellor's Legal Visitor

51 In section 102(3)(b) of the Mental Health Act 1983 (panel of Legal Visitors of patients) for the words "he is a barrister" to the end there shall be substituted " he has a 10 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990." "

Value Added Tax Act 1983 (c. 55)

VAT Tribunal

F42 52 . . . . . .

Textual Amendments

F42 Sch. 10 para. 52 repealed (1.9.1994) by 1994 c. 23, ss. 100(2), 101(1), **Sch. 15**

Medical Act 1983 (c. 54)

Legal Assessor to Committees

53 In paragraph 7(1) of Schedule 4 to the Medical Act 1983 (General Council to appoint legal assessors to advise Professional Conduct Committee, Health Committee and Preliminary Proceedings Committee) for the words "a barrister" to the end there shall be substituted—

"(a) a person who has a 10 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990;

(b) an advocate or solicitor in Scotland of at least 10 years' standing; or

(c) a member of the Bar of Northern Ireland or solicitor of the Supreme Court of Northern Ireland of at least 10 years' standing."

Pastoral Measure 1983 (No. 1)

Appeal Tribunal

54 In Schedule 4 to the Pastoral Measure 1983 (compensation of clergy) in paragraph 15(1)(c) (constitution of Appeal Tribunal) for the words "are barristers at law or solicitors in England and Wales" there shall be substituted " have a 7 year general qualification (within the meaning of section 71 of the Courts and Legal Services Act 1990)" ".

Merchant Shipping Act 1984 (c. 5)

Arbitrator

F43 55 . . . . . .

Status: *Point in time view as at 14/12/1999.*
Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

Textual Amendments

F43 Sch. 10 para. 55 repealed (1.1.1996) by 1995 c. 21, ss. 314(1), 316(2), **Sch. 12** (with s. 312(1), Sch. 14 para. 1)

Dentists Act 1984 (c. 24)

Assessor to committees

56 In paragraph 5(1) of Schedule 3 to the Dentists Act 1984 (General Dental Council to appoint legal assessors to Professional Conduct Committee and Health Committee) for the words "a barrister" to the end there shall be substituted—

"(a) a person who has a 10 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990;

(b) an advocate or solicitor in Scotland of at least 10 years' standing; or

(c) a member of the Bar of Northern Ireland or solicitor of the Supreme Court of Northern Ireland of at least 10 years' standing."

County Courts Act 1984 (c. 28)

District judges

57 In section 9 of the County Courts Act 1984 (appointment of district judges, assistants and deputies) for the words "he is a solicitor of at least 7 years' standing" there shall be substituted " he has a 7 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990." "

Data Protection Act 1984 (c. 35)

58 In section 3(4) of the Data Protection Act 1984 (members of tribunal) for the words from "barristers" to the end there shall be substituted—

"(a) persons who have a 7 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990;

(b) advocates or solicitors in Scotland of at least 7 years' standing; or

(c) members of the Bar of Northern Ireland or solicitors of the Supreme Court of Northern Ireland of at least 7 years' standing."

Reserve Forces (Safeguard of Employment) Act 1985 (c. 17)

Umpire hearing appeals from Reinstatement Committee

59 In paragraph 5 of Schedule 2 to the Reserve Forces (Safeguard of Employment) Act 1985 (persons appointed to hear appeals from Reinstatement Committee) for the words "unless he is a barrister" to the end there shall be substituted "unless—

Status: *Point in time view as at 14/12/1999.*
Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

(a) he has a 10 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990;

(b) he is an advocate or solicitor in Scotland of at least 10 years' standing; or

(c) he is a member of the Bar of Northern Ireland or solicitor of the Supreme Court of Northern Ireland of at least 10 years' standing."

Prosecution of Offences Act 1985 (c. 23)

Director of Public Prosecutions

60 In section 2(2) of the Prosecution of Offences Act 1985 (the Director of Public Prosecutions) for the words "barrister" to the end there shall be substituted " person who has a 10 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990." "

Crown Prosecutors

61 (1) In section 1(3) of that Act (Crown Prosecutors) for the words "who is a barrister or solicitor" there shall be substituted " who has a general qualification (within the meaning of section 71 of the Courts and Legal Services Act 1990)" ".

(2) In section 5(1) of that Act (conduct of prosecutions by barristers or solicitors) for the words from "who is" to "authority" there shall be substituted " who has a general qualification (within the meaning of section 71 of the Courts and Legal Services Act 1990)" ".

Interception of Communications Act 1985 (c. 56)

62 In paragraph 1(1) of Schedule 1 to the Interception of Communications Act 1985 (members of tribunal) for the words from "a barrister" to the end there shall be substituted—

"(a) a person who has a 10 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990;

(b) an advocate or solicitor in Scotland of at least 10 years' standing; or

(c) a member of the Bar of Northern Ireland or solicitor of the Supreme Court of Northern Ireland of at least 10 years' standing."

Administration of Justice Act 1985 (c. 61)

Questions of construction

63 In section 48(1) of the Administration of Justice Act 1985 (action taken in reliance on counsel's opinion on matter of construction) for the words "barrister of at least ten years' standing" there shall be substituted " person who has a 10 year High Court qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990," ".

Status: *Point in time view as at 14/12/1999.*
Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

Assessor to Discipline and Appeals Committee of the Council of Licensed Conveyancers

64 In paragraph 3(1) of Schedule 4 to that Act (barrister to advise Discipline and Appeals Committee) for the words "barrister" to the end there shall be substituted " person who has a 10 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990." "

Transport Act 1985 (c. 67)

Transport Tribunal

65 For paragraph 2(2) of Schedule 4 to the Transport Act 1985 (president and chairman of Transport Tribunal) there shall be substituted—

"(2) The president of the tribunal shall be—

(a) a person who has a 10 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990; or

(b) an advocate or solicitor in Scotland of at least 10 years' standing.

(2A) Each chairman shall be—

(a) a person who has a 7 year general qualification, within the meaning of that section; or

(b) an advocate or solicitor in Scotland of at least 7 years' standing."

Animals (Scientific Procedures) Act 1986 (c. 14)

66 In section 12(5) of the Animals (Scientific Procedures) Act 1986 (person appointed to receive representations) for the words "a barrister, solicitor or advocate of at least 7 years' standing" there shall be substituted—

"(a) a person who has a 7 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990;

(b) an advocate or solicitor in Scotland of at least 7 years' standing; or

(c) a member of the Bar of Northern Ireland or solicitor of the Supreme Court of Northern Ireland of at least 7 years' standing,".

Insolvency Act 1986 (c. 45)

Insolvency Practitioners Tribunal

67 In paragraph 1(1)(a) of Schedule 7 to the Insolvency Act 1986 (members of the tribunal) for the words "are barristers, advocates or solicitors, in each case of at least 7 years' standing" there shall be substituted—

"(i) have a 7 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990;

(ii) are advocates or solicitors in Scotland of at least 7 years' standing,".

Status: *Point in time view as at 14/12/1999.*
Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

Building Societies Act 1986 (c. 53)

68 In section 47(3) of the Building Societies Act 1986 (chairman of appeal tribunal) for the words "a barrister, solicitor or advocate of at least seven years' standing" there shall be substituted—

"(a) a person who has a 7 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990;

(b) an advocate or solicitor in Scotland of at least 7 years' standing; or

(c) a member of the Bar of Northern Ireland or solicitor of the Supreme Court of Northern Ireland of at least 7 years' standing;".

Banking Act 1987 (c. 22)

69 In section 28(3) of the Banking Act 1987 (chairman of appeal tribunal) for the words "a barrister, solicitor or advocate of at least seven years' standing" there shall be substituted—

"(a) a person who has a 7 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990;

(b) an advocate or solicitor in Scotland of at least 7 years' standing; or

(c) a member of the Bar of Northern Ireland or solicitor of the Supreme Court of Northern Ireland of at least 7 years' standing".

Coroners Act 1988 (c. 13)

Coroner

70 In section 2(1) of the Coroners Act 1988 (appointment as coroner) for the words "unless he is a barrister, solicitor or" there shall be substituted "unless—

(a) he has a 5 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990; or

(b) he is a".

Criminal Justice Act 1988 (c. 33)

Criminal Injuries Compensation Board

71 (1) In paragraph 2(2) of Schedule 6 to the Criminal Justice Act 1988 (members of the Criminal Injuries Compensation Board) for the words from "if he is" to the end there shall be substituted "if—

(a) he has a 7 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990;

(b) he is an advocate or solicitor in Scotland; or

(c) he holds or has held judicial office in England and Wales;

(d) he holds or has held judicial office in Scotland."

(2) For paragraphs 2(8)(a) and (b) of that Schedule (requirement to obtain consent before removal from office) there shall be substituted—

"(a) in the case of a member who qualifies for appointment under sub-paragraph (2)(a) or (c), with the consent of the Lord Chancellor; and

Status: *Point in time view as at 14/12/1999.*
Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

(b) in the case of a member who qualifies for appointment under sub-paragraph (2)(b) or (d), with the consent of the Lord President of the Court of Session."

Assessor of compensation for miscarriages of justice

72 (1) In Schedule 12 to that Act (appointment as assessor of compensation for miscarriages of justice) for paragraph 1(a) to (c) there shall be substituted—

"(a) a person who has a 7 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990;

(b) an advocate or solicitor in Scotland;

(c) a member of the Bar of Northern Ireland or solicitor of the Supreme Court of Northern Ireland of at least 7 years' standing;".

(2) For paragraph 6(a) and (b) of that Schedule (requirement to obtain consent before removal from office) there shall be substituted—

"(a) in the case of a person who qualifies for appointment under paragraph 1(a) or (c), or paragraph 1(d) by virtue of holding or having held judicial office in England and Wales or Northern Ireland, with the consent of the Lord Chancellor; and

(b) in the case of a person who qualifies for appointment under paragraph 1(b), or paragraph 1(d) by virtue of holding or having held judicial office in Scotland, with the consent of the Lord President of the Court of Session."

Copyright, Designs and Patents Act 1988 (c. 48)

Copyright Tribunal

73 In section 145(3) of the Copyright, Designs and Patents Act 1988 (chairman of Copyright Tribunal) for the words from "unless he is a barrister" to the end there shall be substituted "unless—

(a) he has a 7 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990;

(b) he is an advocate or solicitor in Scotland of at least 7 years' standing;

(c) he is a member of the Bar of Northern Ireland or solicitor of the Supreme Court of Northern Ireland of at least 7 years' standing; or

(d) he has held judicial office."

Security Service Act 1989 (c. 5)

74 In paragraph 1(1) of Schedule 2 to the Security Service Act 1989 (members of tribunal) for the words from "a barrister" to the end there shall be substituted—

"(a) a person who has a 10 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990;

(b) an advocate or solicitor in Scotland of at least 10 years' standing; or

(c) a member of the Bar of Northern Ireland or solicitor of the Supreme Court of Northern Ireland of at least 10 years' standing."

Status: *Point in time view as at 14/12/1999.*
Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

Opticians Act 1989 (c. 44)

Assessor to Disciplinary Committee

75 In section 22(1) of the Opticians Act 1989 (assessor to Disciplinary Committee of the General Optical Council) for the words "a barrister" to the end there shall be substituted—

"(a) a person who has a 10 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990;

(b) an advocate or solicitor in Scotland of at least 10 years' standing; or

(c) a member of the Bar of Northern Ireland or solicitor of the Supreme Court of Northern Ireland of at least 10 years' standing."

SCHEDULE 11

Section 75.

JUDGES ETC BARRED FROM LEGAL PRACTICE

The following are the offices for the purposes of section 75—

Lord of Appeal in Ordinary

Lord Justice of Appeal

Puisne judge of the High Court

Circuit judge

District judge, including district judge of the principal registry of the Family Division

Master of the Queen's Bench Division

Queen's Coroner and Attorney and Master of the Crown Office and Registrar of Criminal Appeals

Admiralty Registrar

Master of the Chancery Division

Registrar in Bankruptcy of the High Court

Taxing Master of the Supreme Court

Registrar of Civil Appeals

Master of the Court of Protection

District probate registrar

Judge Advocate General

Vice Judge Advocate General

Assistant or Deputy Judge Advocate General

Stipendiary Magistrate

Status: *Point in time view as at 14/12/1999.*
Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

Social Security Commissioner [F44]. . .

[[F45]President of social security appeal tribunals, medical appeal tribunals and disability appeal tribunals or regional or other full-time chairman of such tribunals**]**

[[F46]President of the Employment Tribunals (England and Wales) or member of a panel of chairmen established by regulations under section 1(1) of the [M9]Employment Tribunals Act 1996 for employment tribunals for England and Wales**]**

President or member of the Immigration Appeal Tribunal appointed under Schedule 5 to the [M10]Immigration Act 1971

Member of the Lands Tribunal appointed under section 2 of the [M11]Lands Tribunal Act 1949

President of Value Added Tax Tribunals or chairman of such a tribunal appointed under Schedule 8 to the [M12]Value Added Tax Act 1983

Special Commissioner appointed under section 4 of the [M13]Taxes Management Act 1970

Charity Commissioner appointed **[**[F47]as provided in Schedule 1 to the Charities Act 1993**]**

Coroner appointed under section 2 of the [M14]Coroners Act 1988.

Textual Amendments

F44 Words in entry beginning "Social Security Commissioner" in Sch. 11 repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6, SIF 113:1), ss. 3, 7(2), **Sch. 1** (with Sch. 3) (subject as mentioned (6.3.1992) in Local Government Finance Act 1992 (c. 14), **s. 118**)

F45 Sch. 11: entry relating to "President of Social Security Appeal Tribunals" substituted (3.2.1991) by Disability Living Allowance and Disability Working Allowance Act 1991 (c. 21, SIF 113:1), s. 4(2), **Sch. 2 para. 22**; S.I. 1991/2617, **art. 2(d)**

F46 Sch. 11: entry substituted (1.8.1998) by 1998 c. 8, s. 15, **Sch. 1 para. 6**; S.I. 1998/1658, art. 2(1), **Sch. 1**

F47 Words in Sch. 11 substituted (1.8.1993) by 1993 c. 10, s. 98(1), **Sch. 6 para. 26**.

Marginal Citations

M9 1996 c. 17.
M10 1971 c. 77.
M11 1949 c. 42.
M12 1983 c. 55.
M13 1970 c. 9.
M14 1988 c. 13.

SCHEDULE 12

Section 79(2).

WIDOWERS' PENSIONS: TRANSITIONAL PROVISIONS

Commencement Information

I72 Sch. 12 wholly in force; Sch. 12 not in force at Royal Assent see s. 124; in force at 1.1.1992 see s. 124(3) and S.I. 1991/2730, **art. 2**,Sch.

Status: *Point in time view as at 14/12/1999.*
Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

The following are the provisions which are inserted in the 1981 Act as Part IV of Schedule 2—

"PART IV

WIDOWERS' PENSIONS

General

24 In this Part of this Schedule—

"the commencement date" means the date on which Schedule 12 to the Courts and Legal Services Act 1990 came into force;

"the publication date" means the date of publication, by order of the House of Lords, of the Bill for the Courts and Legal Services Act 1990, that is to say 7th December 1989; and

"member" means a female person who holds judicial office and to or in respect of whom benefits are payable under this Act, or the Sheriffs' Pensions (Scotland) Act 1961, on her retirement.

Service wholly before the commencement date

25 Subject to paragraph 26, no widower's pension shall be payable in respect of a member who retires on or before the commencement date.

Members retiring between publication and commencement date

26 (1) A member who retires—

(a) on or after the publication date; but

(b) before the commencement date,

may, before the end of the period of six months beginning with the commencement date, opt for her husband to be entitled to a widower's pension on her death.

(2) Regulations may make provision as to—

(a) the manner and form in which an option under this paragraph is to be exercised;

(b) the payment, by any member exercising such an option, of a contribution towards the cost of liability for the widower's pension; and

(c) the annual value of a widower's pension granted as a result of the exercise of the option given by this paragraph.

Service partly before and partly after the commencement date

27 (1) No widower's pension shall be payable in respect of a member who—

(a) holds judicial office on or before the commencement date; and

(b) continues to do so after that date,

unless, before the end of the period of six months beginning with that date, she opts for her husband to be entitled to a widower's pension on her death.

(2) A member exercising such an option shall specify whether the annual value of the widower's pension is to be calculated—

(a) under sub-paragraph (3); or

Status: *Point in time view as at 14/12/1999.*
Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

(b) on the assumption that all her relevant service fell after the commencement date.

(3) Where the annual value of a widower's pension falls to be calculated under this sub-paragraph its value shall be determined by applying the formula—

$$WP1 = \frac{WP2 \text{ x } RS1}{RS2}$$

where—

WP1 is the annual value of the widower's pension,

WP2 is the annual value of the widower's pension that would be payable on the assumption mentioned in sub-paragraph (2)(b),

RS1 is the length of the member's relevant service after the commencement date, and

RS2 is the whole of her relevant service.

(4) No period of service during which an election under section 14A is in force in respect of the member concerned shall be taken into account for the purposes of any calculation under sub-paragraph (3).

(5) For the purposes of this paragraph there shall be left out of account so much (if any) of the relevant service before the commencement date as does not add to the amount of the personal pension and accordingly this paragraph shall not apply if none of the relevant service before that date adds to the amount of the personal pension.

Pension not wholly attributable to service after 17 April 1973

28 (1) This paragraph applies to a member who, apart from this paragraph, would be a person to whom paragraph 15 or 16 of Part II of this Schedule applies.

(2) Where such a member has exercised an option under paragraph 26 or 27, this paragraph shall apply in respect of her, and paragraph 15 or, as the case may be, paragraph 16 shall cease to apply.

(3) For the purposes of calculating the annual value of—

(a) the widower's pension payable in respect of such a member; and

(b) any children's pension so payable,

the member shall be treated as if none of her relevant service fell before 18 April 1973."

SCHEDULE 13

Section 81.

TRANSFER OF ACCRUED BENEFITS

The following are the provisions which are inserted in the [M15]Judicial Pensions Act 1981, as Schedule 1A—

Status: *Point in time view as at 14/12/1999.*
Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

"SCHEDULE 1A

TRANSFER OF ACCRUED BENEFITS

PART I

GENERAL

Interpretation

1 In this Schedule—

"authorised insurance company" means an insurance company authorised under section 3 or 4 of the Insurance Companies Act 1982 (or any similar previous enactment) to carry on ordinary long-term insurance business;

"disregarded service", in relation to any member of a scheme, means any period of service in judicial office during which an election under section 14A(9) above is in force in respect of the qualifying member;

"normal pension age" means the earliest age at which, if his service had continued until retirement at that age, a member of a scheme might have been entitled to receive a pension under the scheme;

"prescribed" means prescribed by regulations;

"protected rights" has the same meaning as in the Social Security Pensions Act 1975 and, in relation to Northern Ireland, the Social Security Pensions (Northern Ireland) Order 1975;

"qualifying member" means a person to whom Part II of this Schedule applies;

"qualifying service" means the service, or relevant service, by reference to which a qualifying member's entitlement to benefit under the scheme is calculated; and

"scheme" means the relevant occupational pension scheme constituted by this Act or the Sheriffs' Pensions (Scotland) Act 1961.

Regulations

2 Regulations for the purposes of this Schedule—

(a) may be made, with the concurrence of the Treasury, by the Lord Chancellor or, in relation to Scotland, the Secretary of State;

(b) shall be made by statutory instrument;

(c) shall be subject to annulment in pursuance of a resolution of either House of Parliament;

(d) may make different provision for different cases; and

(e) may make provision for consequential, transitional and incidental matters.

Other provisions about transfer values

3 Part II of Schedule 1A to the Social Security Pensions Act 1975 (transfer values) and Part II of Schedule 1A to the Social Security Pensions (Northern Ireland) Order 1975 (corresponding Northern Ireland provisions) shall not apply in relation to those schemes to which this Schedule applies.

Status: *Point in time view as at 14/12/1999.*
Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

PART II

TRANSFERS OUT

Qualifying members

4 (1) Where the conditions mentioned in sub-paragraph (2) are satisfied, this Part of this Schedule applies to any person—
- (a) to or in respect of whom benefits are payable under a scheme; and
- (b) whose qualifying service ends after this Schedule comes into force.

(2) The conditions are that—
- (a) his qualifying service ends at least one year before he reaches normal pension age; and
- (b) on the date on which it ends—
  - (i) he has accrued rights to benefit under the scheme; or
  - (ii) he would have such rights if his service in judicial office had also ended on that date.

Qualifying member's right to a transfer payment

5 (1) When his qualifying service ends, a qualifying member acquires a right to the cash equivalent at the relevant date of any benefits—
- (a) which have accrued to, or in respect of him, under the scheme; or
- (b) where service of his in judicial office is disregarded service, which would have so accrued if his service in judicial office had ended on the same date as that on which his qualifying service ended.

(2) In this paragraph "the relevant date" means—
- (a) the date when the qualifying member's qualifying service ends; or
- (b) the date of any application which he has made under paragraph 6 and which has not been withdrawn,

whichever is the later.

Method of taking cash benefit

6 (1) A qualifying member who acquires a right to a cash equivalent under paragraph 5 may only take it by exercising the option conferred by this paragraph.

(2) The option is that of requiring the Treasury to use the cash equivalent in whichever of the following ways the qualifying member chooses—
- (a) for acquiring transfer credits allowed under the rules of another occupational pension scheme—
  - (i) whose trustees or managers are able and willing to accept him; and
  - (ii) which satisfies prescribed requirements;
- (b) for acquiring rights allowed under the rules of a personal pension scheme—
  - (i) whose trustees or managers are able and willing to accept him; and
  - (ii) which satisfies prescribed requirements;
- (c) for purchasing from one or more authorised insurance companies—
  - (i) chosen by the qualifying member; and

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Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

(ii) willing to accept payment on his account from the Treasury,

one or more annuities which satisfy prescribed requirements;

(d) for subscribing to other pension arrangements which satisfy prescribed requirements.

(3) Without prejudice to the generality of the power to prescribe requirements under sub-paragraph (2), such requirements may provide that pension arrangements or a scheme or annuity must satisfy such requirements of the Inland Revenue as may be prescribed.

(4) A qualifying member may exercise his option in different ways in relation to different portions of his cash equivalent.

(5) A qualifying member who exercises his option must do so in relation to the whole of his cash equivalent or, where sub-paragraph (6) applies, in relation to the whole of the reduced cash equivalent.

(6) Where—

(a) the trustees or managers of—

(i) an occupational pension scheme which is not a contracted-out scheme, or

(ii) a personal pension scheme which is not an appropriate scheme under section 2 of the Social Security Act 1986, Article 4 of the Social Security (Northern Ireland) Order 1986 or under any prescribed provision, or

(iii) a self-employed pension arrangement within the meaning of regulation 2D of the Occupational Pension Schemes (Transfer Values) Regulations 1985, regulation 2D of the Occupational Pension Schemes (Transfer Values) Regulations (Northern Ireland) 1985, regulation 2A of the Personal Pension Schemes (Transfer Values) Regulations 1987, regulation 2A of the Personal Pension Schemes (Transfer Values) Regulations (Northern Ireland) 1987 or any other prescribed provision,

are able or willing to accept a transfer payment only in respect of a qualifying member's rights other than his accrued rights to a guaranteed minimum pension or his protected rights; and

(b) the member has not required the Treasury to use the portion of his cash equivalent which represents a guaranteed minimum pension or protected rights in any of the ways specified in sub-paragraph (2),

paragraph 5, this paragraph and paragraph 7 are to be read as conferring on the member an option only in respect of the reduced cash equivalent.

(7) In this paragraph "reduced cash equivalent" means a sum equal to the balance of the cash equivalent to which the qualifying member would be entitled if sub-paragraph (6) did not apply, after deduction of an amount sufficient for the Treasury to meet its liability in respect of the member's guaranteed minimum pension or protected rights or those of his widow, or her widower.

Calculation of cash equivalents

7 (1) Cash equivalents are to be calculated and verified in the prescribed manner.

(2) Regulations made under sub-paragraph (1) may, in particular, provide—

(a) that in calculating cash equivalents account shall be taken—

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(i) of any surrender or forfeiture of the whole or part of a qualifying member's pension which occurs before the Treasury does what is needed to comply with the choice made by him in exercising his option;

(ii) in a case where paragraph 6(6) applies, of the need to deduct an appropriate amount to provide a guaranteed minimum pension or give effect to protected rights; and

(b) that in prescribed circumstances a qualifying member's cash equivalent shall be increased or reduced.

(3) Without prejudice to the generality of sub-paragraph (2), the circumstances that may be specified by virtue of paragraph (b) of that sub-paragraph include the length of time which elapses between the termination of a qualifying member's qualifying service and his exercise of the option conferred by paragraph 6.

Time within which option must be exercised

8 (1) A qualifying member may only exercise his option on or before the last option date.

(2) The last option date is—

(a) the date which falls one year before the date on which the qualifying member reaches normal pension age; or

(b) the end of the period of six months beginning with the date on which his qualifying service ends,

whichever is the later.

(3) A qualifying member loses the right to any cash equivalent under this Schedule if—

(a) his pension becomes payable before he reaches normal pension age; or

(b) he fails to exercise his option on or before the last option date.

Option to be exercised in writing

9 (1) A qualifying member may only exercise his option by making an application in writing to the Treasury.

(2) In any case where—

(a) a qualifying member has exercised his option; and

(b) the Treasury has done what is needed to comply with the choice made by him in exercising his option,

the Treasury shall be discharged from any obligation to provide benefits to which the cash equivalent related except, in any such cases as are mentioned in paragraph 6(6), to the extent that an obligation to provide guaranteed minimum pensions or give effect to protected rights continues to subsist.

(3) If the Treasury receives an application under this paragraph, it shall be its duty, subject to the following provisions of this paragraph, to do what is needed to comply with the choice made by the qualifying member in exercising his option—

(a) within twelve months of the date on which it receives his application; or

(b) by the date on which he attains normal pension age,

whichever is the earlier.

Status: *Point in time view as at 14/12/1999.*
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Cancellation of exercise of option

10 (1) A qualifying member may cancel the exercise of his option by giving the Treasury notice in writing that he no longer wishes it to be exercised.

(2) No such notice shall have effect if it is given to the Treasury at a time when, in order to comply with the choice made by the qualifying member in exercising his option, the Treasury has entered into an agreement with a third party to use the whole or part of his cash equivalent in a way specified in paragraph 6(2)(a), (b), (c) or (d).

(3) A qualifying member who withdraws an application may make another.

PART III

TRANSFERS IN

Application to accept payment into scheme

11 (1) Where a member of a scheme has asked the appropriate Minister to accept a payment representing the cash equivalent of his accrued rights in any other qualifying scheme, that Minister may—

(a) to the extent to which it does not exceed the prescribed limit, accept the payment or any part of it; or

(b) refuse to accept the payment or any part of it.

(2) A request under sub-paragraph (1) must be made—

(a) in writing;

(b) before the person making it has reached normal pension age; and

(c) not less than one year before he becomes entitled to a pension on retirement from his qualifying service.

(3) In this paragraph—

"the prescribed limit" means the limit prescribed by regulations made by virtue of paragraph 13(a);

"qualifying scheme" means—

(a) an occupational pension scheme, a personal pension scheme, or an annuity purchased from an authorised insurance company, which satisfies prescribed requirements; or

(b) other prescribed pension arrangements; and

"the appropriate Minister" means the Lord Chancellor, or, in relation to a member serving in an office existing only in Scotland, the Secretary of State.

Cancellation of request

12 (1) A member may, by notice in writing given to the appropriate Minister, cancel a request made by him under paragraph 11, at any time before it has been accepted.

(2) A transferring member who withdraws an application may make another.

Regulations

13 Regulations may—

Status: *Point in time view as at 14/12/1999.*
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(a) prescribe limits on the amounts which the appropriate Minister may accept under paragraph 11(1) above;

(b) make provision as to the manner in which payments are to be accepted into a scheme under this Part of this Schedule;

(c) make provision as to the benefits which are to be provided to a member to reflect any such payment accepted with respect to him;

(d) prescribe formulae, based on tables of factors provided by the Government Actuary, to be used when performing any calculation relating to the acceptance of transfer payments or the provision of benefits."

Marginal Citations

M15 1981 c. 20.

SCHEDULE 14

FOREIGN LAWYERS: PARTNERSHIPS AND RECOGNISED BODIES

PART I

REGISTRATION

General

1 In this Schedule—

"the Act of 1974" means the Solicitors Act 1974;

"controlled trust" means, in relation to a registered foreign lawyer who is a member of a multi-national partnership, a trust of which he is a sole trustee or co-trustee only with one or more of the employees or other partners of that partnership and of which he is a trustee by virtue of his being a member of that partnership;

"the Council" means the Council of the Law Society;

"the register" means the register maintained by the Society under section 89;

"registration" means registration in that register;

"the Society" means the Law Society; and

"the Tribunal" means the Solicitors Disciplinary Tribunal.

Commencement Information

I73 Sch. 14 para. 1 wholly in force at 14.10.1991 see s. 124(3) and S.I. 1991/1883, art. 3, **Sch.**

Status: *Point in time view as at 14/12/1999.*
Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

Application for registration

2 (1) An application for registration or for renewal of registration—
(a) shall be made to the Society in such form as the Council may prescribe; and
(b) shall be accompanied by such fee as the Council may, with the concurrence of the Master of the Rolls, prescribe.

(2) Where such an application is duly made by a foreign lawyer, the Law Society may register the applicant if it is satisfied that the legal profession of which the applicant is a member is one which is so regulated as to make it appropriate—
(a) for solicitors to enter into multi-national partnerships with members of that profession; and
(b) for members of that profession to be officers of recognised bodies.

(3) Any registration may be made subject to such conditions as the Society sees fit to impose.

(4) The Council may make regulations, with the concurrence of the Master of the Rolls, with respect to—
(a) the keeping of the register (including the manner in which entries are to be made, altered or removed); and
(b) applications for registration or renewal of registration.

(5) The register may be kept by means of a computer.

Modifications etc. (not altering text)

C3 Sch. 14 para. 2(1)(a) extended (22.5.2000) by S.I. 2000/1119 regs. 1(1), 37(3), Sch. 4 para. 5(2)
C4 Sch. 14 para. 2(1)(b) extended (22.5.2000) by S.I. 2000/1119 regs. 1(1), 37(3), Sch. 4 para. 5(1)
C5 Sch. 14 para. 2(3) extended (22.5.2000) by S.I. 2000/1119 regs. 1(1), 37(3), Sch. 4 para. 5(2)
C6 Sch. 14 para. 2(4) extended (22.5.2000) by S.I. 2000/1119, regs. 1(1), 37(3), **Sch. 4 para. 1(4)**
C7 Sch. 14 para. 2(5) extended (22.5.2000) by S.I. 2000/1119 regs. 1(1), 37(3), Sch. 4 para. 5(2)

Commencement Information

I74 Sch. 14 para. 2 wholly in force at 14.10.1991 see s. 124(3) and S.I. 1991/1883, art. 3, **Sch.**

VALID FROM 01/07/2009

[F48 2A (1) The Society may direct that a foreign lawyer's registration is to have effect subject to such conditions as the Society thinks fit to impose.

(2) A direction under sub-paragraph (1) may be given in respect of a foreign lawyer
(a) at the time he is first registered, or
(b) at any time when the registration has effect.]

Textual Amendments

F48 Sch. 14 para. 2A inserted (1.7.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 129** (with ss. 29, 192, 193); S.I. 2009/1365, **art. 2(b)(i)**

Status: *Point in time view as at 14/12/1999.*
Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

Duration of registration

3 (1) Every registration shall have effect from the beginning of the day on which it is entered in the register.

(2) The Council may make regulations—

(a) prescribing the date (“the renewal date") by which each registered foreign lawyer must apply for his registration to be renewed; and

(b) requiring every entry in the register to specify the renewal date applicable to that registration.

(3) Any such regulations may—

(a) provide different renewal dates for different categories of registered foreign lawyer or different circumstances;

(b) provide for the Society to specify, in the case of individual registered foreign lawyers, different renewal dates to those prescribed by the regulations;

(c) make such transitional, incidental and supplemental provision in connection with any provision for different renewal dates as the Council considers expedient.

(4) Where a foreign lawyer is registered, the Society may cancel his registration if—

(a) the renewal date for his registration has passed but he has not applied for it to be renewed; or

(b) he has applied to the Society for it to be cancelled.

Modifications etc. (not altering text)

C8 Sch. 14 para. 3(2) extended (22.5.2000) by S.I. 2000/1119, regs. 1(1), 37(3), **Sch. 4 para. 1(4)** (as amended (1.7.2009) by S.I. 2009/1587, **art. 3(5)**; S.I. 2009/1365, **art. 2(a)(i)**)

C9 Sch. 14 para. 3(4) extended (22.5.2000) by S.I. 2000/1119, regs. 1(1), 37(3), **Sch. 4 para. 5(2)** (as amended (1.7.2009) by S.I. 2009/1587, **art. 3(6)**; S.I. 2009/1365, **art. 2(a)(i)**)

Commencement Information

I75 Sch. 14 para. 3 wholly in force at 14.10.1991 see s. 124(3) and S.I. 1991/1883, art. 3, **Sch.**

Evidence as to registration

4 Any certificate purporting to be signed by an officer of the Society and stating that a particular foreign lawyer—

(a) is, or is not, registered; or

(b) was registered during a period specified in the certificate,

shall, unless the contrary is proved, be evidence of that fact and be taken to have been so signed.

Commencement Information

I76 Sch. 14 para. 4 wholly in force at 14.10.1991 see s. 124(3) and S.I. 1991/1883, art. 3, **Sch.**

Status: *Point in time view as at 14/12/1999.*
Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

PART II

REGISTERED FOREIGN LAWYERS:SUPPLEMENTARY PROVISIONS

Intervention in practices

5 (1) In this paragraph "the intervention powers" means the powers conferred by Part II of Schedule 1 to the Act of 1974 (intervention in solicitors' practices) as modified by this Schedule or under section 89.

(2) Subject to sub-paragraphs (3) and (4), the intervention powers shall be exercisable in relation to a person who is or has been a registered foreign lawyer and the practice of the multi-national partnership of which he is or was a member as they are exercisable in relation to a solicitor and his practice.

(3) The intervention powers are only exercisable where—

(a) the Council have reason to suspect dishonesty on the part of the registered foreign lawyer, or on the part of an employee of the multi-national partnership, in connection with—

(i) the practice of that partnership; or

(ii) any trust of which the registered foreign lawyer is or was a trustee by virtue of his being a member of that partnership;

(b) in the case of a registered foreign lawyer who has died, the Council have reason to suspect dishonesty on the part of his personal representative, in connection with—

(i) the practice of the multi-national partnership; or

(ii) any trust of which the registered foreign lawyer was a trustee by virtue of his being a member of that partnership;

(c) the Council are satisfied that the registered foreign lawyer has failed to comply with rules made under section 32 or 37(2)(c) of the Act of 1974;

(d) a bankruptcy order (as defined in paragraph 10(3)) has been made against him or he has made a composition or arrangement with his creditors;

(e) he has been committed to prison in any civil or criminal proceedings;

(f) the powers conferred by section 98 (emergency powers) or 99 (appointment of receiver) of the Mental Health Act 1983 have been exercised in respect of him;

(g) his name has been struck off the register or his registration has been suspended or cancelled;

(h) he has purported to act as a member of a multi-national partnership at a time when he was not registered;

(i) the Council are satisfied that he has failed to comply with any condition, subject to which he is registered, to the effect that—

(i) he may only be a member of a partnership which is approved by the Society; or

(ii) he may only be an officer of a recognised body which is so approved; or

(iii) he may only be such a member or such an officer.

(4) The intervention powers shall only be exercisable under sub-paragraph (3)(c) if the Society has given the foreign lawyer notice—

Status: *Point in time view as at 14/12/1999.*
Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

(a) that the Council are satisfied that he has failed to comply with rules specified in the notice; and

(b) that the intervention powers are accordingly exercisable.

(5) The intervention powers (other than those conferred by paragraphs 5 and 10 of Part II of Schedule 1 to the Act of 1974) shall also be exercisable where—

(a) a complaint is made to the Society that there has been undue delay on the part of a registered foreign lawyer in connection with—

(i) any matter in which he, or the multi-national partnership of which he is or was a member, was instructed on behalf of a client; or

(ii) any controlled trust;

(b) the Society by notice invites the registered foreign lawyer to give an explanation within a period (of not less than 8 days) specified in the notice;

(c) the registered foreign lawyer fails within that period to give an explanation which the Council regard as satisfactory; and

(d) the Society gives notice of the failure to the registered foreign lawyer and notice that the intervention powers are accordingly exercisable.

(6) Where the intervention powers are exercisable in relation to a registered foreign lawyer, they shall continue to be exercisable—

(a) at any time when his registration is suspended;

(b) after his name has been struck off the register or his registration has been cancelled; or

(c) after his death.

(7) Part II of Schedule 1 to the Act of 1974 shall have effect in relation to the intervention powers exercisable by virtue of this Schedule, subject to—

(a) any express modifications made under section 89; and

(b) any modifications necessary in the light of this paragraph.

(8) For the purposes of this paragraph, Part II of Schedule 1 to the Act of 1974 shall be read with paragraph 4(2) of Part I of that Schedule.

(9) The notices required to be given by this paragraph must be in writing but need not be given at the same time.

Commencement Information

I77 Sch. 14 para. 5 wholly in force at 14.10.1991 see s. 124(3) and S.I. 1991/1883, art. 3, **Sch.**

The Compensation Fund

6 (1) Where the Council are satisfied—

(a) that a person has suffered or is likely to suffer loss in consequence of dishonesty on the part of a registered foreign lawyer, or of an employee of a registered foreign lawyer, in connection with the practice of the multi-national partnership of which the foreign lawyer is or was a member or in connection with any trust of which that foreign lawyer is or was a trustee by virtue of his being a member of that partnership; or

Status: *Point in time view as at 14/12/1999.*
Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

(b) that a person has suffered or is likely to suffer hardship in consequence of failure on the part of a registered foreign lawyer to account for money which has come to his hands in connection with the practice of the multi-national partnership of which he is or was a member, or in connection with any trust of which he is or was a trustee by virtue of his being a member of that partnership; or

(c) that a registered foreign lawyer has suffered or is likely to suffer loss or hardship by reason of his liability to any client of his, or of the multi-national partnership of which he is or was a member, in consequence of some act or default of any of his partners or employees in circumstances where but for the liability of that registered foreign lawyer a grant might have been made out of the Compensation Fund to some other person,

the Society may make a grant out of the Compensation Fund for the purpose of relieving that loss or hardship.

(2) Section 36 of the Act of 1974 (Compensation Fund) shall apply with the necessary modifications in relation to grants under this paragraph as it applies in relation to grants under that section.

Commencement Information

I78 Sch. 14 para. 6 wholly in force at 14.10.1991 see s. 124(3) and S.I. 1991/1883, art.3, **Sch.**

Contributions to the Fund

7 (1) On an application for registration, a foreign lawyer shall pay to the Society a contribution to the Compensation Fund (“the initial contribution") of such amount as the Council may from time to time determine.

(2) On each application for renewal of his registration, a registered foreign lawyer shall pay to the Society—

(a) a contribution of such amount as the Council may from time to time determine (“the annual contribution"); and

(b) where it appears from his application that—

(i) he has, at any time during the period specified in the application, held or received clients’ money in connection with a multi-national partnership of which he is, or was, a member; or

(ii) he is, or was at any time during that period, an officer of a recognised body which has, at any time during that period, held or received clients’ money,

a further contribution (“the special levy") of such amount as the Council may from time to time determine.

(3) The Council may make rules providing, in circumstances specified by the rules, for a foreign lawyer—

(a) to pay a reduced initial or annual contribution or special levy; or

(b) not to be required to pay such a contribution or levy.

(4) Any rules under sub-paragraph (3) shall be made with the concurrence of the Master of the Rolls.

Status: *Point in time view as at 14/12/1999.*
Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

Modifications etc. (not altering text)

C10 Sch. 14 para. 7(1)(2) extended (22.5.2000) by S.I. 2000/1119, regs. 1(1), 37, **Sch. 4 para. 6(1)** (as amended (1.7.2009) by S.I. 2009/1587, **art. 3(6)**; S.I. 2009/1365, **art. 2(a)(i)**)

C11 Sch. 14 para. 7(3) extended (22.5.2000) by S.I. 2000/1119, regs. 1(1), 37(3), **Sch. 4 para. 3**(as amended (1.7.2009) by S.I. 2009/1587, **art. 3(6)**; S.I. 2009/1365, **art. 2(a)(i)**)

Commencement Information

I79 Sch. 14 para. 7 wholly in force at 14.10.1991 see s. 124(3) and S.I. 1991/1883, art. 3, **Sch.**

Accountants' reports

8 (1) Unless the Council are satisfied that it is unnecessary for him to do so, every registered foreign lawyer shall, once in each period of twelve months ending with 31st October, deliver to the Society (whether by post or otherwise) a report signed by an accountant and containing such information as may be prescribed by rules made by the Council under section 34 of the Act of 1974 (accountants' reports).

(2) The provisions of that section shall apply in relation to accountants' reports required by this paragraph, and registered foreign lawyers, as they apply in relation to accountants' reports required by subsection (1) of that section and solicitors.

Modifications etc. (not altering text)

C12 Sch. 14 para. 8 extended (22.5.2000) by S.I. 2000/1119, regs. 1(1), 37, **Sch. 4 para. 5(2)**

Commencement Information

I80 Sch. 14 para. 8 wholly in force at 14.10.1991 see s. 124(3) and S.I. 1991/1883, art.3, **Sch.**

Certification for purposes of investment business

9 For the purposes of enabling the Law Society to issue certificates under Part I of the Financial Services Act 1986 (regulation of investment business) to any multi-national partnership or to any recognised body managed or controlled by solicitors and one or more registered foreign lawyers—

(a) the Society shall be taken to be the appropriate professional body for that purpose;

(b) the registered foreign lawyer concerned shall be treated—

(i) as if he were a member of the Society; and

(ii) as if he were a solicitor for the purposes of paragraph 2(3) of Schedule 3 to the Act of 1986 (requirements for recognition of professional body); and

(c) Part I of that Act shall have effect subject to any modifications which the Secretary of State sees fit to make by order under this paragraph with a view to enabling certificates to be issued to such partnerships or such recognised bodies.

Status: *Point in time view as at 14/12/1999.*
Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

Commencement Information
I81 Sch. 14 para. 9 wholly in force at 14.10.1991 see s. 124(3) and S.I. 1991/1883, art. 3, **Sch.**

Effect of bankruptcy

10 (1) The registration of any foreign lawyer against whom a bankruptcy order is made shall be suspended on the making of that order.

(2) The suspension of any registration by reason of a bankruptcy order shall terminate if the order is annulled and an office copy of the order annulling it is served on the Society.

(3) In sub-paragraph (1), "bankruptcy order" includes any order which is not a bankruptcy order but which has the same, or a similar, effect under the law in force in any territory outside England and Wales.

Commencement Information
I82 Sch. 14 para. 10 wholly in force at 14.10.1991 see s. 124(3) and S.I. 1991/1883, art. 3, **Sch.**

Effect of disciplinary action

11 (1) Where a registered foreign lawyer is struck off, or suspended from practice, his registration shall be suspended.

(2) In sub-paragraph (1) "struck off" and "suspended from practice" mean—

(a) any action taken within the jurisdiction by reference to which the registered foreign lawyer is qualified to be registered; or

(b) where the registered foreign lawyer is qualified to be registered by reference to more than one jurisdiction, any action taken within any one of those jurisdictions,

which is the equivalent, respectively, of a solicitor being struck off the roll or suspended from practice under the Act of 1974.

Commencement Information
I83 Sch. 14 para. 11 wholly in force at 14.10.1991 see s. 124(3) and S.I. 1991/1883, art.3, **Sch.**

Re-instatement of disciplined foreign lawyer

12 (1) Where a person's registration has been suspended by virtue of paragraph 11, it shall be revived—

(a) if his right to practise in the jurisdiction in question is restored; and

(b) a copy of the instrument restoring his right, certified to be a true copy by an officer of the appropriate court in the jurisdiction in question, or the professional body concerned, is served on the Society.

Status: *Point in time view as at 14/12/1999.*
Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

(2) Where a person whose registration is suspended by virtue of paragraph 11 applies to the Society for the suspension to be terminated, the Society may terminate it subject to such conditions, if any, as it thinks fit to impose.

Commencement Information
I84 Sch. 14 para. 12 wholly in force at 14.10.1991 see s. 124(3) and S.I. 1991/1883, art.3, **Sch.**

Effective date of revived registration

13 Where a foreign lawyer's registration is revived (whether as the result of the termination of its suspension, restoration by order of the Tribunal or for any other reason), that revival shall take effect on such date, and subject to such conditions, as the Society may direct.

Commencement Information
I85 Sch. 14 para. 13 wholly in force at 14.10.1991 see s. 124(3) and S.I. 1991/1883, art. 3, **Sch.**

Appeal against conditions or refusals

14 (1) Any foreign lawyer may appeal to the Master of the Rolls against—
(a) the refusal of the Society to register him or to renew his registration;
(b) the refusal of the Society to terminate the suspension of his registration on an application made by him under paragraph 12;
(c) the failure of the Society to deal with any application by him for registration, renewal of registration or the termination (under paragraph 12(2)) of a suspension within a reasonable time; or
(d) any condition imposed by the Society under paragraph 2(3), 12(2) or 13.

(2) An appeal under sub-paragraph (1)(a), (b) or (d) must be brought within the period of one month beginning with the date on which the Society notifies the applicant of its decision on his application.

(3) On an appeal to him under this paragraph, the Master of the Rolls may make such order as he thinks fit.

Modifications etc. (not altering text)
C13 Sch. 14 para. 14(1)(a)(c)(2)(3) extended (22.5.2000) by S.I. 2000/1119, regs. 1(1), 37, **Sch. 4 para. 5(3)**

Commencement Information
I86 Sch. 14 para. 14 wholly in force at 14.10.1991 see s. 124(3) and S.I. 1991/1883, art. 3, **Sch.**

Status: *Point in time view as at 14/12/1999.*
Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

Jurisdiction and powers of Disciplinary Tribunal

15 (1) Subject to paragraph 16, section 46 of the Act of 1974 (Solicitors Disciplinary Tribunal) shall apply, with the necessary modifications, in relation to applications and complaints made by virtue of any provision of this Schedule as it applies in relation to applications and complaints made by virtue of any provision of that Act.

(2) Any application—

(a) to strike the name of a foreign lawyer off the register;

(b) to require a registered foreign lawyer to answer allegations in an affidavit;

(c) to suspend the registration of a foreign lawyer for a specified or indefinite period;

(d) by a foreign lawyer whose name has been struck off the register by order of the Tribunal to have his name restored to the register;

(e) by a foreign lawyer whose registration has been suspended for an indefinite period by order of the Tribunal for the termination of that suspension,

shall be made to the Tribunal.

(3) Any person who alleges that a registered foreign lawyer has failed to comply with any rule made under section 31, 32, 34, or 37 of the Act of 1974 may make a complaint to the Tribunal.

(4) On the hearing of any application or complaint made to the Tribunal with respect to a foreign lawyer, the Tribunal shall have power to make such order as it may think fit, and any such order may in particular include provision for any of the following matters—

(a) the striking off the register of the name of the foreign lawyer to whom the application or complaint relates;

(b) the suspension of that foreign lawyer's registration indefinitely or for a specified period;

(c) the payment by that foreign lawyer of a penalty not exceeding £5,000, which shall be forfeit to Her Majesty;

(d) the termination of that foreign lawyer's unspecified period of suspension from registration;

(e) the restoration to the register of the name of a foreign lawyer which has been struck off the register;

(f) the payment by any party of costs or a contribution towards costs of such amount as the Tribunal may consider reasonable.

(5) Any order made under subsection (4) of section 47 of the Act of 1974 varying the maximum amount of the penalty which may be imposed under subsection (2)(c) of that section may make the same variation in the corresponding amount mentioned in sub-paragraph (4)(c).

Commencement Information

I87 Sch. 14 para. 15 wholly in force at 14.10.1991 see s. 124(3) and S.I. 1991/1883, art. 3, **Sch.**

Status: *Point in time view as at 14/12/1999.*
Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

Foreign lawyers assisting the Tribunal

16 (1) For the purposes of section 46 of the Act of 1974 (Solicitors Disciplinary Tribunal), the Tribunal may make rules providing for it to be assisted, in dealing with any application or complaint of a kind mentioned in paragraph 15, by a member of the legal profession in the jurisdiction by reference to which the foreign lawyer is or was qualified to be registered.

(2) Rules under sub-paragraph (1) shall not be made without the concurrence of the Master of the Rolls.

(3) Subsection (12) of section 46 of the Act of 1974 (rules to be made by statutory instrument etc.) shall apply to rules made under this paragraph as it applies to rules made under subsection (9) of that section.

Commencement Information
I88 Sch. 14 para. 16 wholly in force at 14.10.1991 see s. 124(3) and S.I. 1991/1883, art.3, **Sch.**

Appeals from Tribunal

17 (1) An Appeal from the Tribunal shall lie—
(a) in the case of an order on an application under paragraph 15(2)(d) or (e), or the refusal of any such application, to the Master of the Rolls;
(b) in the case of any other order or refusal under paragraph 15, to the High Court.

(2) The High Court and the Master of the Rolls shall have power to make such order on an appeal under this paragraph as they may think fit.

(3) Any decision of the Master of the Rolls on an appeal under this paragraph shall be final.

(4) The Master of the Rolls may make regulations about appeals to him under this paragraph.

Commencement Information
I89 Sch. 14 para. 17 wholly in force at 14.10.1991 see s. 124(3) and S.I. 1991/1883, art. 3, **Sch.**

[F49]SCHEDULE 15

Section 93(3).

INADEQUATE PROFESSIONAL SERVICES

Textual Amendments
F49 Sch. 15 repealed (prosp.) by Legal Services Act 2007 (c. 29), ss. 210, 211, **Sch. 23** (with ss. 29, 192, 193)

Status: *Point in time view as at 14/12/1999.*
Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

Commencement Information

I90 Sch. 15 wholly in force at 1.4.1991 see s. 124(3) and S.I. 1991/608, art. 2, **Sch.**

The following are the provisions which are inserted in the [M16]Solicitors Act 1974 as Schedule 1A—

"SCHEDULE 1A

INADEQUATE PROFESSIONAL SERVICES

Circumstances in which Council's powers may be exercised

1 (1) The Council may take any of the steps mentioned in paragraph 2 ("the steps") with respect to a solicitor where it appears to them that the professional services provided by him in connection with any matter in which he or his firm have been instructed by a client have, in any respect, not been of the quality which it is reasonable to expect of him as a solicitor.

(2) The Council shall not take any of the steps unless they are satisfied that in all the circumstances of the case it is appropriate to do so.

(3) In determining in any case whether it is appropriate to take any of the steps, the Council may—

(a) have regard to the existence of any remedy which it is reasonable to expect to be available to the client in civil proceedings; and

(b) where proceedings seeking any such remedy have not been begun by him, have regard to whether it is reasonable to expect him to begin them.

Directions which may be given

2 (1) The steps are—

(a) determining that the costs to which the solicitor is entitled in respect of his services ("the costs") are to be limited to such amount as may be specified in the determination and directing him to comply, or to secure compliance, with such one or more of the permitted requirements as appear to the Council to be necessary in order for effect to be given to their determination;

(b) directing him to secure the rectification, at his expense or at that of his firm, of any such error, omission or other deficiency arising in connection with the matter in question as they may specify;

(c) directing him to pay such compensation to the client as the Council sees fit to specify in the direction;

(d) directing him to take, at his expense or at that of his firm, such other action in the interests of the client as they may specify.

(2) The "permitted requirements" are—

(a) that the whole or part of any amount already paid by or on behalf of the client in respect of the costs be refunded;

(b) that the whole or part of the costs be remitted;

(c) that the right to recover the costs be waived, whether wholly or to any specified extent.

Status: *Point in time view as at 14/12/1999.*
Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

(3) The power of the Council to take any such steps is not confined to cases where the client may have a cause of action against the solicitor for negligence.

Compensation

3 (1) The amount specified in a direction by virtue of paragraph 2(1)(c) shall not exceed £1,000.

(2) The Lord Chancellor may by order made by statutory instrument amend sub-paragraph (1) by substituting for the sum of £1,000 such other sum as he considers appropriate.

(3) Before making any such order the Lord Chancellor shall consult the Law Society.

(4) Any statutory instrument made under this paragraph shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Taxation of costs

4 (1) Where the Council have given a direction under paragraph 2(1)(a), then—

(a) for the purposes of any taxation of a bill covering the costs, the amount charged by the bill in respect of them shall be deemed to be limited to the amount specified in the determination; and

(b) where a bill covering the costs has not been taxed, the client shall, for the purposes of their recovery (by whatever means and notwithstanding any statutory provision or agreement) be deemed to be liable to pay in respect of them only the amount specified in the determination.

(2) Where a bill covering the costs has been taxed, the direction shall, so far as it relates to the costs, cease to have effect.

Failure to comply with direction

5 (1) If a solicitor fails to comply with a direction given under this Schedule, any person may make a complaint in respect of that failure to the Tribunal; but no other proceedings whatever shall be brought in respect of it.

(2) On the hearing of such a complaint the Tribunal may, if it thinks fit (and whether or not it makes any order under section 47(2)), direct that the direction be treated, for the purpose of enforcement, as if it were contained in an order made by the High Court.

Fees

6 (1) The Council may, by regulations made with the concurrence of the Lord Chancellor and the Master of the Rolls, make provision for the payment, by any client with respect to whom the Council are asked to consider whether to take any of the steps, of such fee as may be prescribed.

(2) The regulations may provide for the exemption of such classes of client as may be prescribed.

(3) Where a client pays the prescribed fee it shall be repaid to him if the Council take any of the steps in the matter with respect to which the fee was paid.

Status: *Point in time view as at 14/12/1999.*
Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

(4) In this paragraph "prescribed" means prescribed by the regulations.

Costs

7 Where the Council take any of the steps with respect to a solicitor they may also direct him to pay to the Council—

(a) the amount of the fee repayable by the Council to the client under paragraph 6(3); and

(b) an amount which is calculated by the Council as the cost to them of dealing with the complaint, or which in their opinion represents a reasonable contribution towards that cost.

Duty of Tribunal

8 Where the Tribunal—

(a) is considering, or has considered, an application or complaint with respect to a solicitor; and

(b) is of the opinion that the Council should consider whether to take any of the steps with respect to that solicitor,

it shall inform the Council.

Interpretation

9 The Council's powers under this Schedule are exercisable in relation to a person even though his name has been removed from, or struck off, the roll and references to a solicitor in this Schedule, so far as they relate to the exercise of those powers, shall be construed accordingly."

Marginal Citations

M16 1974 c. 47.

SCHEDULE 16

Section 116.

CHILDREN ACT 1989

PART I

AMENDMENT OF ACT AND OTHER ENACTMENTS AFFECTED

1 In this Part of this Schedule "the Act of 1989" means the [M17]Children Act 1989.

Commencement Information

I91 Sch. 16 para. 1 wholly in force at 14.10.1991 see s. 124(3) and S.I 1991/1883, art.3, Sch.

Status: *Point in time view as at 14/12/1999.*
Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

Marginal Citations
M17 1989 c. 41.

The Civil Evidence Act 1968 (c. 64)

2 (1) In section 12(5) of the Civil Evidence Act 1968 (findings of paternity in civil proceedings: meaning of "relevant proceedings") for the definition of "relevant proceedings" there shall be substituted—

""relevant proceedings" means—

(a) proceedings on a complaint under section 42 of the National Assistance Act 1948 or section 26 of the Social Security Act 1986;

(b) proceedings under the Children Act 1989;

(c) proceedings which would have been relevant proceedings for the purposes of this section in the form in which it was in force before the passing of the Children Act 1989."

(2) Paragraph 24 of Schedule 13 to the Act of 1989 shall be omitted.

Commencement Information
I92 Sch. 16 para. 2 wholly in force at 14.10.1991 see s. 124(3) and S.I 1991/1883, art.3, Sch.

The Family Law Reform Act 1969 (c. 46)

3 In section 20 of the Family Law Reform Act 1969 (tests to establish paternity), which was amended by the Act of 1989 in relation to cases where the person whose paternity is in issue is under the age of eighteen, for subsection (1A) and the words preceding paragraph (a) in subsection (1B), there shall be substituted—

"(1A) An application for a direction under this section shall specify who is to carry out the tests.

(1B) A direction under this section shall".

Commencement Information
I93 Sch. 16 para. 3 wholly in force at 14.10.1991 see s. 124(3) and S.I 1991/1883, art. 3, Sch.

The Children and Young Persons Act 1969 (c. 54)

4 (1) Section 16 of the Children and Young Persons Act 1969 (provisions supplementary to section 15) shall be amended as follows.

(2) In subsection (3)—

(a) for the words "relevant infant" there shall be substituted "supervised person"; and

(b) the words from "and the justice" to the end shall be omitted.

Status: *Point in time view as at 14/12/1999.*
Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

(3) After subsection (3) there shall be inserted the following subsections—

"(3A) Where a supervised person is brought before a justice under subsection (3) of this section, the justice may—

(a) direct that he be released forthwith; or

(b) subject to subsection (3C) of this section, remand him to local authority accommodation.

(3B) A justice who remands a person to local authority accommodation shall designate, as the authority who are to receive him, the authority named in the supervision order in respect of which the application or reference is being made.

(3C) Where the supervised person has attained the age of eighteen at the time when he is brought before the justice, he shall not be remanded to local authority accommodation but may instead be remanded—

(a) to a remand centre, if the justice has been notified that such a centre is available for the reception of persons under this subsection; or

(b) to a prison, if he has not been so notified."

(4) For subsection (4) there shall be substituted the following subsection—

"(4) Where an application is made to a court under section 15(1) of this Act, the court may remand (or further remand) the supervised person to local authority accommodation if—

(a) a warrant has been issued under subsection (2) of this section for the purpose of securing the attendance of the supervised person before the court; or

(b) the court considers that remanding (or further remanding) him will enable information to be obtained which is likely to assist the court in deciding whether and, if so, how to exercise its powers under section 15(1)."

(5) In subsections (5)(b) and (c) and (6)(a), after the word "12A", in each place where it occurs, there shall be inserted "12AA".

Commencement Information

I94 Sch. 16 para. 4 wholly in force at 14.10.1991 see s. 124(3) and S.I 1991/1883, art. 3, Sch.

5 (1) Section 32 of that Act (detention of absentees), as amended by paragraph 27 of Schedule 12 to the Act of 1989, shall be further amended as follows.

(2) In the new subsection (1A), in paragraph (b)(ii), for the words "section 23(1)" there shall be substituted "section 16(3A) or 23(1)".

(3) In the new subsection (1C), after the words "section 12AA" there shall be inserted ", 16(3B)".

Status: *Point in time view as at 14/12/1999.*
Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

Commencement Information

I95 Sch. 16 para. 5 wholly in force at 14.10.1991 see s. 124(3) and S.I 1991/1883, art. 3, Sch.

The Administration of Justice Act 1970 (c. 31)

6 (1) In paragraph 6 of Schedule 8 to the Administration of Justice Act 1970 (maintenance orders for purposes of Maintenance Orders Act 1958 and the 1970 Act) for the words "under section 47 or 51 of the Child Care Act 1980" there shall be substituted "—

(a) made or having effect as if made under paragraph 23 of Schedule 2 to the Children Act 1989; or

(b) made under".

(2) Paragraph 25 of Schedule 13 to the Act of 1989 shall be omitted.

Commencement Information

I96 Sch. 16 para. 6 wholly in force at 14.10.1991 see s. 124(3) and S.I 1991/1883, art. 3, Sch.

The Adoption Act 1976 (c. 36)

7 In section 65A of the Adoption Act 1976 (which was inserted by paragraph 29 of Schedule 10 to the Act of 1989 and which makes similar provision with respect to the appointment of panels of guardians ad litem to that made by section 41 of the Act of 1989), the following subsection shall be added at the end—

"(4) The Secretary of State may, with the consent of the Treasury, make such grants with respect to expenditure of any local authority—

(a) in connection with the establishment and administration of guardian ad litem and reporting officer panels in accordance with section 65;

(b) in paying expenses, fees, allowances and in the provision of training for members of such panels,

as he considers appropriate."

Commencement Information

I97 Sch. 16 para. 7 wholly in force at 14.10.1991 see s. 124(3) and S.I 1991/1883, art.3, Sch.

The Child Care Act 1980 (c. 5)

8 After section 21(2) of the Child Care Act 1980 (power of local authority to allow child in care to be under charge and control of parent, etc.) there shall be inserted the following subsection—

"(2A) For the purposes of subsection (2) above and section 22A below a child shall be regarded as being under the charge and control of a person if he stays with that person for a continuous period of more than 24 hours".

Status: *Point in time view as at 14/12/1999.*
Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

Commencement Information
I98 Sch. 16 para. 8 wholly in force at 1.1.1991 see s. 124(3) and S.I 1990/2484, art. 2, Sch.

The Education Act 1981 (c. 60)

9 (1) In section 3A(1) of the Education Act 1981 (provision outside England and Wales for certain children), which was inserted in that Act by paragraph 36 of Schedule 12 to the Act of 1989, after the word "local", where it first occurs, there shall be inserted " education" ".

(2) That amendment shall be deemed to have been incorporated in section 3A(1) as originally enacted.

Commencement Information
I99 Sch. 16 para. 9 wholly in force at 14.10.1991 see s. 124(3) and S.I 1991/1883, art.3, Sch.

The Children Act 1989 (c. 41)

10 (1) In section 15(1) of the Children Act 1989 (orders for financial relief with respect to children) after the words "provisions of" there shall be inserted " section 6 of the [M18]Family Law Reform Act 1969" ".

(2) At the end of paragraph 1 of Schedule 1 to the Act of 1989 (financial provision for children) there shall be inserted the following sub-paragraph—

"(7) Where a child is a ward of court, the court may exercise any of its powers under this Schedule even though no application has been made to it."

Commencement Information
I100 Sch. 16 para. 10 wholly in force at 14.10.1991 see s. 124(3) and S.I 1991/1883, art. 3, Sch.

Marginal Citations
M18 1969 c. 46.

11 In section 21(2)(c)(i) of the Act of 1989 (provision of accommodation for children on remand) after the word "section" there shall be inserted " 16(3A) or" ".

Commencement Information
I101 Sch. 16 para. 11 wholly in force at 14.10.1991 see s. 124(3) and S.I 1991/1883, art. 3, Sch.

12 (1) In section 23 of the Act of 1989 (provision of accommodation and maintenance made by local authority for children whom they are looking after), in subsection (2)(e) after the word "provided" there shall be inserted " in accordance with arrangements made" ".

(2) After subsection (5) of that section there shall be inserted the following subsection—

Status: *Point in time view as at 14/12/1999.*
Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

"(5A) For the purposes of subsection (5) a child shall be regarded as living with a person if he stays with that person for a continuous period of more than 24 hours".

Commencement Information
I102 Sch. 16 para. 12 wholly in force at 14.10.1991 see s. 124(3) and S.I 1991/1883, art.3, Sch.

13 At the end of section 24 of the Act of 1989 (advice and assistance) there shall be added the following subsections—

"(14) Every local authority shall establish a procedure for considering any representations (including any complaint) made to them by a person qualifying for advice and assistance about the discharge of their functions under this Part in relation to him.

(15) In carrying out any consideration of representations under subsection (14), a local authority shall comply with any regulations made by the Secretary of State for the purposes of this subsection."

Commencement Information
I103 Sch. 16 para. 13 wholly in force at 14.10.1991 see s. 124(3) and S.I 1991/1883, art.3, Sch.

14 In section 27 of the Act of 1989 (co-operation between authorities)—

(a) in subsection (1) the words "or other person" and the words "or person" shall be omitted; and

(b) in subsection (3) for the word "persons" there shall be substituted " authorities" " and after the words "health authority" there shall be inserted " or National Health Service trust" ".

Commencement Information
I104 Sch. 16 para. 14 wholly in force at 14.10.1991 see s. 124(3) and S.I 1991/1883, art.3, Sch.

15 In section 29 of the Act of 1989 (recoupment of cost of providing services etc.), in subsection (9), for the words "expenses reasonably" there shall be substituted " reasonable expenses" ".

Commencement Information
I105 Sch. 16, para. 15 wholly in force at 14.10.1991 see s. 124(3) and S.I 1991/1883, art. 3, Sch.

16 In section 37 of the Act of 1989 (powers of court in certain family proceedings), in subsection (5)(b) for the words "does not reside" there shall be substituted " is not ordinarily resident" ".

Status: *Point in time view as at 14/12/1999.*
Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

Commencement Information
I106 Sch. 16 para. 16 wholly in force at 14.10.1991 see s. 124(3) and S.I 1991/1883, art.3, Sch.

17 In section 41 of the Act of 1989 (appointment of guardian ad litem for child in certain proceedings), the following subsection shall be added at the end—

"(12) The Secretary of State may, with the consent of the Treasury, make such grants with respect to expenditure of any local authority—

(a) in connection with the establishment and administration of guardian ad litem panels in accordance with this section;

(b) in paying expenses, fees, allowances and in the provision of training for members of such panels,as he considers appropriate."

Commencement Information
I107 Sch. 16 para. 17 wholly in force at 14.10.1991 see s. 124(3) and S.I 1991/1883, art. 3, Sch.

18 (1) Section 42 of the Act of 1989 (right of guardian ad litem to have access to local authority records) shall be amended as follows.

(2) In subsection (1)(a), after the word "authority" there shall be inserted " or an authorised person" ".

(3) At the end of subsection (1) there shall be added—

"; or

(c) any records of, or held by, an authorised person which were compiled in connection with the activities of that person, so far as those records relate to that child."

(4) The following subsection shall be added at the end—

"(4) In this section "authorised person" has the same meaning as in section 31."

Commencement Information
I108 Sch. 16 para. 18 wholly in force at 14.10.1991 see s. 124(3) and S.I 1991/1883, art. 3, Sch.

19 For section 45(10) of the Act of 1989 (appeals against emergency protection orders) there shall be substituted—

"(10) No appeal may be made against—

(a) the making of, or refusal to make, an emergency protection order;

(b) the extension of, or refusal to extend, the period during which such an order is to have effect;

(c) the discharge of, or refusal to discharge, such an order; or

(d) the giving of, or refusal to give, any direction in connection with such an order."

Status: *Point in time view as at 14/12/1999.*
Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

Commencement Information
I109 Sch. 16 para. 19 wholly in force at 14.10.1991 see s. 124(3) and S.I 1991/1883, art.3, Sch.

20 In section 47(11)(d) of the Act of 1989 (persons obliged to assist local authority investigations), after the words "health authority" there shall be inserted " or National Health Service trust" ".

Commencement Information
I110 Sch. 16 para. 20 wholly in force at 14.10.1991 see s. 124(3) and S.I 1991/1883, art. 3, Sch.

21 In section 81 of the Act of 1989 (power of Secretary of State to hold inquiries), in subsection (1)(d) the word "registered" shall be omitted and in subsection (1)(f) after the word "provided" there shall be inserted " in accordance with arrangements made" ".

Commencement Information
I111 Sch. 16 para. 21 wholly in force at 14.10.1991 see s. 124(3) and S.I 1991/1883, art. 3, Sch.

22 In section 93(2) of the Act of 1989 (rules of court)—

(a) in paragraph (f) for the words "the United Kingdom" there shall be substituted " England and Wales" "; and

(b) in paragraph (g) after the word "is" there shall be inserted " or resides" ".

Commencement Information
I112 Sch. 16 para. 22 wholly in force at 14.10.1991 see s. 124(3) and S.I 1991/1883, art. 3, Sch.

23 In section 94(1) (appeals), for the first word "An" there shall be substituted " Subject to any express provisions to the contrary made by or under this Act, an" ".

Commencement Information
I113 Sch. 16 para. 23 wholly in force at 14.10.1991 see s. 124(3) and S.I 1991/1883, art.3, Sch.

24 In section 97(8) of the Act of 1989 (privacy for children involved in certain proceedings) for the words "Section 71 of the Act of 1980 (newspaper reports of certain proceedings)" there shall be substituted " Sections 69 (sittings of magistrates' courts for family proceedings) and 71 (newspaper reports of certain proceedings) of the Act of 1980" ".

Commencement Information
I114 Sch. 16 para. 24 wholly in force at 14.10.1991 see s. 124(3) and S.I 1991/1883, art. 3, Sch.

Status: *Point in time view as at 14/12/1999.*
Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

25 In section 108(12) of the Act of 1989 (provisions extending to Northern Ireland), in the entry relating to Schedule 14, the word “18” shall be omitted.

Commencement Information
I115 Sch. 16 para. 25 wholly in force at 14.10.1991 see s. 124(3) and S.I. 1991/1883, art. 3, **Sch.**

26 In paragraph 14 of Schedule 2 to the Act of 1989 (regulations as to conditions under which child in care is allowed to live with parent, etc.), the following sub-paragraph shall be added at the end—

“(d) the records to be kept by local authorities.”

Commencement Information
I116 Sch. 16 para. 26 wholly in force at 14.10.1991 see s. 124(3) and S.I. 1991/1883, art.3, **Sch.**

27 In Schedule 3 to the Act of 1989 (supervision orders) paragraph 7 shall be omitted.

Commencement Information
I117 Sch. 16 para. 27 wholly in force at 14.10.1991 see s. 124(3) and S.I. 1991/1883, art. 3, **Sch.**

28 (1) In Schedule 4 to the Act of 1989 (management and conduct of community homes) the word “voluntary” wherever it occurs in paragraph 1(1), (2), (4), (5), (8) and (9) shall be omitted.

(2) In paragraph 1(6)(b)(i) of that Schedule, the words “as a voluntary home” shall be omitted.

Commencement Information
I118 Sch. 16 para. 28 wholly in force at 14.10.1991 see s. 124(3) and S.I. 1991/1883, art.3, **Sch.**

29 In paragraph 3(1) of Schedule 6 to the Act of 1989 (registered children’s homes – meaning of “responsible authority") for the word “Part" there shall be substituted “ Schedule" ”.

Commencement Information
I119 Sch. 16 para. 29 wholly in force at 14.10.1991 see s. 124(3) and S.I. 1991/1883, art.3, **Sch.**

30 (1) Paragraph 2 of Schedule 9 to the Act of 1989 (disqualification from registration as child minder etc. under section 71) shall be amended as follows.

(2) In sub-paragraph (1), there shall be added at the end “unless—

(a) he has disclosed the fact to the appropriate local authority; and

(b) obtained their written consent.”

(3) In sub-paragraph (2)(g), for “61" there shall be substituted “ 69" ”.

Status: *Point in time view as at 14/12/1999.*
Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

Commencement Information
I120 Sch. 16 para. 30 wholly in force at 14.10.1991 see s. 124(3) and S.I. 1991/1883, art. 3, **Sch.**

31 In Schedule 12 to the Act of 1989 (minor amendments), paragraph 25 (which amended section 16 of the Children and Young Persons Act 1969) shall be omitted.

Commencement Information
I121 Sch. 16 para. 31 wholly in force at 14.10.1991 see s. 124(3) and S.I. 1991/1883, art.3, **Sch.**

32 In Schedule 13 to the Act of 1989 (consequential amendments), paragraph 40 shall be omitted.

Commencement Information
I122 Sch. 16 para. 32 wholly in force at 14.10.1991 see s. 124(3) and S.I. 1991/1883, art. 3, **Sch.**

33 (1) Schedule 14 to the Act of 1989 (transitionals and savings) shall be amended as follows.

(2) In paragraph 15 (children in compulsory care) at the end of sub-paragraph (1) there shall be added "; or—

(h) in care by virtue of an order of the court made in the exercise of the High Court's inherent jurisdiction with respect to children,".

(3) In paragraph 16 (modifications)—

(a) in sub-paragraph (4), for the word "(g)" there shall be substituted " (h)" "; and

(b) in sub-paragraph (5) for the words from "under" to "1973" there shall be substituted "—

(a) under section 4(4)(a) of the Guardianship Act 1973;

(b) under section 43(5)(a) of the Matrimonial Causes Act 1973; or

(c) in the exercise of the High Court's inherent jurisdiction with respect to children,".

(4) After paragraph 16 there shall be inserted the following paragraph—

" Cessation of wardship where ward in care

16A Where a child who is a ward of court is in care by virtue of—

(a) an order under section 7(2) of the Family Law Reform Act 1969; or

(b) an order made in the exercise of the High Court's inherent jurisdiction with respect to children,

he shall, on the day on which Part IV commences, cease to be a ward of court."

(5) In paragraph 22(a) for the word "(g)" there shall be substituted " (h)" ".

(6) In paragraph 36(5)(b) for the words "subsection (4)" there shall be substituted " subsection (6)" ".

Status: *Point in time view as at 14/12/1999.*
Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

Commencement Information
I123 Sch. 16 para. 33 wholly in force at 14.10.1991 see s. 124(3) and S.I. 1991/1883, art.3, **Sch.**

PART II

FURTHER CONSEQUENTIAL AMENDMENTS

The Maintenance Orders Act 1950 (c. 37)

34 In section 15(1)(a) of the Maintenance Orders Act 1950 (service of process), for sub-paragraphs (iii) and (iv) there shall be substituted—

"(iii) section 92 of and Schedule 11 to the Children Act 1989; or

(iv) section 93(2)(g) of that Act (including that provision as applied in relation to Northern Ireland by section 116(3) of the Courts and Legal Services Act 1990)".

Commencement Information
I124 Sch. 16 para. 34 wholly in force at 14.10.1991 see s. 124(3) and S.I. 1991/1883, art. 3, **Sch.**

35 In section 16(2)(a) of that Act (application of Part II)—

(a) for sub-paragraph (iii) there shall be substituted—

"(iii) Schedule 1 to the Children Act 1989"; and

(b) in sub-paragraph (v), for the words "section 47 of the [M19]Child Care Act 1980" there shall be substituted " paragraph 23 of Schedule 2 to the [M20]Children Act 1989" ".

Commencement Information
I125 Sch. 16 para. 35 wholly in force at 14.10.1991 see s. 124(3) and S.I. 1991/1883, art. 3, **Sch.**

Marginal Citations
M19 1980 c. 5.
M20 1989 c. 41.

The Social Work (Scotland) Act 1968 (c. 49)

36 In section 94(1) of the Social Work (Scotland) Act 1968 (interpretation), in the definition of "supervision order" for the words from first "has" to "1969" there shall be substituted " means a supervision order under the Children and Young Persons Act 1969 or the Children Act 1989" ".

Commencement Information
I126 Sch. 16 para. 36 wholly in force at 14.10.1991 see s. 124(3) and S.I. 1991/1883, art. 3, **Sch.**

Status: *Point in time view as at 14/12/1999.*
Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

The Administration of Justice Act 1970 (c. 31)

37 (1) In Schedule 8 to the Administration of Justice Act 1970 (maintenance orders for purposes of Maintenance Orders Act 1958 and the 1970 Act), for paragraph 4 there shall be substituted—

"4 An order for periodical or other payments made or having effect as if made under Schedule 1 to the Children Act 1989."

(2) Paragraph 12 of that Schedule shall cease to have effect.

Commencement Information

I127 Sch. 16 para. 37 wholly in force at 14.10.1991 see s. 124(3) and S.I. 1991/1883, art. 3, **Sch.**

The Attachment of Earnings Act 1971 (c. 32)

38 In Schedule 1 to the Attachment of Earnings Act 1971 (maintenance orders to which Act of 1971 applies) for paragraph 5 there shall be substituted—

"5 An order for periodical or other payments made or having effect as if made under Schedule 1 to the Children Act 1989."

Commencement Information

I128 Sch. 16 para. 38 wholly in force at 14.10.1991 see s. 124(3) and S.I. 1991/1883, art. 3, **Sch.**

The Maintenance Orders (Reciprocal Enforcement) Act 1972 (c. 18)

39 [F50](1) . . . . . .

[F50](2) . . . . . .

(3) In section 30 of that Act (further provisions relating to recovery in England, Wales and Northern Ireland of maintenance for children) subsections (1), (2) and (6) shall cease to have effect.

Textual Amendments

F50 Sch. 16 para. 39(1)(2) repealed (5.4.1993) by Maintenance Orders (Reciprocal Enforcement) Act 1992 (c. 56, SIF 49:3), s. 2(2), **Sch.3**; S.I. 1993/618, **art. 2**.

Commencement Information

I129 Sch. 16 para. 39 wholly in force at 14.10.1991 see s. 124(3) and S.I. 1991/1883, art. 3, **Sch.**

The Magistrates' Courts Act 1980 (c. 43)

40 In section 65(1) of the Magistrates' Courts Act 1980 (meaning of family proceedings), paragraph (k) shall be omitted.

Status: *Point in time view as at 14/12/1999.*
Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

Commencement Information
I130 Sch. 16 para. 40 wholly in force at 14.10.1991 see s. 124(3) and S.I. 1991/1883, art.3, **Sch.**

The Civil Jurisdiction and Judgments Act 1982 (c. 27)

41 In section 18(6) of the Civil Jurisdiction and Judgments Act 1982 (enforcement of UK judgments in other parts of UK) for paragraph (b) there shall be substituted—

"(b) any order which is a Part I order for the purposes of the Family Law Act 1986."

Commencement Information
I131 Sch. 16 para. 41 wholly in force at 14.10.1991 see s. 124(3) and S.I. 1991/1883, art.3, **Sch.**

The Mental Health Act 1983 (c.20)

42 In section 116(2) of the Mental Health Act 1983 (visiting of patients who are children) for paragraph (a) there shall be substituted—

"(a) a child or young person—

(i) who is in the care of a local authority by virtue of a care order within the meaning of the Children Act 1989, or

(ii) in respect of whom the rights and powers of a parent are vested in a local authority by virtue of section 16 of the Social Work (Scotland) Act 1968;".

Commencement Information
I132 Sch. 16 para. 42 wholly in force at 14.10.1991 see s. 124(3) and S.I. 1991/1883, art.3, **Sch.**

SCHEDULE 17

Section 125(2).

MINOR AMENDMENTS

The Naval Agency and Distribution Act 1864 (c. 24)

1 In section 7 of the Naval Agency and Distribution Act 1864 (certain persons incapable of being ship's agents) the words "or a proctor, attorney or solicitor" shall cease to have effect.

The Land Registration Act 1925 (c. 21)

2 In section 126 of the Land Registration Act 1925 (business of the Land Registry), the following subsection shall be inserted after subsection (6)—

Status: *Point in time view as at 14/12/1999.*
Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

"(6A) The fact that the Chief Land Registrar and other officers of the Land Registry are not required to be legally qualified is not to be taken as preventing the making of regulations under this section which provide for certain acts to be done by an officer who is legally qualified."

The Administration of Justice Act 1956 (c. 46)

3 Section 53 of the Administration of Justice Act 1956 (only certain barristers or solicitors eligible for appointment as the Chief Land Registrar, a registrar or assistant registrar in the Land Registry) shall cease to have effect.

The Powers of Attorney Act 1971 (c. 27)

4 In section 3 of the Powers of Attorney Act 1971 (proof of instruments creating powers of attorney)—

(a) in subsection (1)(b), after the word "solicitor" there shall be inserted " duly certificated notary public" "; and

(b) in subsection (3), after the word "section" there shall be inserted " "duly certificated notary public" has the same meaning as it has in the Solicitors Act 1974 by virtue of section 87(1) of that Act and" ".

Commencement Information

I133 Sch. 17 para. 4 wholly in force at 1. 4.1991 see s. 124(3) and S.I. 1991/608, **art. 2**.

The Attachment of Earnings Act 1971 (c. 32)

PROSPECTIVE

5 In section 6 of the Attachment of Earnings Act 1971 (effect of attachment of earnings order), the following subsections shall be added at the end—

"(9) The Lord Chancellor may by order make such provision as he considers expedient (including transitional provision) with a view to providing for the payment of amounts deducted under attachment of earnings orders to be made to such officers as may be designated by the order rather than to collecting officers of the court.

(10) Any such order may make such amendments in this Act, in relation to functions exercised by or in relation to collecting officers of the court as he considers expedient in consequence of the provision made by virtue of subsection (9) above.

(11) The power to make such an order shall be exercisable by statutory instrument.

(12) Any such statutory instrument shall be subject to annulment in pursuance of a resolution of either House of Parliament."

Status: *Point in time view as at 14/12/1999.*
Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

6 In section 23 of that Act (powers of judge in relation to failure by debtor to comply with order etc.) the following subsection shall be inserted at the end—

"(11) A district judge, assistant district judge or deputy district judge shall have the same powers under this section as a judge of a county court."

Commencement Information
I134 Sch. 17 para. 6 wholly in force at 1.7.1991 see s. 124(3) and S.I. 1991/1364, art. 2, **Sch.**

The Juries Act 1974 (c. 23)

7 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 legal executives in the employment of solicitors there shall be inserted— " Public notaries ".

Commencement Information
I135 Sch. 17 para. 7 wholly in force at 1. 4.1991 see s. 124(3) and S.I. 1991/608, art. 2, **Sch.**

The Solicitors Act 1974 (c. 47)

8 In section 2 of the Solicitors Act 1974 (training regulations), the following subsections shall be added at the end—

"(4) Where, under Schedule 4 to the Courts and Legal Services Act 1990 (approval of certain regulations in connection with the grant of rights of audience or rights to conduct litigation), the Lord Chancellor, the Lord Chief Justice or the Master of the Rolls approves any regulation made under this section he shall be taken, for the purposes of this section, to have concurred in the making of that regulation.

(5) Subsection (4) shall have effect whether or not the regulation required to be approved under Schedule 4 to the Act of 1990."

Commencement Information
I136 Sch. 17 para. 8 wholly in force at 1. 4. 1991 see s. 124(3) and S.I. 1991/608, art. 2, **Sch.**

9 Section 4 of that Act (which sets out conditions to be satisfied before certain overseas solicitors may be admitted) shall cease to have effect.

10 In section 31 of that Act (rules as to professional practice, conduct and discipline), the following subsections shall be added at the end—

Status: *Point in time view as at 14/12/1999.*
Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

"(3) Where, under Schedule 4 to the Courts and Legal Services Act 1990 (approval of certain rules in connection with the grant of rights of audience or rights to conduct litigation), the Master of the Rolls approves any rule made under this section he shall be taken, for the purposes of this section, to have concurred in the making of that rule.

(4) Subsection (3) shall have effect whether or not the rule required to be approved under Schedule 4 to the Act of 1990."

Commencement Information
I137 Sch. 17 para. 10 wholly in force at 1. 4.1991 see s. 124(3) and S.I. 1991/608, art. 2, **Sch.**

The Magistrates' Courts Act 1980 (c. 43)

11 In section 125(2) of the Magistrates' Courts Act 1980 (provision for certain warrants relating to enforcement of fines to be executed by persons other than constables) for the words "a fine" there shall be substituted "any sum adjudged to be paid".

The Supreme Court Act 1981 (c. 54)

12 In section 5(3) of the Supreme Court Act 1981 (judges to sit in other divisions of the High Court at the request of the Lord Chancellor) for the words "Lord Chancellor" to the end there shall be substituted " Lord Chief Justice made with the concurrence of the President of the Family Division or the Vice-Chancellor, or both, as appropriate" ".

13 In section 36(4) of that Act (witness not to be punished for failing to appear if he is not offered payment of his reasonable expenses of attending), for the words from "the expenses", to the end, there shall be substituted "—

(a) the expenses of coming and attending to give evidence and of returning from giving evidence; and

(b) any other reasonable expenses which he has asked to be defrayed in connection with his evidence,

was tendered to him at the time when the writ was served upon him. "

Commencement Information
I138 Sch. 17 para. 13 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)

14 (1) Section 73 of the County Courts Act 1984 (register to be kept of county court judgments) shall be amended as follows.

Status: *Point in time view as at 14/12/1999.*
Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

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

"(1) A register of every—

(a) judgment entered in a county court;

(b) administration order made under section 112; and

(c) order restricting enforcement made under section 112A,

shall be kept in such manner and in such place as may be prescribed."

(3) In subsection (3)—

(a) in paragraph (a)—

(i) after the word "judgments" there shall be inserted " or orders" "; and

(ii) after the word "judgment" there shall be inserted " or order" "; and

(b) in paragraph (b), after the word "judgments" there shall be inserted " or orders" ".

Commencement Information

I139 Sch. 17 para. 14 wholly in force at 14.10.1991 see s. 124(3) and S.I. 1991/1883, art. 3, **Sch.**

15 In section 77 of that Act (appeals: general provisions) after subsection (1) the following subsection shall be inserted—

"(1A) Without prejudice to the generality of the power to make county court rules under section 75, such rules may make provision for any appeal from the exercise by a district judge, assistant district judge or deputy district judge of any power given to him by virtue of any enactment to be to a judge of a county court."

16 In section 103 of that Act (execution out of the jurisdiction of the court), the following subsection shall be added at the end—

"(6) County court rules may make provision for the suspension of any judgment or order, on terms, in connection with any warrant issued with respect to any instalment payable under the judgment or order."

17 In section 138 of that Act (forfeiture for non-payment of rent), in subsections (2), (3), (5), (7), (8) and (9) (which relate to relief from forfeiture on payment into court of rent and costs), after the words "into court", in each place where they occur, there shall be inserted " or to the lessor" ".

Commencement Information

I140 Sch. 17 para. 17 wholly in force at 1.7.1991 see s. 124(3) and S.I. 1991/1364, art. 2, **Sch.**

18 In Schedule 1 to that Act, paragraphs 2(3) and 3 (restrictions on hearing of replevin actions in the High Court) shall cease to have effect.

Commencement Information

I141 Sch. 17 para. 18 wholly in force at 1.7.1991 see s. 124(3) and S.I. 1991/1364, art. 2, **Sch.**

Status: *Point in time view as at 14/12/1999.*
Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

PROSPECTIVE

The Legal Aid Act 1988 (c. 34)

19 In section 15 of the Legal Aid Act 1988 (availability of, and payment for, representation in civil proceedings under Part IV) the following subsection shall be inserted after subsection (4)—

"(4A) A person may not be refused representation for the purposes of any proceedings on the ground (however expressed) that it would be more appropriate for him and a legal representative of his to enter into a conditional fee agreement (as defined by section 58 of the Courts and Legal Services Act 1990)."

The Law of Property (Miscellaneous Provisions) Act 1989 (c. 34)

20 (1) In subsection (5) of section 1 of the Law of Property (Miscellaneous Provisions) Act 1989 (presumption that solicitor is authorised to deliver certain instruments), after the word "solicitor", in both places where it occurs, there shall be inserted " , duly certificated notary public" ".

(2) In subsection (6) of that section (meaning of expressions used in subsection (5)), after the words "Act 1925" there shall be inserted— " "duly certificated notary public" has the same meaning as it has in the Solicitors Act 1974 by virtue of section 87 of that Act; ".

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;".

Status: *Point in time view as at 14/12/1999.*
Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

Commencement Information

I142 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)

F51 2 . . . . . .

Textual Amendments

F51 Sch. 18 para. 2 repealed (1.10.1992) by Tribunals and Inquiries Act 1992 (c. 53, SIF 127), ss. 18(2), 19(2), **Sch. 4 Pt.I**

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 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

Status: *Point in time view as at 14/12/1999.*
Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

(b) any person corresponding to a barristers' clerk or assistant clerk,

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

Commencement Information
I143 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

(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
I144 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.

Status: *Point in time view as at 14/12/1999.*
Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

(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

I145 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, 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."

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

I146 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."

Status: *Point in time view as at 14/12/1999.*
Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

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" ".

(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

I147 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

I148 Sch. 18 para. 18 wholly in force at 1.7.1991 see s. 124(3) and S.I. 1991/1364, art. 2, **Sch.**

Status: *Point in time view as at 14/12/1999.*
Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

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" ".

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."

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

[F52]21 . . . . . .

Textual Amendments

F52 Sch. 18 para. 21 repealed (1.10.1997) by 1996 c. 27, s. 66(3), **Sch. 10**; S.I. 1997/1892, **art. 3(1)**

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".

Status: *Point in time view as at 14/12/1999.*
Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

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)

F53 24 . . . . . .

Textual Amendments

F53 Sch. 18 para. 24 repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6, SIF 113:1), ss. 3, 7(2), **Sch.1** (with Sch. 3) (subject as mentioned (6.3.1992) in Local Government Finance Act 1992 (c. 14), **s.118**)

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);

F54 (c) . . . . . .

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".

Status: *Point in time view as at 14/12/1999.*
Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

(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".

(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.".

Textual Amendments

F54 Sch. 18 para. 25(4)(c) repealed (1.4.1995) by 1994 c. 29, s. 93, **Sch. 9 Pt. II**; S.I. 1995/685, **art. 1(2)**

The Judicial Pensions Act 1981 (c. 20)

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

I149 Sch. 18 para. 26 wholly in force at 1.1.1992 see s. 124(3) and S.I. 1991/2730, **art. 2**,Sch.

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

I150 Sch. 18 para. 27 wholly in force at 1.1.1992 see s. 124(3) and S.I. 1991/2730, art. 2, **Sch.**

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".

Status: *Point in time view as at 14/12/1999.*
Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

Commencement Information
I151 Sch. 18 para. 28 wholly in force at 1.1.1992 see s. 124(3) and S.I. 1991/2730, **art. 2**,Sch.

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
I152 Sch. 18 para. 29 wholly in force at 1.1.1992 see s. 124(3) and S.I. 1991/2730, art. 2, **Sch.**

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
I153 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—

"District judge.

Assistant district judge."

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" ".

Status: *Point in time view as at 14/12/1999.*
Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

Commencement Information
I154 Sch. 18 para. 33 wholly in force at 1.1.1992 see s. 124(3) and S.I. 1991/2730, art. 2, **Sch.**

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
I155 Sch. 18 para. 34 wholly in force at 1.1.1992 see s. 124(3) and S.I. 1991/2730, art. 2, **Sch.**

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

Commencement Information
I156 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—

"(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

Status: *Point in time view as at 14/12/1999.*
Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

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" ”;

(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

I157 Sch. 18 para. 41 wholly in force at 1. 4.1991 see s. 124(3) and S.I. 1991/608, art. 2, **Sch.**

Status: *Point in time view as at 14/12/1999.*
Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

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" ";

F55(b) . . . . . .

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" ".

Textual Amendments

F55 Sch. 18 para. 42(b) repealed (31.3.1995) by 1993 c. 8, s. 31(2)(4), **Sch. 9**; S.I. 1995/631, **art. 2**

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

I158 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

I159 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—

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

Commencement Information

I160 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."

Status: *Point in time view as at 14/12/1999.*
Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

Commencement Information
I161 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
I162 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—

""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
I163 Sch. 18 para. 49 wholly in force at 1. 4.1991 see s. 124(3) and S.I. 1991/608, art. 2, **Sch.**

Status: *Point in time view as at 14/12/1999.*
Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

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

PROSPECTIVE

F56 50 . . . . . .

Textual Amendments

F56 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.

(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"—

Status: *Point in time view as at 14/12/1999.*
Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

""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
I164 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
I165 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)

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.

Commencement Information
I166 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" ".

Status: *Point in time view as at 14/12/1999.*
Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

Commencement Information
I167 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
I168 Sch. 18 para. 58 wholly in force at 1.4.1991 see s. 124(3) and S.I. 1991/608, art. 2, **Sch.**

The Legal Aid Act 1988 (c. 34)

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

Commencement Information
I169 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;".

Status: *Point in time view as at 14/12/1999.*
Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

Commencement Information
I170 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".

Commencement Information
I171 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";

Status: *Point in time view as at 14/12/1999.*
Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

(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

I172 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".

(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),

Status: *Point in time view as at 14/12/1999.*
Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

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

Commencement Information

I173 Sch. 18 para. 63 wholly in force see s. 124(3) and S.I. 1991/608, art. 2, **Sch.**

SCHEDULE 19

Section 125(6).

TRANSITIONALS AND SAVINGS

Discrimination by, or in relation to, barristers

1 Nothing in section 64 shall have effect in relation to anything done before the date on which that section came into force in relation to a pupillage or tenancy which began before that date.

Judicial appointments: barristers

[F57]2 . . . . . .

Textual Amendments

F57 Sch. 19 para. 2 repealed (27.9.1999) by 1999 c. 22, s. 106, **Sch. 15 Pt. II** (with Sch. 14 paras. 7(2), 36(9)); S.I. 1999/2657, art. 2(d)(ii)(a), **Sch. 2 Pt. I para.2(d)**

Judicial appointments: solicitors

[F58]3 . . . . . .

Textual Amendments

F58 Sch. 19 para. 3 repealed (27.9.1999) by 1999 c. 22, s. 106, **Sch. 15 Pt. II** (with Sch. 14 paras. 7(2), 36(9)); S.I. 1999/2657, art. 2(d)(ii)(a), **Sch. 2 Pt. I para. 2(d)**

Directions under section 83 of the Supreme Court Act 1981 (c. 54)

4 (1) Any direction given under section 83 of the Supreme Court Act 1981 (right of audience for solicitors in Crown Courts) and in force immediately before the commencement of section 67 shall have effect as if validly made under section 83 as substituted by section 67.

(2) This paragraph is without prejudice to section 17(2)(b) of the [M21]Interpretation Act 1978.

Status: *Point in time view as at 14/12/1999.*
Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

Marginal Citations
M21 1978 c. 30.

District judges

5 For the purposes of section 16(3)(c) of the [M22]Courts Act 1971 (certain office-holders eligible, after 3 years, for appointment as Circuit judges) a person who holds an office (the "former office") which, on the coming into force of section 74, becomes the office of district judge shall be deemed to have held that office since his appointment to the former office.

Marginal Citations
M22 1971 c. 23.

Judicial oaths

6 (1) Sub-paragraph (2) applies in relation to any person who, immediately after the coming into force of section 76, holds any of the offices listed in subsection (1) of that section.

(2) The [M23]Promissory Oaths Act 1868 shall have effect as if in section 6 for the words "as soon as may be after his acceptance of office" there were substituted " not later than 6 months after the coming into force of section 76 of the Courts and Legal Services Act 1990" ".

Marginal Citations
M23 1868 c. 72.

Retirement age of certain officers of Supreme Court

7 Subsection (2A) of section 92 of the [M24]Supreme Court Act 1981 (which reduces the retirement age of the Lord Chancellor's Permanent Secretary, the Official Solicitor, and the Registrar of Criminal Appeals from 72 to 62 years and is inserted by section 77(1)) shall not have effect in relation to the persons who on 7th December 1989 hold any of the offices to which that subsection applies.

Marginal Citations
M24 1981 c. 54.

Investigations by lay observers

8 (1) Where, before the coming into force of section 21, the Law Society has received a report from a lay observer under section 45 of the [M25]Solicitors Act 1974

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(investigation by lay observers of Law Society's treatment of complaints), the Legal Services Ombudsman shall have no power to investigate any allegation in relation to that complaint.

(2) Where—

(a) any allegation has been duly made to a lay observer under section 45 of the Act of 1974; but

(b) he has not—

(i) concluded his examination of the allegation; or

(ii) reported to the Law Society,

before the repeal of that section has effect,

the Ombudsman may either exercise the functions of a lay observer under the Act of 1974 in relation to that allegation or treat it as an allegation duly made under this Act.

(3) Where the Ombudsman decides to exercise the functions of a lay observer, by virtue of sub-paragraph (2), the Act of 1974 shall have effect in relation to his investigation as if this Act had not been passed.

Marginal Citations

M25 1974 c. 47.

Judicial pensions

9 The repeal by this Act of sections 18(3), 20(6) and 24 of the [M26]Judicial Pensions Act 1981 shall not apply in relation to any person who is entitled to exercise the option given by paragraph 26 or 27 of the Part IV inserted in Schedule 2 to that Act by Schedule 12 to this Act but does not do so.

Commencement Information

I174 Sch. 19 para. 9 wholly in force at 1.1.1992 see s. 124(3) and S.I. 1991/2730, **art. 2**,Sch.

Marginal Citations

M26 1981 c. 20.

10 (1) The repeal by this Act of subsection (3) of section 3 of the [M27]Superannuation (Miscellaneous Provisions) Act 1967 shall not affect its application in relation to any abatement made under that section.

(2) The repeal by this Act of subsection (3) of section 1 of the [M28]Superannuation (Miscellaneous Provisions) Act (Northern Ireland) 1969 shall not affect its application in relation to any abatement made under that section.

(3) The repeal by this Act of section 19(5) of the [M29]Courts Act 1971 shall not affect its application in relation to any abatement made under section 18(3) of that Act.

(4) The repeal by this Act of subsection (4) of section 9 of the [M30]Administration of Justice Act 1973 shall not affect its application so far as it provides for any abatement which has been made under that subsection to be disregarded.

Status: *Point in time view as at 14/12/1999.*
Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

(5) The repeal by this Act of subsection (4) of section 12 of the [M31]Supreme Court Act 1981 shall not affect its application so far as it provides for any abatement which has been made under that subsection to be disregarded.

Marginal Citations

M27 1967 c. 28.
M28 1969 c. 7 (N.I.).
M29 1971 c. 23.
M30 1973 c. 15.
M31 1981 c. 54.

Overseas solicitors

11 (1) Notwithstanding the repeal by this Act of section 4 of the Solicitors Act 1974 (under which the [M32]Overseas Solicitors (Admission) Order 1964 has effect) training regulations made under section 2 of that Act may contain provisions expressed to have effect in relation to territories listed in Schedule 1 to that Order.

(2) Sub-paragraph (1) is without prejudice to the power in section 2(3)(d) of that Act to make different provision for different classes of person and different circumstances.

(3) Sub-paragraph (1) shall cease to have effect on the coming into force of any such training regulations which contain provisions applying in relation to any territory—

(a) which is listed in the Order of 1964; but

(b) which is identified in the regulations otherwise than by reference to that list.

Marginal Citations

M32 S.I. 1964/1848.

Practising certificates

12 (1) Section 14 of the [M33]Solicitors Act 1974, as substituted by section 86 shall have effect, in relation to any practising certificate which is in force on the commencement of section 86, as if it provided for the replacement date for that certificate to be the 31st October following that commencement.

(2) Sub-paragraph (1) is subject to any direction (whether general or specific) given by the Law Society.

(3) The definition of “replacement date", inserted in section 87(1) of the Solicitors Act 1974 by paragraph 17 of Schedule 18 shall have effect subject to the provision made by this paragraph.

Commencement Information

I175 Sch. 19 para. 12 wholly in force at 1.7.1991 see s. 124(3) and S.I. 1991/1364, art. 2, **Sch.**

Status: *Point in time view as at 14/12/1999.*
Changes to legislation: *Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 21 July 2024. 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)*

Marginal Citations
M33 1974 c. 47.

Notaries

13 (1) Subsection (2) of section 57 and the repeal by this Act of the provisions relating to the serving of apprenticeships mentioned in subsection (3) of that section shall not have effect in relation to any person who, at the date on which subsection (2) of that section comes into force, is serving such an apprenticeship.

(2) The Master of the Faculties may make rules providing—

(a) for a reduction in the period of apprenticeship of any person to whom this paragraph applies with a view to securing that no such person is required to undertake a period of training longer than the period which he would have been required to undertake, by virtue of rules made by the Master, had he started his training after the commencement of subsection (2) of section 57; or

(b) for all such apprenticeships to be brought to an end on such day as may be prescribed.

Commencement Information
I176 Sch. 19 para. 13 wholly in force at 1.7.1991 see s. 124(3) and S.I. 1991/1364, art. 2, **Sch.**

Redress for inadequate professional services

14 Section 93 and the repeal by Schedule 20 of—

(a) section 44A of the Solicitors Act 1974;

(b) section 47A of that Act; and

(c) paragraph 19 of Schedule 2 to the [M34]Administration of Justice Act 1985,

shall not affect any case in which the final bill of costs was delivered to the client concerned before the commencement of section 93 or those repeals.

Commencement Information
I177 Sch. 19 para. 14 in force at 1. 4.1991 see s. 124(3) and S.I. 1991/608, art. 2, **Sch.**

Marginal Citations
M34 1985 c. 61.

The Council for Licensed Conveyancers

15 (1) The following provisions—

(a) section 53;

(b) the repeal by Schedule 20 of section 26(3) of the Administration of Justice Act 1985; and

(c) paragraph 58 of Schedule 18,

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shall not affect any case in which the final bill of costs was delivered to the client concerned before the commencement of section 53.

(2) Until such date as may be specified by order made by the Lord Chancellor, the provisions of—

(a) paragraphs 14 to 20 of Schedule 8; and

(b) paragraph 4(3) and (3A) of Schedule 6 to the Administration of Justice Act 1985 (as substituted by paragraph 58 of Schedule 18),

shall have effect as if they conferred powers on the Discipline and Appeals Committee and not on the Council for Licensed Conveyancers.

(3) Any order made by the Lord Chancellor under sub-paragraph (2) may make such transitional, consequential or supplemental provision as he thinks necessary or expedient in consequence of the transfer of jurisdiction under the provisions in question from the Discipline and Appeals Committee to the Council.

Commencement Information

I178 Sch. 19 para. 15 in force at 1. 4.1991 see s. 124(3) and S.I. 1991/608, art. 2, **Sch.**

Immunity of magistrates etc.

16 (1) The Justices of the Peace Act 1979 shall continue to apply in relation to any matter arising before the coming into force of section 108, in connection with the exercise or purported exercise of his office by a justice of the peace, as if section 108 had not been enacted.

(2) The Magistrates' Courts (Northern Ireland) Order 1981 shall continue to apply in relation to any matter arising before the coming into force of section 109, in connection with the exercise or purported exercise of his office by a resident magistrate or justice of the peace, as if section 109 had not been enacted.

(3) Section 63 of the Administration of Justice Act 1985 shall continue to apply in relation to any matter arising before the coming into force of section 109, in connection with the exercise or purported exercise of his office by a person to whom this sub-paragraph applies, as if section 109 had not been enacted.

(4) Sub-paragraph (3) applies to—

(a) a resident magistrate, including a deputy resident magistrate;

(b) a justice of the peace; and

(c) a person specified in section 63(7) of the Act of 1985 (county court judges sitting in connection with certain appeals and members of juvenile court panels).

Commissioners for Oaths

17 The repeal by this Act of section 1(1) of the [M35]Commissioners for Oaths Act 1889 shall not affect the power of the Lord Chancellor to revoke any appointment made by him under that provision.

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Commencement Information

I179 Sch. 19 para. 17 in force at 1. 4.1991 see s. 124(3) and S.I. 1991/608, art. 2, **Sch**

Marginal Citations

M35 1889 c. 10.

SCHEDULE 20

Section 125(7).

REPEALS

Extent Information

E1 For extent of this Schedule see s. 123

Commencement Information

I180 Sch. 20 partly in force at 1.4.1991 see s. 124(3) and S.I. 1991/608, art. 2, **Sch.**; Sch. 20 partly in force at 1.7.1991 see s. 124(3) and S.I. 1991/1364, art. 2, **Sch**; Sch. 20 partly in force at 14.10.1991 see s. 124(3) and S.I. 1991/1883, art.3, **Sch**; Sch. 20 partly in force at 1.1.1992 see s. 124(3) and S.I. 1991/2730, **art. 2**,Sch; Sch. 20 partly in force at 1.6.1992 see s. 124(3) and S.I. 1992/1221, **art. 2**,Sch; Sch. 20 partly in force at 1.10.1993 see s. 124(3) and S.I. 1993/2132, art. 2, **Sch.**

Chapter	Short title	Extent of repeal
41 Geo. 3 c. 79.	The Public Notaries Act 1801.	In section 1, the words “in manner hereinafter directed".Sections 2 to 5.Sections 7 to 10.In section 14, the words from “Provided always" to the end.
3 & 4 Will 4 c. 70.	The Public Notaries Act 1833.	The whole Act.
6 & 7 Vict c. 90.	The Public Notaries Act 1843.	Sections 1 to 3.In section 6, the words “nor any service under this Act".Section 9.In section 10, the words “and also in the Public Notaries Act 1833".
8 & 9 Vict. c. 127.	The Small Debts Act 1845.	The whole Act.
20 & 21 Vict.c. 43.	The Summary Jurisdiction Act 1857.	In section 6, the words from “Provided always" to the end.
27 & 28 Vict.c. 24.	The Naval Agency and Distribution Act 1864.	In section 7, the words “or a proctor, attorney or solicitor" and “or becomes a proctor, attorney or solicitor".Section 23(1).

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52 & 53 Vict.c. 10.	The Commissioners for Oaths Act 1889.	In section 1, subsection (1) and in subsection (2) the words “by virtue of his commission".
4 & 5 Geo 5 c. 91.	The Welsh Church Act 1914.	Section 37.
9 & 10 Geo. 5c. 53.	The War Pensions (Administrative Provisions) Act 1919.	In the Schedule, in paragraph 2(i) the words from “being a barrister" to “standing".
6 & 7 Geo. 6c. 39.	The Pensions Appeal Tribunals Act 1943.	Section 13(c).
12 & 13 Geo. 6c. 42.	The Lands Tribunal Act 1949.	In section 8(1), the definition of “barrister-at-law".
14 Geo. 6 c. 27.	The Arbitration Act 1950.	Section 12(6)(b).
14 Geo. 6 c. 37.	The Maintenance Orders Act 1950.	Section 16(2)(a)(vii).
14 & 15 Geo. 6c. 46.	The Courts-Martial (Appeals) Act 1951.	Section 28(5).Section 31(5).
4 & 5 Eliz. 2 c. 46.	The Administration of Justice Act 1956.	Section 37.Section 53.
1961 c. 44.	The Barristers (Qualification for Office) Act 1961.	The whole Act.
1967 c. 28.	The Superannuation (Miscellaneous Provisions) Act 1967.	Section 3.
1969 c. 7 (N.I.).	The Superannuation (Miscellaneous Provisions) Act (Northern Ireland) 1969.	Section 1.
1969 c. 46.	The Family Law Reform Act 1969.	Section 6.
1969 c. 54.	The Children and Young Persons Act 1969.	In section 16(3), the words from “and the justice" to the end.
1969 c. 58.	The Administration of Justice Act 1969.	Section 29.
1970 c. 31.	The Administration of Justice Act 1970.	In Schedule 8, paragraph 12.
1971 c. 23.	The Courts Act 1971.	Section 17(6).Section 18(3) and (4).Section 19(5).
1972 c. 18.	The Maintenance Orders (Reciprocal Enforcement) Act 1972.	Section 30(1), (2) and (6).
1973 c. 13.	The Administration of Justice Act 1973.	Section 9(4).

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1974 c. 47.	The Solicitors Act 1974.	Section 2(2).In section 3, in subsection (2) the words from “or a judge" to “time being" and subsection (3). Section 4.Section 5.In section 7(a), the words “or a judge acting for him under section 3(2).".In section 20(2), paragraph (c) and the word “and" immediately preceding it.Section 33(4)(b) and the word “or" immediately preceding it.Section 39.Section 44A.Section 45.Section 47A.Section 81(5).Section 82.In Schedule 3, paragraph 7.
1975 c. 14.	The Social Security Act 1975.	In Schedule 10, paragraph 1A(8).
1975 c. 24.	The House of Commons Disqualification Act 1975.	In Part III of Schedule 1, the entry relating to the lay observer appointed under section 45 of the Solicitors Act 1974.
1975 c. 27.	The Ministerial and other Salaries Act 1975.	In section 1(2), the words from “but" to the end.
1976 c. 80.	The Rent (Agriculture) Act 1976.	Section 26(3).
1977 c. 42.	The Rent Act 1977.	Section 141(4) and (5).
1978 c. 22.	The Domestic Proceedings and Magistrates’ Courts Act 1978.	Section 16(7).Section 17(2).Section 23(1).Section 24.Section 30(2) to (4).
1979 c. 55.	The Justices of the Peace Act 1979.	Section 31(4)(b).Section 46.Section 47.Section 48.Section 49.Section 51.Section 52.In section 53(1), the words “and of section 54 below".Section 54.
1980 c. 30.	The Social Security Act 1980.	Section 13(4).
1980 c. 43.	The Magistrates’ Courts Act 1980.	Section 65(1)(k).
1980 c. 51.	The Housing Act 1980.	Section 86(3).
1981 c. 20.	The Judicial Pensions Act 1981.	Section 18(3).Section 20(6).Section 22(5).Section

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		24.In section 25, in subsection (1) the word “his", in the first three places where it occurs and subsection (2).In section 33, the definition of “the Minister".In Part I of Schedule 1, the entries “Queen’s coroner and attorney and Master of the Crown Office" and “Registrar of criminal appeals".In Schedule 1, paragraph 15(3).
1981 c. 54.	The Supreme Court Act 1981.	Section 12(4).In section 18, in subsection (1) paragraphs (e), (f) and (h) and subsection (2).Section 94.Section 100(5).Section 101(2).Section 102(6).Section 103(6).
1984 c. 28.	The County Courts Act 1984.	Section 10.Section 19.Section 20.Section 22.Section 29.Section 34.Section 43.Section 44.In section 45, in subsection (1) the words from “and as to" to “to be taxed" and subsection (2).In section 60, subsection (1), and in subsection (2) the words “not being a person entitled to address the court by virtue of subsection (1)" and “as if he were a person so entitled".In section 63, the words “for the purposes of subsection (2)".In section 75(1), the words from “and prescribing" to the end.Section 89(3).Section 105.Section 106.Section 112(5).Section 143(2).In Schedule 1, paragraph 2(3) and paragraph 3 and the word “and" immediately preceding it.
1984 c. 42.	The Matrimonial and Family Proceedings Act 1984.	In Schedule 1, paragraphs 29 and 31.
1985 c. 23.	The Prosecution of Offences Act 1985.	Section 4(5).In section 15(1), the definition of “solicitor", and the word “and" immediately preceding it.

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1985 c. 61.	The Administration of Justice Act 1985.	Section 1.Section 3.In section 9(8) the second “and".Section 26(3).Section 63.Section 65(5).In Schedule 1, paragraphs 4 and 11.In Schedule 2, paragraph 4(2)(b) and the word “or" immediately preceding it and paragraphs 8, 15 and 19.In Schedule 3, paragraph 8.In Schedule 7, paragraph 4, and in paragraph 5 the words “or under section 47A".
1985 c. 68.	The Housing Act 1985.	Section 110(3).Section 181(3).
1985 c. 70.	The Landlord and Tenant Act 1985.	Section 19(5).
1986 c. 53.	The Building Societies Act 1986.	Section 35.Section 124.
1987 c. 31.	The Landlord and Tenant Act 1987.	Section 52(4) and (5).In Schedule 2, paragraph 2(b).
1987 c. 42.	The Family Law Reform Act 1987.	Section 29(4).In Schedule 2, paragraphs 12(a), 20 and 27(a).
1988 c. 13.	The Coroners Act 1988.	In section 2(1) the words “in his profession".
1988 c. 48.	The Copyright, Designs and Patents Act 1988.	Section 290.
1988 c. 50.	The Housing Act 1988.	Section 40(4) and (5).
1989 c. 41.	The Children Act 1989.	In section 27(1), the words “or other person" and the words “or person".In section 42(1), the word “or" immediately preceding para- graph (b) and in paragraph (b) the word “other".In section 81(1)(d), the word “registered".In section 108(12), in the entry relating to Schedule 14, the word “18".In Schedule 3, paragraph 7.In Schedule 4, in paragraph 1(1), (2), (4), (5), (8) and (9) the word “voluntary" in each place where it occurs, and in paragraph 1(6)(b)(i) the words “as a voluntary

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		home".In Schedule 12, paragraph 25.In Schedule 13, paragraphs 24, 25 and 40.In Schedule 14, in paragraph 15(1), the word “or" immediately preceding paragraph (g).

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