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## SCHEDULES

### <sup>F1</sup>SCHEDULE 1

#### Textual Amendments

- F1** Sch. 1 repealed (1.1.2000) by 1999 c. 22, s. 106, **Sch. 15 Pt. II** (with Sch. 14 paras. 7(2), 36(9)); S.I. 1999/3344, art. 2(d), **Sch. 1 para. 4**

### <sup>F3</sup>SCHEDULE 2

#### Textual Amendments

- F3** Sch. 2 repealed (1.1.2000) by 1999 c. 22, s. 106, **Sch. 15 Pt. II** (with Sch. 14 paras. 7(2), 36(9)); S.I. 1999/3344, art. 2(d), **Sch. 1 para. 4**

### <sup>F4</sup>SCHEDULE 3

Section 21.

#### THE LEGAL SERVICES OMBUDSMAN

#### Textual Amendments

- F4** Sch. 3 repealed (prosp.)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 [<sup>F5</sup>Secretary of State] may give general directions concerning the discharge of the functions of the Legal Services Ombudsman.
- (2) Any such directions shall be published by the [<sup>F5</sup>Secretary of State] 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—

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- (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.

#### Textual Amendments

**F5** Words in *Schs. 3-6* substituted (19.8.2003) by *The Secretary of State for Constitutional Affairs Order 2003 (S.I. 2003/1887)*, art. 9, **Sch. 2 para. 8(1)(d)** (with arts. 6, 8)

#### *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.

#### *Remuneration*

- 3 (1) The [<sup>F6</sup>Secretary of State] 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 <sup>F7</sup> . . .
- (2) If—
  - (a) the Ombudsman ceases to hold office; and
  - (b) it appears to the [<sup>F6</sup>Secretary of State] that there are special circumstances which make it right that he should receive compensation,
 the [<sup>F6</sup>Secretary of State] may pay to him such sum as the [<sup>F6</sup>Secretary of State] may <sup>F7</sup> . . . determine.

#### Textual Amendments

**F6** Words in *Schs. 3-6* substituted (19.8.2003) by *The Secretary of State for Constitutional Affairs Order 2003 (S.I. 2003/1887)*, art. 9, **Sch. 2 para. 8(1)(d)** (with arts. 6, 8)

**F7** 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 [<sup>F8</sup>Secretary of State]<sup>F9</sup> . . . , determine.

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- (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

- F8** Words in Schs. 3-6 substituted (19.8.2003) by [The Secretary of State for Constitutional Affairs Order 2003 \(S.I. 2003/1887\)](#), art. 9, **Sch. 2 para. 8(1)(d)** (with arts. 6, 8)
- F9** 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 [<sup>F10</sup>Secretary of State] on the discharge of his functions during the year to which the report relates.
- (2) The Ombudsman may, in addition, report to the [<sup>F10</sup>Secretary of State] at any time on any matter relating to the discharge of the Ombudsman's functions.
- (3) The Ombudsman shall provide the [<sup>F10</sup>Secretary of State] with such information relating to the discharge of his functions as the [<sup>F10</sup>Secretary of State] may see fit to require.
- (4) The [<sup>F10</sup>Secretary of State] shall lay before each House of Parliament a copy of any annual report made to him under sub-paragraph (1).

#### Textual Amendments

- F10** Words in Schs. 3-6 substituted (19.8.2003) by [The Secretary of State for Constitutional Affairs Order 2003 \(S.I. 2003/1887\)](#), art. 9, **Sch. 2 para. 8(1)(d)** (with arts. 6, 8)

#### *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 [<sup>F11</sup>Secretary of State] may, with the approval of the Treasury, direct.
- (3) The accounts shall be audited by persons appointed by the [<sup>F11</sup>Secretary of State] in respect of each financial year.
- (4) The auditors shall send to the [<sup>F11</sup>Secretary of State] a copy of the statement of accounts and of their report.
- (5) The [<sup>F11</sup>Secretary of State] shall lay before each House of Parliament a copy of every statement of accounts and auditors' report sent to him under this paragraph.

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#### Textual Amendments

- F11** Words in Schs. 3-6 substituted (19.8.2003) by [The Secretary of State for Constitutional Affairs Order 2003 \(S.I. 2003/1887\)](#), art. 9, **Sch. 2 para. 8(1)(d)** (with arts. 6, 8)

#### *Financial provisions*

- 7 <sup>F12</sup>(1) The Secretary of State may require any professional body (within the meaning of section 22 of this Act) to make payments of such amount as the Lord Chancellor considers appropriate to the Ombudsman towards meeting the expenditure incurred (or to be incurred) by him in the discharge of his functions.
- <sup>F12</sup>(1A) To the extent that that expenditure is not met by payments under sub-paragraph (1), it shall be met by the Secretary of State out of money provided by Parliament.]
- (2) The Ombudsman may, with the approval of the <sup>F13</sup>Secretary of State], 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.

#### Textual Amendments

- F12** Sch. 3 para. 7(1)(1A) substituted (1.11.2003) for Sch. 3 para. 7(1) by [Access to Justice Act 1999 \(c. 22\)](#), ss. 50, 108(1) (with [Sch. 14 para. 7\(2\)](#)) (as amended (19.8.2003) by [The Secretary of State for Constitutional Affairs Order 2003 \(S.I. 2003/1887\)](#), art. 9, **Sch. 2 para. 11(1)(d)** (with arts. 6, 8)); [S.I. 2003/2571](#), **art. 2**
- F13** Words in Schs. 3-6 substituted (19.8.2003) by [The Secretary of State for Constitutional Affairs Order 2003 \(S.I. 2003/1887\)](#), art. 9, **Sch. 2 para. 8(1)(d)** (with arts. 6, 8)

#### *Parliamentary disqualification etc.*

- 8 (1) In Part III of Schedule 1 to the <sup>M3</sup>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 <sup>M4</sup>Northern Ireland Assembly Disqualification Act 1975.

#### Marginal Citations

- M3** 1975 c. 24.  
**M4** 1975 c. 25.

#### *Acting Ombudsman*

- 9 (1) The <sup>F14</sup>Secretary of State] 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

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- (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 [<sup>F14</sup>Secretary of State] may pay to any person so appointed such remuneration as he may determine <sup>F15</sup> . . .

#### Textual Amendments

- F14** Words in Schs. 3-6 substituted (19.8.2003) by The Secretary of State for Constitutional Affairs Order 2003 (S.I. 2003/1887), art. 9, Sch. 2 para. 8(1)(d) (with arts. 6, 8)
- F15** 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)

## [<sup>F16</sup>SCHEDULE 4

Section 29.]

### AUTHORISED BODIES

#### 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.)

## <sup>F17</sup>PART I

### DESIGNATION OF BODIES AND APPROVAL OF REGULATIONS AND RULES

#### 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.)

#### Modifications etc. (not altering text)

- C1** Sch. 4 Pt. I extended (27.9.1999) by 1999 c.22, ss. 105, 108(3), Sch. 14 Pt. III para. 17(1) (with Sch. 14 para. 7(2))

## [<sup>F18F19</sup>Secretary of State]

#### Textual Amendments

- F18** Words in Schs. 3-6 substituted (19.8.2003) by The Secretary of State for Constitutional Affairs Order 2003 (S.I. 2003/1887), art. 9, Sch. 2 para. 8(1)(d) (with arts. 6, 8)

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**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.)

- <sup>F20</sup>1 (1) If a professional or other body wishes to grant rights of audience or rights to conduct litigation to any of its members, it shall apply to the [<sup>F21</sup>Secretary of State] in writing for him—
- (a) to recommend to Her Majesty that an Order in Council be made designating the body as an authorised body for the purposes of section 27 (if it proposes to grant rights of audience) or section 28 (if it proposes to grant rights to conduct litigation); and
  - (b) to approve what the body proposes as qualification regulations and rules of conduct in relation to the proposed rights.
- (2) An application under this paragraph shall be accompanied by—
- (a) a statement of the proposed rights;
  - (b) the proposed qualification regulations and rules of conduct; and
  - (c) such explanatory material (including material about the applicant's constitution and activities) as the applicant considers is likely to be needed for the purposes of this Part of this Schedule.
- (3) The applicant shall provide the [<sup>F21</sup>Secretary of State] with such additional information as he may reasonably require.
- (4) The [<sup>F21</sup>Secretary of State] shall send a copy of—
- (a) the application and accompanying material; and
  - (b) any information provided under sub-paragraph (3),
- to the Consultative Panel, the [<sup>F22</sup>OFT] and each of the designated judges.

#### 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** Words in Schs. 3-6 substituted (19.8.2003) by *The Secretary of State for Constitutional Affairs Order 2003* (S.I. 2003/1887), art. 9, **Sch. 2 para. 8(1)(d)** (with arts. 6, 8)
- F22** Sch. 4: "OFT" substituted (1.4.2003) in each place for "Director" by 2002 c. 40, ss. 278, 279, Sch. 25 para. 23(10)(a); S.I. 2003/766, **art. 2**, Sch. (with art. 3)

#### <sup>F23</sup>*Advice of Consultative Panel*

#### 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.)

- <sup>F24</sup>2 (1) The Consultative Panel shall consider whether the application should be granted.

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- (2) The applicant shall provide the Consultative Panel with such additional information as it may reasonably require.
- (3) When the Consultative Panel has completed its consideration it shall give such advice to the [<sup>F25</sup>Secretary of State] as it thinks fit.
- (4) The Consultative Panel shall publish any advice given by it under this paragraph.

#### 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** Words in Schs. 3-6 substituted (19.8.2003) by The Secretary of State for Constitutional Affairs Order 2003 (S.I. 2003/1887), art. 9, **Sch. 2 para. 8(1)(d)** (with arts. 6, 8)

#### *<sup>F26</sup>Advice of [<sup>F27</sup>Office of Fair Trading]*

#### Textual Amendments

- F26** 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.)
- F27** Words in the cross-heading before Sch. 4 para. 3 substituted (1.4.2003) by 2002 c. 40, ss. 278, 279, Sch. 25 para. 23(10)(b); S.I. 2003/766, **art. 2**, Sch. (with art. 3)

- <sup>F28</sup>3 (1) The [<sup>F29</sup>OFT] shall consider whether granting the application would have, or be likely to have, any significant effect on competition.
- (2) The applicant shall provide the [<sup>F29</sup>OFT] with such additional information as [<sup>F30</sup>it] may reasonably require.
  - (3) When the [<sup>F29</sup>OFT] has completed [<sup>F31</sup>its] consideration [<sup>F31</sup>it] shall give such advice to the [<sup>F32</sup>Secretary of State] as [<sup>F31</sup>it] thinks fit.
  - (4) The [<sup>F29</sup>OFT] shall publish any advice given by [<sup>F33</sup>it] under this paragraph.
  - (5) The [<sup>F29</sup>OFT] shall, so far as practicable, exclude from anything published under subparagraph (4) any matter which relates to the affairs of a particular person (other than the applicant) the publication of which would, or might in [<sup>F34</sup>its] 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

- F28** 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.)
- F29** Sch. 4: "OFT" substituted (1.4.2003) in each place for "Director" by 2002 c. 40, ss. 278, 279, Sch. 25 para. 23(10)(a); S.I. 2003/766, **art. 2**, Sch. (with art. 3)

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- F30** Word in Sch. 4 para. 3(2) substituted (1.4.2003) by 2002 c. 40, ss. 278, 279, Sch. 25 para. 23(10)(b)(i); S.I. 2003/766, art. 2, Sch. (with art. 3)
- F31** Words in Sch. 4 para. 3(3) substituted (1.4.2003) by 2002 c. 40, ss. 278, 279, Sch. 25 para. 23(10)(b)(ii); S.I. 2003/766, art. 2, Sch. (with art. 3)
- F32** Words in Schs. 3-6 substituted (19.8.2003) by The Secretary of State for Constitutional Affairs Order 2003 (S.I. 2003/1887), art. 9, Sch. 2 para. 8(1)(d) (with arts. 6, 8)
- F33** Word in Sch. 4 para. 3(4) substituted (1.4.2003) by 2002 c. 40, ss. 278, 279, Sch. 25 para. 23(10)(b)(iii); S.I. 2003/766, art. 2, Sch. (with art. 3)
- F34** Word in Sch. 4 para. 3(5) substituted (1.4.2003) by 2002 c. 40, ss. 278, 279, Sch. 25 para. 23(10)(b)(iv); S.I. 2003/766, art. 2, Sch. (with art. 3)

### *F35 Representations by applicant*

#### Textual Amendments

- F35** 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.)

- <sup>F36</sup>4 (1) When the [<sup>F37</sup>Secretary of State] has received the advice of the Consultative Panel and the [<sup>F38</sup>OFT], he 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, or such other period as the applicant and the [<sup>F37</sup>Secretary of State] may agree, to make representations about the advice to the [<sup>F37</sup>Secretary of State].

#### Textual Amendments

- F36** 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.)
- F37** Words in Schs. 3-6 substituted (19.8.2003) by The Secretary of State for Constitutional Affairs Order 2003 (S.I. 2003/1887), art. 9, Sch. 2 para. 8(1)(d) (with arts. 6, 8)
- F38** Sch. 4: "OFT" substituted (1.4.2003) in each place for "Director" by 2002 c. 40, ss. 278, 279, Sch. 25 para. 23(10)(a); S.I. 2003/766, art. 2, Sch. (with art. 3)

### *F39 Advice of designated judges*

#### Textual Amendments

- F39** 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.)

- <sup>F40</sup>5 (1) The [<sup>F41</sup>Secretary of State] shall send to each of the designated judges a copy of—
- (a) the advice of the Consultative Panel and the [<sup>F42</sup>OFT]; and
  - (b) any representations made under paragraph 4(2).



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- (2) Each of the designated judges shall then consider whether the application should be granted.
- (3) The applicant 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 [<sup>F41</sup>Secretary of State] as he thinks fit.

#### Textual Amendments

- F40** 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.)
- F41** Words in Schs. 3-6 substituted (19.8.2003) by [The Secretary of State for Constitutional Affairs Order 2003 \(S.I. 2003/1887\)](#), **art. 9**, **Sch. 2 para. 8(1)(d)** (with arts. 6, 8)
- F42** Sch. 4: "OFT" substituted (1.4.2003) in each place for "Director" by 2002 c. 40, ss. 278, 279, Sch. 25 para. 23(10)(a); S.I. 2003/766, **art. 2**, Sch. (with art. 3)

*<sup>F43</sup>Decision by [<sup>F44</sup>Secretary of State]*

#### Textual Amendments

- F43** 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.)
- F44** Words in Schs. 3-6 substituted (19.8.2003) by [The Secretary of State for Constitutional Affairs Order 2003 \(S.I. 2003/1887\)](#), **art. 9**, **Sch. 2 para. 8(1)(d)** (with arts. 6, 8)

- <sup>F45</sup>6 (1) After considering—
- (a) the advice given by the Consultative Panel and any representations made about it;
  - (b) the advice given by the [<sup>F46</sup>OFT] and any representations made about it; and
  - (c) the advice given by each of the designated judges,
- the [<sup>F47</sup>Secretary of State] shall decide whether to grant the application.
- (2) When the [<sup>F47</sup>Secretary of State] has made his decision he shall notify the applicant of it.
  - (3) If the [<sup>F47</sup>Secretary of State] has decided to refuse the application he shall also notify the applicant of the reasons for his decision.

#### Textual Amendments

- F45** 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.)
- F46** Sch. 4: "OFT" substituted (1.4.2003) in each place for "Director" by 2002 c. 40, ss. 278, 279, Sch. 25 para. 23(10)(a); S.I. 2003/766, **art. 2**, Sch. (with art. 3)
- F47** Words in Schs. 3-6 substituted (19.8.2003) by [The Secretary of State for Constitutional Affairs Order 2003 \(S.I. 2003/1887\)](#), **art. 9**, **Sch. 2 para. 8(1)(d)** (with arts. 6, 8)

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### <sup>F48</sup>Effect of grant of application

#### Textual Amendments

**F48** 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.)

<sup>F497</sup>

Where the application is granted—

- (a) the [<sup>F50</sup>Secretary of State] may recommend to Her Majesty that an Order in Council be made designating the body as an authorised body for the purposes of section 27 (if it proposes to grant rights of audience) or section 28 (if it proposes to grant rights to conduct litigation); and
- (b) the proposed regulations and rules are approved as qualification regulations and rules of conduct in relation to the proposed rights.

#### Textual Amendments

**F49** 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.)

**F50** Words in Schs. 3-6 substituted (19.8.2003) by The Secretary of State for Constitutional Affairs Order 2003 (S.I. 2003/1887), art. 9, **Sch. 2 para. 8(1)(d)** (with arts. 6, 8)

## <sup>F51</sup>PART II

### APPROVAL IN CASES OF ALTERED REGULATIONS, RULES OR RIGHTS

#### Textual Amendments

**F51** 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.)

#### Modifications etc. (not altering text)

**C2** Sch. 4 Pt. II extended (27.9.1999) by 1999 c. 22, ss. 105, 108(3), **Sch. 14 Pt. III para. 17(2)** (with Sch. 14 para. 7(2))

### <sup>F52</sup>Requirement of approval

#### Textual Amendments

**F52** 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.)

<sup>F538</sup>

- (1) If an authorised body makes an alteration of its qualification regulations or rules of conduct, the alteration shall not have effect unless approved by the [<sup>F54</sup>Secretary of State].

*Status: Point in time view as at 12/11/2009.*

*Changes to legislation: Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 08 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (2) If an authorised body makes an alteration of—
- (a) any rights of audience granted by it (including the grant of a new right of audience); or
  - (b) any rights to conduct litigation granted by it (including the grant of a new right to conduct litigation),
- the qualification regulations and rules of conduct of the body shall not have effect in relation to the rights as altered unless approved by the [<sup>F54</sup>Secretary of State].
- (3) If a question arises whether approval is required by virtue of this paragraph it shall be for the [<sup>F54</sup>Secretary of State] to decide.

#### Textual Amendments

- F53** 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.)
- F54** Words in Schs. 3-6 substituted (19.8.2003) by The Secretary of State for Constitutional Affairs Order 2003 (S.I. 2003/1887), art. 9, **Sch. 2 para. 8(1)(d)** (with arts. 6, 8)

*<sup>F55</sup>Application to [<sup>F56</sup>Secretary of State]*

#### Textual Amendments

- F55** 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.)
- F56** Words in Schs. 3-6 substituted (19.8.2003) by The Secretary of State for Constitutional Affairs Order 2003 (S.I. 2003/1887), art. 9, **Sch. 2 para. 8(1)(d)** (with arts. 6, 8)

- <sup>F57</sup>9 (1) An application by a body for the [<sup>F58</sup>Secretary of State] to approve—
- (a) an alteration of qualification regulations or rules of conduct; or
  - (b) qualification regulations or rules of conduct in relation to altered rights, shall be made in writing.
- (2) The application shall be accompanied by—
- (a) the qualification regulations and rules of conduct;
  - (b) a statement of the alteration of the regulations, rules or rights; and
  - (c) such explanatory material as the applicant considers is likely to be needed for the purposes of this Part of this Schedule.
- (3) The applicant shall provide the [<sup>F58</sup>Secretary of State] with such additional information as he may reasonably require.
- (4) The [<sup>F58</sup>Secretary of State] shall—
- (a) send a copy of the application and accompanying material and any information provided under sub-paragraph (3) to each of the designated judges; and
  - (b) consider whether it would be appropriate to seek the advice of either or both of the Consultative Panel and the [<sup>F59</sup>OFT].

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#### Textual Amendments

- F57** 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.)
- F58** Words in Schs. 3-6 substituted (19.8.2003) by The Secretary of State for Constitutional Affairs Order 2003 (S.I. 2003/1887), art. 9, **Sch. 2 para. 8(1)(d)** (with arts. 6, 8)
- F59** Sch. 4: "OFT" substituted (1.4.2003) in each place for "Director" by 2002 c. 40, ss. 278, 279, Sch. 25 para. 23(10)(a); S.I. 2003/766, **art. 2**, Sch. (with art. 3)

#### <sup>F60</sup>Early advice of designated judges

#### Textual Amendments

- F60** 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.)

- <sup>F61</sup>10 (1) If the [<sup>F62</sup>Secretary of State] considers that it would not be appropriate to seek the advice of the Consultative Panel or the [<sup>F63</sup>OFT], he—
- (a) shall inform each of the designated judges that that is his view; and
  - (b) may inform each of them of his provisional view as to whether or not the application should be granted.
- (2) If so informed, each of the designated judges shall consider whether the application should be granted.
- (3) The applicant 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 [<sup>F62</sup>Secretary of State] as he thinks fit.
- (5) After considering the advice given by each of the designated judges, the [<sup>F62</sup>Secretary of State] shall consider again whether or not it would be appropriate to seek the advice of either or both of—
- (a) the Consultative Panel; and
  - (b) the [<sup>F63</sup>OFT],
- before deciding whether to grant the application.

#### Textual Amendments

- F61** 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.)
- F62** Words in Schs. 3-6 substituted (19.8.2003) by The Secretary of State for Constitutional Affairs Order 2003 (S.I. 2003/1887), art. 9, **Sch. 2 para. 8(1)(d)** (with arts. 6, 8)
- F63** Sch. 4: "OFT" substituted (1.4.2003) in each place for "Director" by 2002 c. 40, ss. 278, 279, Sch. 25 para. 23(10)(a); S.I. 2003/766, **art. 2**, Sch. (with art. 3)

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#### *F64 Advice of Consultative Panel*

##### **Textual Amendments**

**F64** 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.)

- F65** 11 (1) If the [**F66**Secretary of State] decides (after considering the matter under paragraph 9(4)(b) or 10(5)) to seek the advice of the Consultative Panel, he shall send to the Consultative Panel a copy of—
- (a) the application and accompanying material; and
  - (b) any information provided under paragraph 9(3).
- (2) The Consultative Panel shall consider whether the application should be granted.
- (3) The applicant shall provide the Consultative Panel with such additional information as it may reasonably require.
- (4) When the Consultative Panel has completed its consideration it shall give such advice to the [**F66**Secretary of State] as it thinks fit.
- (5) The Consultative Panel shall publish any advice given by it under this paragraph.

##### **Textual Amendments**

**F65** 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.)

**F66** Words in Schs. 3-6 substituted (19.8.2003) by The Secretary of State for Constitutional Affairs Order 2003 (S.I. 2003/1887), art. 9, **Sch. 2 para. 8(1)(d)** (with arts. 6, 8)

#### *F67 Advice of [**F68**Office of Fair Trading]*

##### **Textual Amendments**

**F67** 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.)

**F68** Words in the cross-heading before Sch. 4 para. 12 substituted (1.4.2003) by 2002 c. 40, ss. 278, 279, **Sch. 25 para. 23(10)(c)**; S.I. 2003/766, **art. 2, Sch.** (with art. 3)

- F69** 12 (1) If the [**F70**Secretary of State] decides (after considering the matter under paragraph 9(4)(b) or 10(5)) to seek the advice of the [**F71**OFT], he shall send to the [**F71**OFT] a copy of—
- (a) the application and accompanying material; and
  - (b) any information provided under paragraph 9(3).
- (2) The [**F71**OFT] shall consider whether granting the application would have, or be likely to have, any significant effect on competition.

*Status: Point in time view as at 12/11/2009.*

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- (3) The applicant shall provide the [F71OFT] with such additional information as [F72it] may reasonably require.
- (4) When the [F71OFT] has completed [F73its] consideration [F73it] shall give such advice to the [F70Secretary of State] as [F73it] thinks fit.
- (5) The [F71OFT] shall publish any advice given by [F74it] under this paragraph.
- (6) The [F71OFT] shall, so far as practicable, exclude from anything published under subparagraph (5) any matter which relates to the affairs of a particular person (other than the applicant) the publication of which would, or might in [F75its] opinion, seriously and prejudicially affect the interests of that person.
- (7) 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

- F69** 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.)
- F70** Words in Schs. 3-6 substituted (19.8.2003) by The Secretary of State for Constitutional Affairs Order 2003 (S.I. 2003/1887), art. 9, **Sch. 2 para. 8(1)(d)** (with arts. 6, 8)
- F71** Sch. 4: "OFT" substituted (1.4.2003) in each place for "Director" by 2002 c. 40, ss. 278, 279, Sch. 25 para. 23(10)(a); S.I. 2003/766, **art. 2, Sch.** (with art. 3)
- F72** Word in Sch. 4 para. 12(3) substituted (1.4.2003) by 2002 c. 40, ss. 278, 279, Sch. 25 para. 23(10)(c) (i); S.I. 2003/766, **art. 2, Sch.** (with art. 3)
- F73** Words in Sch. 4 para. 12(4) substituted (1.4.2003) by 2002 c. 40, ss. 278, 279, Sch. 25 para. 23(10)(c) (ii); S.I. 2003/766, **art. 2, Sch.** (with art. 3)
- F74** Word in Sch. 4 para. 12(5) substituted (1.4.2003) by 2002 c. 40, ss. 278, 279, Sch. 25 para. 23(10)(c) (iii); S.I. 2003/766, **art. 2, Sch.** (with art. 3)
- F75** Word in Sch. 4 para. 12(6) substituted (1.4.2003) by 2002 c. 40, ss. 278, 279, Sch. 25 para. 23(10)(c) (iv); S.I. 2003/766, **art. 2, Sch.** (with art. 3)

#### *F76* Representations by applicant

#### Textual Amendments

- F76** 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.)

- <sup>F77</sup>13 (1) If the [F78Secretary of State] has sought the advice of the Consultative Panel or the [F79OFT] he shall, on receiving it, send a copy 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, or such other period as the applicant and the [F78Secretary of State] may agree, to make representations about the advice to the [F78Secretary of State].

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#### Textual Amendments

- F77** 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.)
- F78** Words in Schs. 3-6 substituted (19.8.2003) by The Secretary of State for Constitutional Affairs Order 2003 (S.I. 2003/1887), art. 9, **Sch. 2 para. 8(1)(d)** (with arts. 6, 8)
- F79** Sch. 4: "OFT" substituted (1.4.2003) in each place for "Director" by 2002 c. 40, ss. 278, 279, Sch. 25 para. 23(10)(a); S.I. 2003/766, **art. 2**, Sch. (with art. 3)

#### *F80 Advice or further advice of designated judges*

#### Textual Amendments

- F80** 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.)

- F81** 14 (1) If the [**F82**Secretary of State] has sought the advice of the Consultative Panel or the [**F83**OFT] he shall, on receiving it, send to each of the designated judges a copy of—
- (a) the advice; and
  - (b) any representations made under paragraph 13(2).
- (2) Each of the designated judges shall then consider (or consider again) whether the application should be granted.
- (3) The applicant 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 [**F82**Secretary of State] as he thinks fit.

#### Textual Amendments

- F81** 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.)
- F82** Words in Schs. 3-6 substituted (19.8.2003) by The Secretary of State for Constitutional Affairs Order 2003 (S.I. 2003/1887), art. 9, **Sch. 2 para. 8(1)(d)** (with arts. 6, 8)
- F83** Sch. 4: "OFT" substituted (1.4.2003) in each place for "Director" by 2002 c. 40, ss. 278, 279, Sch. 25 para. 23(10)(a); S.I. 2003/766, **art. 2**, Sch. (with art. 3)

#### *F84 Decision by [**F85**Secretary of State]*

#### Textual Amendments

- F84** 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.)
- F85** Words in Schs. 3-6 substituted (19.8.2003) by The Secretary of State for Constitutional Affairs Order 2003 (S.I. 2003/1887), art. 9, **Sch. 2 para. 8(1)(d)** (with arts. 6, 8)



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- <sup>F86</sup>15 (1) After considering—
- (a) any advice given by the Consultative Panel and any representations made about it;
  - (b) any advice given by the [<sup>F87</sup>OFT] and any representations made about it; and
  - (c) the advice given by each of the designated judges (under paragraph 10 or 14 or both of those paragraphs),
- the [<sup>F88</sup>Secretary of State] shall decide whether to grant the application.
- (2) The [<sup>F88</sup>Secretary of State] may not refuse the application unless he has received advice from the Consultative Panel.
  - (3) When the [<sup>F88</sup>Secretary of State] has made his decision he shall notify the applicant of it.
  - (4) If the [<sup>F88</sup>Secretary of State] has decided to refuse the application he shall also notify the applicant of the reasons for his decision.

#### Textual Amendments

- F86** 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.)
- F87** Sch. 4: "OFT" substituted (1.4.2003) in each place for "Director" by 2002 c. 40, ss. 278, 279, Sch. 25 para. 23(10)(a); S.I. 2003/766, **art. 2**, Sch. (with art. 3)
- F88** Words in Schs. 3-6 substituted (19.8.2003) by The Secretary of State for Constitutional Affairs Order 2003 (S.I. 2003/1887), art. 9, **Sch. 2 para. 8(1)(d)** (with arts. 6, 8)

#### <sup>F89</sup>Effect of grant of application

#### Textual Amendments

- F89** 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.)

- <sup>F90</sup>16 Where the application is granted—
- (a) in a case within sub-paragraph (1) of paragraph 8, the alteration of the qualification regulations or rules of conduct is approved; and
  - (b) in a case within sub-paragraph (2) of that paragraph, the qualification regulations or rules of conduct are approved in relation to the rights as altered.

#### Textual Amendments

- F90** 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.)



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### <sup>F91</sup>PART III

#### ALTERATION OF REGULATIONS AND RULES BY ORDER

##### Textual Amendments

**F91** 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.)

#### <sup>F92</sup>*Notice to authorised body*

##### Textual Amendments

**F92** 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.)

- <sup>F93</sup>17 (1) If the [<sup>F94</sup>Secretary of State] considers—
- (a) that any of the qualification regulations of an authorised body may unduly restrict a right of audience or right to conduct litigation or the exercise of such a right, or
  - (b) that any of the rules of conduct of an authorised body may unduly restrict the exercise of such a right,
- he may give written notice to the body.
- (2) Before giving notice to an authorised body under sub-paragraph (1) the [<sup>F94</sup>Secretary of State] shall inform each of the designated judges that he intends to do so.

##### Textual Amendments

- F93** 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.)
- F94** Words in **Schs. 3-6** substituted (19.8.2003) by **The Secretary of State for Constitutional Affairs Order 2003** (S.I. 2003/1887), **art. 9**, **Sch. 2 para. 8(1)(d)** (with arts. 6, 8)

#### <sup>F95</sup>*Representations by authorised body*

##### Textual Amendments

**F95** 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.)

- <sup>F96</sup>18 (1) The notice shall invite the authorised body to make representations in writing to the [<sup>F97</sup>Secretary of State].
- (2) Any such representations must be made before the end of—

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- (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 [F97Secretary of State] may agree.
- (3) When that period has expired the [F97Secretary of State] shall consider, in the light of any representations made under sub-paragraph (2), whether he proposes to make alterations of the qualification regulations or rules of conduct.
- (4) If the [F97Secretary of State] proposes to make alterations of the qualification regulations or rules of conduct he shall send a copy of—
- (a) the alterations which he proposes to make; and
  - (b) any representations made under sub-paragraph (2),
- to the Consultative Panel, the [F98OFT] and each of the designated judges.

#### Textual Amendments

- F96** 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.)
- F97** Words in Schs. 3-6 substituted (19.8.2003) by The Secretary of State for Constitutional Affairs Order 2003 (S.I. 2003/1887), art. 9, **Sch. 2 para. 8(1)(d)** (with arts. 6, 8)
- F98** Sch. 4: "OFT" substituted (1.4.2003) in each place for "Director" by 2002 c. 40, ss. 278, 279, Sch. 25 para. 23(10)(a); S.I. 2003/766, **art. 2**, Sch. (with art. 3)

#### *F99 Advice of Consultative Panel*

#### Textual Amendments

- F99** 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.)

- F100** 19 (1) The Consultative Panel shall consider whether the alterations should be made.
- (2) The [F101Secretary of State] 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 consideration it shall give such advice to the [F101Secretary of State] as it thinks fit.
  - (4) The Consultative Panel shall publish any advice given by it under this paragraph.

#### Textual Amendments

- F100** 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.)
- F101** Words in Schs. 3-6 substituted (19.8.2003) by The Secretary of State for Constitutional Affairs Order 2003 (S.I. 2003/1887), art. 9, **Sch. 2 para. 8(1)(d)** (with arts. 6, 8)

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*F102 Advice of [F103 Office of Fair Trading]*

**Textual Amendments**

- F102** 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.)
- F103** Words in the cross-heading before Sch. 4 para. 20 substituted (1.4.2003) by 2002 c. 40, ss. 278, 279, Sch. 25 para. 23(10)(d); S.I. 2003/766, **art. 2**, Sch. (with art. 3)

- F104** 20 (1) The [F105OFT] shall consider whether making the alterations would have, or be likely to have, any significant effect on competition.
- (2) The [F106Secretary of State] and the authorised body shall provide the [F105OFT] with such additional information as [F107it] may reasonably require.
- (3) When the [F105OFT] has completed [F108:its] consideration [F108:it] shall give such advice to the [F106Secretary of State] as [F108it] thinks fit.
- (4) The [F105OFT] shall publish any advice given by [F109it] under this paragraph.
- (5) The [F105OFT] shall, so far as practicable, exclude from anything published under subparagraph (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 [F110its] 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**

- F104** 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.)
- F105** Sch. 4: "OFT" substituted (1.4.2003) in each place for "Director" by 2002 c. 40, ss. 278, 279, Sch. 25 para. 23(10)(a); S.I. 2003/766, **art. 2**, Sch. (with art. 3)
- F106** Words in Schs. 3-6 substituted (19.8.2003) by The Secretary of State for Constitutional Affairs Order 2003 (S.I. 2003/1887), art. 9, **Sch. 2 para. 8(1)(d)** (with arts. 6, 8)
- F107** Words in Sch. 4 para. 20(2) substituted (1.4.2003) by 2002 c. 40, ss. 278, 279, Sch. 25 para. 23(10)(d) (i); S.I. 2003/766, **art. 2**, Sch. (with art. 3)
- F108** Words in Sch. 4 para. 20(3) substituted (1.4.2003) by 2002 c. 40, ss. 278, 279, Sch. 25 para. 23(10)(d) (ii); S.I. 2003/766, **art. 2**, Sch. (with art. 3)
- F109** Word in Sch. 4 para. 20(4) substituted (1.4.2003) by 2002 c. 40, ss. 278, 279, Sch. 25 para. 23(10)(d) (iii); S.I. 2003/766, **art. 2**, Sch. (with art. 3)
- F110** Word in Sch. 4 para. 20(5) substituted (1.4.2003) by 2002 c. 40, ss. 278, 279, Sch. 25 para. 23(10)(d) (iv); S.I. 2003/766, **art. 2**, Sch. (with art. 3)

*Status: Point in time view as at 12/11/2009.*

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### *F111 Further representations by authorised body*

#### **Textual Amendments**

**F111** 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.)

- <sup>F112</sup>21 (1) When the [<sup>F113</sup>Secretary of State] has received the advice of the Consultative Panel and the [<sup>F114</sup>OFT], he shall send a copy of the advice to the authorised body.
- (2) The authorised body shall be allowed a period of 28 days, beginning with the day on which the copy is sent to him, or such other period as the authorised body and the [<sup>F113</sup>Secretary of State] may agree, to make representations about the advice to the [<sup>F113</sup>Secretary of State].

#### **Textual Amendments**

**F112** 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.)

**F113** Words in Schs. 3-6 substituted (19.8.2003) by The Secretary of State for Constitutional Affairs Order 2003 (S.I. 2003/1887), art. 9, **Sch. 2 para. 8(1)(d)** (with arts. 6, 8)

**F114** Sch. 4: "OFT" substituted (1.4.2003) in each place for "Director" by 2002 c. 40, ss. 278, 279, Sch. 25 para. 23(10)(a); S.I. 2003/766, **art. 2**, Sch. (with art. 3)

### *F115 Advice of designated judges*

#### **Textual Amendments**

**F115** 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.)

- <sup>F116</sup>22 (1) The [<sup>F117</sup>Secretary of State] shall send to each of the designated judges a copy of—
- (a) the advice of the Consultative Panel and the [<sup>F118</sup>OFT]; and
  - (b) any representations made under paragraph 21(2).
- (2) Each of the designated judges shall then consider whether the alterations should be made.
- (3) The [<sup>F117</sup>Secretary of State] 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 [<sup>F117</sup>Secretary of State] as he thinks fit.

*Status: Point in time view as at 12/11/2009.*

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#### Textual Amendments

- F116** 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.)
- F117** Words in Schs. 3-6 substituted (19.8.2003) by The Secretary of State for Constitutional Affairs Order 2003 (S.I. 2003/1887), art. 9, **Sch. 2 para. 8(1)(d)** (with arts. 6, 8)
- F118** Sch. 4: "OFT" substituted (1.4.2003) in each place for "Director" by 2002 c. 40, ss. 278, 279, Sch. 25 para. 23(10)(a); S.I. 2003/766, **art. 2**, Sch. (with art. 3)

*F119 Decision by [F120 Secretary of State]*

#### Textual Amendments

- F119** 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.)
- F120** Words in Schs. 3-6 substituted (19.8.2003) by The Secretary of State for Constitutional Affairs Order 2003 (S.I. 2003/1887), art. 9, **Sch. 2 para. 8(1)(d)** (with arts. 6, 8)

- F121** 23 (1) After considering—
- (a) the advice given by the Consultative Panel and any representations made about it;
  - (b) the advice given by the [F122 OFT] and any representations made about it; and
  - (c) the advice given by each of the designated judges under paragraph 22,
- the [F123 Secretary of State] shall decide whether to make the alterations.
- (2) When the [F123 Secretary of State] has made his decision he shall notify the authorised body of it.
- (3) If the [F123 Secretary of State] has decided to make the alterations he shall also notify the authorised body of the reasons for his decision.

#### Textual Amendments

- F121** 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.)
- F122** Sch. 4: "OFT" substituted (1.4.2003) in each place for "Director" by 2002 c. 40, ss. 278, 279, Sch. 25 para. 23(10)(a); S.I. 2003/766, **art. 2**, Sch. (with art. 3)
- F123** Words in Schs. 3-6 substituted (19.8.2003) by The Secretary of State for Constitutional Affairs Order 2003 (S.I. 2003/1887), art. 9, **Sch. 2 para. 8(1)(d)** (with arts. 6, 8)

*F124 Order effecting alterations*

#### Textual Amendments

- F124** 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.)

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- <sup>F125</sup>24 If the [<sup>F126</sup>Secretary of State] has decided to make the alterations he may make an order giving effect to the alterations.

#### Textual Amendments

- F125** 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.)
- F126** Words in Schs. 3-6 substituted (19.8.2003) by The Secretary of State for Constitutional Affairs Order 2003 (S.I. 2003/1887), art. 9, **Sch. 2 para. 8(1)(d)** (with arts. 6, 8)

### <sup>F127</sup>PART IV

#### REVOCATION OF DESIGNATION

#### Textual Amendments

- F127** 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.)

#### <sup>F128</sup>Order in Council

#### Textual Amendments

- F128** 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.)

- <sup>F129</sup>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 [<sup>F130</sup>Secretary of State] 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 [<sup>F130</sup>Secretary of State] asking for it to be made;
  - (b) the authorised body has agreed in writing to its being made; or
  - (c) the [<sup>F130</sup>Secretary of State] 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

- F129** 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.)

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**F130** Words in Schs. 3-6 substituted (19.8.2003) by [The Secretary of State for Constitutional Affairs Order 2003 \(S.I. 2003/1887\)](#), art. 9, **Sch. 2 para. 8(1)(d)** (with arts. 6, 8)

*F131 Requirement to seek advice*

**Textual Amendments**

**F131** 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.)

<sup>F132</sup>26 Where the [<sup>F133</sup>Secretary of State] 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 [<sup>F134</sup>OFT].

**Textual Amendments**

**F132** 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.)

**F133** Words in Schs. 3-6 substituted (19.8.2003) by [The Secretary of State for Constitutional Affairs Order 2003 \(S.I. 2003/1887\)](#), art. 9, **Sch. 2 para. 8(1)(d)** (with arts. 6, 8)

**F134** Sch. 4: "OFT" substituted (1.4.2003) in each place for "Director" by [2002 c. 40, ss. 278, 279, Sch. 25 para. 23\(10\)\(a\)](#); [S.I. 2003/766](#), **art. 2, Sch.** (with art. 3)

*F135 Advice of Consultative Panel*

**Textual Amendments**

**F135** 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.)

- <sup>F136</sup>27 (1) The Consultative Panel shall carry out such investigations with respect to the authorised body as it considers appropriate.
- (2) The [<sup>F137</sup>Secretary of State] 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 [<sup>F137</sup>Secretary of State] 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 [<sup>F137</sup>Secretary of State] 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.



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#### Textual Amendments

- F136** 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.)
- F137** Words in Schs. 3-6 substituted (19.8.2003) by The Secretary of State for Constitutional Affairs Order 2003 (S.I. 2003/1887), art. 9, **Sch. 2 para. 8(1)(d)** (with arts. 6, 8)

#### <sup>F138</sup> Advice of [<sup>F139</sup>Office of Fair Trading]

#### Textual Amendments

- F138** 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.)
- F139** Words in the cross-heading before Sch. 4 para. 28 substituted (1.4.2003) by 2002 c. 40, ss. 278, 279, Sch. 25 para. 23(10)(e); S.I. 2003/766, **art. 2**, Sch. (with art. 3)

- <sup>F140</sup>28 (1) The [<sup>F141</sup>OFT] shall consider whether revoking the designation would have, or be likely to have, any significant effect on competition.
- (2) The [<sup>F142</sup>Secretary of State] and the authorised body shall provide the [<sup>F141</sup>OFT] with such additional information as [<sup>F143</sup>it] may reasonably require.
- (3) When the [<sup>F141</sup>OFT] has completed [<sup>F144</sup>its] consideration sh all give such advice to the [<sup>F142</sup>Secretary of State] as [<sup>F144</sup>it] thinks fit.
- (4) The [<sup>F141</sup>OFT] shall publish any advice given by [<sup>F145</sup>it] under this paragraph.
- (5) The [<sup>F141</sup>OFT] shall, so far as practicable, exclude from anything published under subparagraph (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 [<sup>F146</sup>its] 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

- F140** 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.)
- F141** Sch. 4: "OFT" substituted (1.4.2003) in each place for "Director" by 2002 c. 40, ss. 278, 279, Sch. 25 para. 23(10)(a); S.I. 2003/766, **art. 2**, Sch. (with art. 3)
- F142** Words in Schs. 3-6 substituted (19.8.2003) by The Secretary of State for Constitutional Affairs Order 2003 (S.I. 2003/1887), art. 9, **Sch. 2 para. 8(1)(d)** (with arts. 6, 8)
- F143** Word in Sch. 4 para. 28(2) substituted by 2002 c. 40, ss. 278, 279, Sch. 25 para. 23(10)(e)(i); S.I. 2003/766, **art. 2**, Sch. (with art. 3)
- F144** Word in Sch. 4 para. 28(3) substituted (1.4.2003) by 2002 c. 40, ss. 278, 279, Sch. 25 para. 23(10)(e)(ii); S.I. 2003/766, **art. 2**, Sch. (with art. 3)



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**F145** Word in Sch. 4 para. 28(4) substituted (1.4.2003) by 2002 c. 40, ss. 278, 279, Sch. 25 para. 23(10)(e) (iii); S.I. 2003/766, art. 2, Sch. (with art. 3)

**F146** Words in Sch. 4 para. 28(5) substituted (1.4.2003) by 2002 c. 40, ss. 278, 279, Sch. 25 para. 23(10)(e) (iv); S.I. 2003/766, art. 2, Sch. (with art. 3)

#### *F147* Notice to authorised body

##### Textual Amendments

**F147** 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.)

- F148** 29 (1) When the [**F149**Secretary of State] has received the advice of the Consultative Panel and the [**F150**OFT], 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 [**F149**Secretary of State].
- (3) Any such representations must be made before the end of—
- (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 [**F149**Secretary of State] may agree.

##### Textual Amendments

**F148** 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.)

**F149** Words in Schs. 3-6 substituted (19.8.2003) by The Secretary of State for Constitutional Affairs Order 2003 (S.I. 2003/1887), art. 9, Sch. 2 para. 8(1)(d) (with arts. 6, 8)

**F150** Sch. 4: "OFT" substituted (1.4.2003) in each place for "Director" by 2002 c. 40, ss. 278, 279, Sch. 25 para. 23(10)(a); S.I. 2003/766, art. 2, Sch. (with art. 3)

#### *F151* Notice to members of authorised body

##### Textual Amendments

**F151** 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.)

- F152** 30 (1) Where the [**F153**Secretary of State]—
- (a) has given a notice to an authorised body under paragraph 29(1); or

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- (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 [F153Secretary of State].
- (3) Any such representations—
- (a) shall, except in such circumstances as the [F153Secretary of State] 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 [F153Secretary of State].

#### Textual Amendments

**F152** 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.)

**F153** Words in Schs. 3-6 substituted (19.8.2003) by The Secretary of State for Constitutional Affairs Order 2003 (S.I. 2003/1887), art. 9, **Sch. 2 para. 8(1)(d)** (with arts. 6, 8)

#### *F154 Advice of designated judges*

#### Textual Amendments

**F154** 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.)

- <sup>F155</sup>31 (1) The [F156Secretary of State] 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 [F157OFT], a copy of the advice given to him by the Consultative Panel and the [F157OFT] and of any representations made under paragraph 29.
- (2) Each of the designated judges shall then consider whether the [F156Secretary of State] should make the recommendation.
- (3) The [F156Secretary of State] 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 [F156Secretary of State] as he thinks fit.

*Status: Point in time view as at 12/11/2009.*

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#### Textual Amendments

- F155** 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.)
- F156** Words in Schs. 3-6 substituted (19.8.2003) by The Secretary of State for Constitutional Affairs Order 2003 (S.I. 2003/1887), art. 9, **Sch. 2 para. 8(1)(d)** (with arts. 6, 8)
- F157** Sch. 4: "OFT" substituted (1.4.2003) in each place for "Director" by 2002 c. 40, ss. 278, 279, Sch. 25 para. 23(10)(a); S.I. 2003/766, **art. 2**, Sch. (with art. 3)

*F158 Consideration by [F159 Secretary of State]*

#### Textual Amendments

- F158** 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.)
- F159** Words in Schs. 3-6 substituted (19.8.2003) by The Secretary of State for Constitutional Affairs Order 2003 (S.I. 2003/1887), art. 9, **Sch. 2 para. 8(1)(d)** (with arts. 6, 8)

- F160**<sup>32</sup> Before deciding whether to make the recommendation the [F161 Secretary of State] 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 [F162 OFT], the advice given to him by the Consultative Panel and the [F162 OFT] and of any representations made under paragraph 29.

#### Textual Amendments

- F160** 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.)
- F161** Words in Schs. 3-6 substituted (19.8.2003) by The Secretary of State for Constitutional Affairs Order 2003 (S.I. 2003/1887), art. 9, **Sch. 2 para. 8(1)(d)** (with arts. 6, 8)
- F162** Sch. 4: "OFT" substituted (1.4.2003) in each place for "Director" by 2002 c. 40, ss. 278, 279, Sch. 25 para. 23(10)(a); S.I. 2003/766, **art. 2**, Sch. (with art. 3)

*F163 The Order*

#### Textual Amendments

- F163** 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.)

- F164**<sup>33</sup> (1) An Order made in pursuance of a recommendation under paragraph 25 may include any appropriate transitional and incidental provision.

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- (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 [<sup>F165</sup>Secretary of State] 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

**F164** 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.)

**F165** Words in Schs. 3-6 substituted (19.8.2003) by The Secretary of State for Constitutional Affairs Order 2003 (S.I. 2003/1887), art. 9, **Sch. 2 para. 8(1)(d)** (with arts. 6, 8)

### F166F166 SCHEDULE 5

#### Textual Amendments

**F166** Sch. 5 repealed (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 208, 210, 211, Sch. 21 para. 100(b), **Sch. 23** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(d)(f)(vi)(bb)**

### F172F172 SCHEDULE 6

#### Textual Amendments

**F172** Sch. 6 repealed (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 208, 210, 211, Sch. 21 para. 100(b), **Sch. 23** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(d)(f)(vi)(bb)**

F172

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## F173F173 SCHEDULE 7

### Textual Amendments

**F173** Sch. 7 repealed (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 208, 210, 211, Sch. 21 para. 100(b), [Sch. 23](#) (with ss. 29, 192, 193); S.I. 2009/503, [art. 2\(d\)\(f\)\(vi\)\(bb\)](#)

F173

## 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 <sup>M7</sup>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

**I32** 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](#)

### Marginal Citations

**M7** 1985 c. 61.

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### *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**

**I33** 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**

**I34** 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;
  - (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,

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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

**I35** 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;
  - <sup>F174</sup>(d) after the Investigating Committee have made any order in his case under section 24A(1) of the Act of 1985 or the Discipline and Appeals Committee have made any order in his case under section 26(1) of that Act.]
- (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.
- (6) Without prejudice to the generality of sub-paragraph (4), conditions may be imposed under that sub-paragraph—
  - (a) for restricting the kinds of <sup>F175</sup>activities that may be carried on] by the applicant by virtue of his having the advocacy, litigation or probate licence in question; or



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- (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 [<sup>F176</sup>carries on the additional activities] 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.
- [<sup>F177</sup>(8) Where a person applies for an advocacy, litigation or probate licence at a time when this paragraph has effect in relation to that person by reason of the circumstances mentioned in section 16(1)(ea) of the Act of 1985, section 16A(2) of that Act has effect as it has effect in relation to an application for a licence under Part 2 of that Act.]

#### Textual Amendments

- F174** Sch. 8 para. 5(1)(d) substituted (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 182, 211, [Sch. 17 para. 35\(5\)\(a\)](#) (with ss. 29, 192, 193); S.I. 2009/503, [art. 2\(c\)\(ii\)](#)
- F175** Words in Sch. 8 para. 5(6)(a) substituted (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 182, 211, [Sch. 17 para. 35\(5\)\(b\)\(i\)](#) (with ss. 29, 192, 193); S.I. 2009/503, [art. 2\(c\)\(ii\)](#)
- F176** Words in Sch. 8 para. 5(6)(b) substituted (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 182, 211, [Sch. 17 para. 35\(5\)\(b\)\(ii\)](#) (with ss. 29, 192, 193); S.I. 2009/503, [art. 2\(c\)\(ii\)](#)
- F177** Sch. 8 para. 5(8) inserted (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 182, 211, [Sch. 17 para. 35\(5\)\(c\)](#) (with ss. 29, 192, 193); S.I. 2009/503, [art. 2\(c\)\(ii\)](#)

#### Commencement Information

- I36** 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.



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#### Commencement Information

**I37** 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).
- (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

**I38** 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

**I39** 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

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

[<sup>F178</sup>(3) In relation to proceedings on an application under sub-paragraph (1), the Discipline and Appeals Committee may make such order as they consider fit as to the payment of costs by—

- (a) the Council;  
(b) the applicant.]

#### Textual Amendments

**F178** Sch. 8 para. 9(3) inserted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 182, 211, Sch. 17 para. 35(7) (with ss. 29, 192, 193); S.I. 2009/503, art. 2(c)(ii)

#### Commencement Information

**I40** 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

#### *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.
- [<sup>F179</sup>(5) In relation to proceedings for the revocation of a licence under sub-paragraph (1), the Discipline and Appeals Committee may make such order as they consider fit as to the payment of costs by—
- (a) the Council;  
(b) the licensed conveyancer to whose licence the proceedings relate.
- (6) In relation to proceedings on an application under sub-paragraph (2), the Discipline and Appeals Committee may make such order as they consider fit as to the payment of costs by—
- (a) the Council;  
(b) the applicant.]

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#### Textual Amendments

**F179** Sch. 8 para. 10(5)(6) inserted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 182, 211, Sch. 17 para. 35(8) (with ss. 29, 192, 193); S.I. 2009/503, art. 2(c)(ii)

#### Commencement Information

**I41** 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 **F180** .....

#### Textual Amendments

**F180** Sch. 8 para. 11 repealed (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 182, 210, 211, Sch. 17 para. 35(9), Sch. 23 (with ss. 29, 192, 193); S.I. 2009/503, art. 2(c)(ii)(f)(i)(vi)(cc)

## PART II

### AMENDMENTS OF PROVISIONS RELATING TO POWERS OF COUNCIL ETC.

#### *Delegation of powers etc.*

- 12 (1) [<sup>F181</sup>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
  - [<sup>F182</sup>(b) by a sub-committee of such a committee; or
  - (c) by an individual (whether or not a member of the Council's staff).]
- [<sup>F183</sup>(1A) Where by virtue of sub-paragraph (1) any function may be discharged by a committee, the committee may arrange for the discharge of that function by—
- (a) a sub-committee of that committee; or
  - (b) an individual, whether or not a member of the Council's staff.
- (1B) Sub-paragraph (1A) is subject to any contrary direction given by the Council.
- (1C) Arrangements made under sub-paragraph (1) or (1A) in respect of a function may provide that the function is to be exercised in accordance with the arrangements only (and not by the delegating body).
- (1D) For this purpose “the delegating body” means—
- (a) in the case of arrangements under sub-paragraph (1), the Council, and
  - (b) in the case of arrangements under sub-paragraph (1A), the committee.]
- (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.

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- [<sup>F184</sup>(3) Any power conferred by sub-paragraph (1), (1A) or (2) may be exercised so as to impose restrictions or conditions on the body or individual by whom the function is 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.
- [<sup>F185</sup>(6) A committee or sub-committee established under this paragraph may include or consist of individuals other than—
- (a) members of the Council;
  - (b) licensed conveyancers.
- (7) A sub-committee of a committee established under this paragraph may also include or consist of individuals other than members of the committee.
- (7A) The Council may make arrangements for the appointment and removal of members of any committee to be made other than by the Council.
- (7B) A committee or sub-committee may regulate its own procedure, including quorum.]
- (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.
- [<sup>F186</sup>(10) This paragraph is subject to any provision to the contrary made by or under any enactment.]

#### Textual Amendments

- F181** Words in Sch. 8 para. 12(1) substituted (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 182, 211, [Sch. 17 para. 35\(10\)\(a\)](#) (with ss. 29, 192, 193); S.I. 2009/503, [art. 2\(c\)\(ii\)](#)
- F182** Sch. 8 para. 12(1)(b)(c) substituted (31.3.2009) for Sch. 8 para. 12(1)(b) by [Legal Services Act 2007 \(c. 29\)](#), ss. 182, 211, [Sch. 17 para. 35\(10\)\(b\)](#) (with ss. 29, 192, 193); S.I. 2009/503, [art. 2\(c\)\(ii\)](#)
- F183** Sch. 8 para. 12(1A)-(1D) inserted (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 182, 211, [Sch. 17 para. 35\(10\)\(c\)](#) (with ss. 29, 192, 193); S.I. 2009/503, [art. 2\(c\)\(ii\)](#)
- F184** Sch. 8 para. 12(3) substituted (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 182, 211, [Sch. 17 para. 35\(10\)\(d\)](#) (with ss. 29, 192, 193); S.I. 2009/503, [art. 2\(c\)\(ii\)](#)
- F185** Sch. 8 para. 12(6)-(7B) substituted (31.3.2009) for Sch. 8 para. 12(6)(7) by [Legal Services Act 2007 \(c. 29\)](#), ss. 182, 211, [Sch. 17 para. 35\(10\)\(e\)](#) (with ss. 29, 192, 193); S.I. 2009/503, [art. 2\(c\)\(ii\)](#)
- F186** Sch. 8 para. 12(10) inserted (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 182, 211, [Sch. 17 para. 35\(10\)\(f\)](#) (with ss. 29, 192, 193); S.I. 2009/503, [art. 2\(c\)\(ii\)](#)

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**Commencement Information**

**I42** 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 **F187** .....

**Textual Amendments**

**F187** Sch. 8 para. 13 repealed (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 182, 210, 211, Sch. 17 para. 35(11), Sch. 23 (with ss. 29, 192, 193); S.I. 2009/503, art. 2(c)(ii)(f)(vi)(cc)

*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**

**I43** 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

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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

**I44** 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 [<sup>F188</sup>£15,000].
- (2) The [<sup>F189</sup>Secretary of State] may by order made by statutory instrument amend subparagraph (1) by substituting for the sum of £1,000 such other sum as he considers appropriate.
- (3) Before making any such order the [<sup>F189</sup>Secretary of State] 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.

#### Textual Amendments

**F188** Figure "£15,000" in Sch. 8 para. 16(1) substituted (31.3.2009) for figure "£5,000" by [The Licensed Conveyancers \(Compensation for Inadequate Professional Services\) Order 2009 \(S.I. 2009/501\)](#), arts. 1, 2

**F189** Words in Sch. 8 substituted (19.8.2003) by [The Secretary of State for Constitutional Affairs Order 2003 \(S.I. 2003/1887\)](#), art. 9, [Sch. 2 para. 8\(1\)\(d\)](#) (with arts. 6, 8)

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#### Commencement Information

**I45** 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 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)

**C3** 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

**I46** 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 [<sup>F190</sup>Secretary of State], 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.

#### Textual Amendments

**F190** Words in Sch. 8 substituted (19.8.2003) by The Secretary of State for Constitutional Affairs Order 2003 (S.I. 2003/1887), art. 9, Sch. 2 para. 8(1)(d) (with arts. 6, 8)

#### Commencement Information

**I47** 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.



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### *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.

#### **Modifications etc. (not altering text)**

- C4** 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**

- I48** 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**

- I49** 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).



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- (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**

**I50** 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.](#)

*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**

**I51** 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*

<sup>F191</sup>23 .....

**Textual Amendments**

**F191** Sch. 8 para. 23 repealed (31.3.2009) by [Planning Act 2008 \(c. 29\), Sch. 23](#) (with [ss. 29, 192, 194](#)); [S.I. 2009/503, art. 2\(f\)\(vi\)\(cc\)](#) (with [art. 5](#))

*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”.

**Commencement Information**

**I52** 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.](#)

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## SCHEDULE 9

Section 55.

### PROBATE

#### *Advice from the Advisory Committee*

- 1 (1) Where the [<sup>F192</sup>Secretary of State] receives an application from a professional or other body ("the applicant") for approval under this Schedule, he shall refer the application to the [<sup>F193</sup>Consultative Panel].
- (2) It shall be the duty of the [<sup>F193</sup>Consultative Panel] to consider the application and to give to the [<sup>F192</sup>Secretary of State] such advice as it considers appropriate.

#### **Textual Amendments**

**F192** Words in Sch. 9 substituted (19.8.2003) by The Secretary of State for Constitutional Affairs Order 2003 (S.I. 2003/1887), art. 9, Sch. 2 para. 8(1)(d) (with arts. 6, 8)

**F193** Words in Sch. 9 para. 1(1)(2) substituted (1.1.2000) by 1999 c. 22, s. 35(4)(a) (with Sch. 14 para. 7(2)); S.I. 1999/3344, art. 2(a)

#### *Advice from the President of the Family Division*

- 2 (1) When the [<sup>F194</sup>Secretary of State] has received the [<sup>F195</sup>Consultative Panel's] advice he shall refer the application, together with that advice, to the President of the Family Division.
- (2) It shall be the duty of the President to consider the application, in the light of that advice, and to give to the [<sup>F194</sup>Secretary of State] such advice as he considers appropriate.
- (3) If the President asks the Committee to give him advice with respect to the application, it shall be the duty of the [<sup>F196</sup>Consultative Panel] to do so.

#### **Textual Amendments**

**F194** Words in Sch. 9 substituted (19.8.2003) by The Secretary of State for Constitutional Affairs Order 2003 (S.I. 2003/1887), art. 9, Sch. 2 para. 8(1)(d) (with arts. 6, 8)

**F195** Words in Sch. 9 para. 2(1) substituted (1.1.2000) by 1999 c.22, s. 35(4)(b) (with Sch. 14 para. 7(2)); S.I. 1999/3344, art. 2(a)

**F196** Words in Sch. 9 para. 2(3) substituted (1.1.2000) by 1999 c. 22, s. 35(4)(c) (with Sch. 14 para. 7(2)); S.I. 1999/3344, art. 2(a)

#### *Information to be supplied by applicant*

- 3 The applicant shall provide the [<sup>F197</sup>Secretary of State] , the [<sup>F198</sup>Consultative Panel] and the President with any information that they may reasonably require.

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#### Textual Amendments

- F197** Words in Sch. 9 substituted (19.8.2003) by [The Secretary of State for Constitutional Affairs Order 2003 \(S.I. 2003/1887\)](#), art. 9, **Sch. 2 para. 8(1)(d)** (with arts. 6, 8)
- F198** Words in Sch. 9 para. 3 substituted (1.1.2000) by [1999 c. 22, s. 35\(4\)\(a\)](#) (with Sch. 14 para. 7(2)); [S.I. 1999/3344](#), art. 2(a)

*Approval by [F199Secretary of State]*

#### Textual Amendments

- F199** Words in Sch. 9 substituted (19.8.2003) by [The Secretary of State for Constitutional Affairs Order 2003 \(S.I. 2003/1887\)](#), art. 9, **Sch. 2 para. 8(1)(d)** (with arts. 6, 8)

- 4 Having considered the advice given to him by the [F200Consultative Panel] and by the President, the [F201Secretary of State] may by order approve the application if, but only if, he is satisfied that the applicant has in force suitable arrangements—
- (a) for training; and
  - (b) for ensuring that any person to whom the applicant grants the exemption mentioned in section 55(1) will at all times, while exempt, comply with the requirements of section 55(2)(a) to (e).

#### Textual Amendments

- F200** Words in Sch. 9 para. 4 substituted (1.1.2000) by [1999 c. 22, s. 35\(4\)\(a\)](#) (with Sch. 14 para. 7(2)); [S.I. 1999/3344](#), art. 2(a)
- F201** Words in Sch. 9 substituted (19.8.2003) by [The Secretary of State for Constitutional Affairs Order 2003 \(S.I. 2003/1887\)](#), art. 9, **Sch. 2 para. 8(1)(d)** (with arts. 6, 8)

*Refusal to approve*

- 5 (1) If the [F202Secretary of State] proposes to refuse the application he shall give the applicant written notice of his proposal.
- (2) The notice shall—
- (a) give the [F203Secretary of State's] reasons for proposing to refuse the application; and
  - (b) inform the applicant of the effect of sub-paragraph (3).
- (3) Where such a notice is served, it shall be the duty of the [F202Secretary of State], before determining whether to grant or refuse the application, to consider any representations duly made by the applicant.
- (4) For the purposes of sub-paragraph (3), representations are duly made if—
- (a) they are made to the [F202Secretary of State] before the end of the period of 28 days beginning with the day on which the notice is served; and

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- (b) unless the [F202Secretary of State] directs in a particular case, they are in writing.
- (5) If the [F202Secretary of State] refuses the application he shall give notice to the applicant in writing.
- (6) Any notice given under sub-paragraph (5) must give the [F203Secretary of State's] reasons for refusing the application.

#### Textual Amendments

**F202** Words in Sch. 9 substituted (19.8.2003) by The Secretary of State for Constitutional Affairs Order 2003 (S.I. 2003/1887), art. 9, Sch. 2 para. 8(1)(d) (with arts. 6, 8)

**F203** Words in Sch. 9 para. 5 substituted (19.8.2003) by The Secretary of State for Constitutional Affairs Order 2003 (S.I. 2003/1887), art. 9, Sch. 2 para. 8(3) (with arts. 6, 8)

#### *Revocation of approval*

- 6 (1) The revocation of any approval given under this Schedule shall be by order (“a revoking order”) made by the [F204Secretary of State].
- (2) A revoking order may only be made if—
  - (a) the approved body has made a written request to the [F204Secretary of State] asking for it to be made;
  - (b) the approved body has agreed in writing to its being made; or
  - (c) the [F204Secretary of State] is satisfied that the circumstances at the time when he is considering the question are such that, had that body then been applying to become an approved body, its application would have failed.
- (3) A revoking order may make such transitional and incidental provision as the [F204Secretary of State] considers necessary or expedient.
- (4) Where a revoking order is made—
  - (a) the exemption granted to any person by the body with respect to whom the order is made shall cease to have effect, subject to any transitional provision made by the order; and
  - (b) the [F204Secretary of State] shall—
    - (i) give the body with respect to whom the order is made written notice of the making of the order;
    - (ii) take such steps as are reasonably practicable to bring the making of the order to the attention of members of that body; and
    - (iii) 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.

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#### Textual Amendments

**F204** Words in Sch. 9 substituted (19.8.2003) by [The Secretary of State for Constitutional Affairs Order 2003 \(S.I. 2003/1887\)](#), art. 9, **Sch. 2 para. 8(1)(d)** (with arts. 6, 8)

#### *Role of the Advisory Committee*

- 7
- (1) Where the [<sup>F205</sup>Secretary of State] is considering whether to make a revoking order by virtue of paragraph 6(2)(c)—
    - (a) he shall seek the advice of the [<sup>F206</sup>Consultative Panel]; and
    - (b) the [<sup>F206</sup>Consultative Panel] shall carry out such investigations with respect to the approved body as it considers appropriate.
  - (2) Where—
    - (a) the [<sup>F205</sup>Secretary of State] has not sought the advice of the [<sup>F206</sup>Consultative Panel] under sub-paragraph (1); but
    - (b) the [<sup>F206</sup>Consultative Panel] has reason to believe that there may be grounds for recommending that a revoking order be made under paragraph 6(2)(c) with respect to an approved body,it may carry out such investigations with respect to the approved body as it considers appropriate.
  - (3) If, on concluding any investigation carried out under sub-paragraph (1) or (2), the [<sup>F206</sup>Consultative Panel] considers that there are grounds for recommending the making of a revoking order with respect to the approved body concerned, it shall advise the [<sup>F205</sup>Secretary of State] accordingly.

#### Textual Amendments

**F205** Words in Sch. 9 substituted (19.8.2003) by [The Secretary of State for Constitutional Affairs Order 2003 \(S.I. 2003/1887\)](#), art. 9, **Sch. 2 para. 8(1)(d)** (with arts. 6, 8)

**F206** Words in Sch. 9 para. 7(1)(a)(b)(2)(a)(b)(3) substituted (1.1.2000) by [1999 c. 22, s. 35\(4\)\(a\)](#) (with Sch. 14 para. 7(2)); [S.I. 1999/3344](#), **art. 2(a)**

#### *Duty to comply with requests for information*

- 8
- (1) Where the [<sup>F207</sup>Consultative Panel] is carrying out an investigation under paragraph 7 it may require the approved 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.

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- (3) Where an approved body fails, without reasonable excuse, to comply with a request made to it by the [F208Consultative Panel] under sub-paragraph (1), paragraph 6(2)(c) shall be taken to have been satisfied in relation to that body.

#### Textual Amendments

**F207** Words in Sch. 9 para. 8(1) substituted (1.1.2000) by 1999 c.22, s. 35(4)(a) (with Sch. 14 para. 7(2); S.I. 1999/3344, art. 2(a))

**F208** Words in Sch. 9 para. 8(3) substituted (1.1.2000) by 1999 c. 22, s. 35(4)(c) (with Sch. 14 para. 7(2)); S.I. 1999/3344, art. 2(a))

#### *Notice to approved body*

- 9 (1) If the [F209Consultative Panel] advises the [F210Secretary of State] that there are grounds for recommending the making of a revoking order with respect to an approved body, the [F210Secretary of State] 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 approved body to make representations in writing to the [F210Secretary of State] 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.

#### Textual Amendments

**F209** Words in Sch. 9 para. 9(1) substituted (1.1.2000) by 1999 c. 22, s. 35(4)(a) (with Sch. 14 para. 7(2); S.I. 1999/3344 art. 2(a))

**F210** Words in Sch. 9 substituted (19.8.2003) by The Secretary of State for Constitutional Affairs Order 2003 (S.I. 2003/1887), art. 9, Sch. 2 para. 8(1)(d) (with arts. 6, 8)

#### *Notice to members of approved body*

- 10 (1) Where—
- (a) the [F211Secretary of State] has given notice to an approved body under paragraph 9(1); or
- (b) is proposing to make a revoking order with respect to an approved body, by virtue of paragraph 6(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 approved body and of any other persons who, in his opinion, are likely to be affected by any revoking order made with respect to that body.
- (2) Any such steps shall include inviting those members and other persons to make representations to the [F211Secretary of State] or (as the case may be) to the person appointed by him for the purpose.

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- (3) Any such representations—
- (a) shall, except in such circumstances as the [F211Secretary of State] 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 [F211Secretary of State] .

**Textual Amendments**

**F211** Words in Sch. 9 substituted (19.8.2003) by The Secretary of State for Constitutional Affairs Order 2003 (S.I. 2003/1887), art. 9, Sch. 2 para. 8(1)(d) (with arts. 6, 8)

*Consideration by [F212Secretary of State] and President*

**Textual Amendments**

**F212** Words in Sch. 9 substituted (19.8.2003) by The Secretary of State for Constitutional Affairs Order 2003 (S.I. 2003/1887), art. 9, Sch. 2 para. 8(1)(d) (with arts. 6, 8)

- 11 (1) It shall be the duty of the [F213Secretary of State] to consider—
- (a) any advice given to him by the [F214Consultative Panel] under paragraph 7; and
  - (b) any representations duly made under paragraph 9 or 10.
- (2) Having done so, the [F213Secretary of State] shall—
- (a) send to the President a copy of any such advice and of any such representations (including a note of any oral representations); and
  - (b) inform the President of his view as to whether or not a revoking order with respect to the approved body concerned should be made.
- (3) It shall be the duty of the President—
- (a) to consider the information sent to him by the [F213Secretary of State] ;
  - (b) to inform the [F213Secretary of State] of his own decision in the matter; and
  - (c) to give his reasons, in writing, for his decision.
- (4) No revoking order shall be made with respect to the approved body unless the [F213Secretary of State] and the President agree that it should be made.

**Textual Amendments**

**F213** Words in Sch. 9 substituted (19.8.2003) by The Secretary of State for Constitutional Affairs Order 2003 (S.I. 2003/1887), art. 9, Sch. 2 para. 8(1)(d) (with arts. 6, 8)

**F214** Words in Sch. 9 para. 11(1)(a) substituted (1.1.2000) by 1999 c. 22, s. 35(4)(a) (with Sch. 14 para. 7(2)); S.I. 1999/3344 art. 2(a)



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## 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
  - (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 **F215** .....

#### **Textual Amendments**

**F215** Sch. 10 para. 3 repealed (13.10.2003) by 2002 c. 9, ss. 135, 136(2), Sch. 13 (with s. 129, Sch. 12 para. 1); S.I. 2003/1725, art. 2

#### *London Building Acts (Amendment) Act 1939 (c. xcvi)*

4 **F216** .....

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**Textual Amendments**

**F216** Sch. 10 para. 4 repealed (3.11.2008) by Tribunals, Courts and Enforcement Act 2007 (c. 15), ss. 146, 148, **Sch. 23 Pt. 2**; S.I. 2008/2926, **art. 5(j)** (with arts. 3, 4)

*Pensions Appeal Tribunals Act 1943 (c. 39)*

**F217**5 .....

**Textual Amendments**

**F217** Sch. 10 para. 5 repealed (9.4.2001) by 2000 c. 19, s. 85, **Sch. 9 Pt. IV** (with s. 83(6)); S.I. 2000/2994, **art. 2(6)**

*Agriculture Act 1947 (c. 48)*

*Agricultural Land Tribunal*

- 6 (1) In **F218** . . . Schedule 9 to the Agriculture Act 1947 **F218** . . .
- (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).” ”

**Textual Amendments**

**F218** Words in Sch. 10 para. 6(1) repealed (3.11.2008) by Tribunals, Courts and Enforcement Act 2007 (c. 15), ss. 146, 148, **Sch. 23 Pt. 2**; S.I. 2008/2926, **art. 5(j)** (with arts. 3, 4)

*Lands Tribunal Act 1949 (c. 42)*

*Lands Tribunal*

7 **F219** .....

**Textual Amendments**

**F219** Sch. 10 para. 7 repealed (1.6.2009) by The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307), arts. 1, 5(5), **Sch. 4** (with Sch. 5)

*Wireless Telegraphy Act 1949 (c. 54)*

- 8 **[F220]**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

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a 7 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990," ”.]

**Textual Amendments**

**F220** Sch. 10 para. 8 repealed (25.7.2003 for specified purposes, 29.12.2003 for further specified purposes) by Communications Act 2003 (c. 21), ss. 406, 408, 411, Sch. 19(1) (with Sch. 18, Sch. 19 Note 1); S.I. 2003/1900, arts. 1(2), 2(1), 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, {art. 3(2)} (with art. 11)

*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)*

*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.”

*Status: Point in time view as at 12/11/2009.*

*Changes to legislation: Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 08 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (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)*

*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)*

*Status: Point in time view as at 12/11/2009.*

*Changes to legislation: Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 08 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

### *Charity Commissioner*

F221 14 .....

#### **Textual Amendments**

**F221** 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.”

### *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

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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)*

*Plant Variety Rights Tribunal*

- F222 21 .....

**Textual Amendments**

F222 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)*

- F223 22 .....

**Textual Amendments**

F223 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—

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- “(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 F224 .....

**Textual Amendments**  
**F224** Sch. 10 para. 24 repealed (3.11.2008) by Tribunals, Courts and Enforcement Act 2007 (c. 15), ss. 146, 148, Sch. 23 Pt. 2; S.I. 2008/2926, art. 5(j) (with arts. 3, 4)

*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)” ”.

*Commons Registration Act 1965 (c. 64)*

*Commons Commissioner*

26 F225 .....

**Textual Amendments**  
**F225** Sch. 10 para. 26 repealed (3.11.2008) by Tribunals, Courts and Enforcement Act 2007 (c. 15), ss. 146, 148, Sch. 23 Pt. 2; S.I. 2008/2926, art. 5(j) (with arts. 3, 4)

*[<sup>F226</sup>Employment Tribunal] (England and Wales) Regulations 1965*

**Textual Amendments**  
**F226** 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



*Status: Point in time view as at 12/11/2009.*

*Changes to legislation: Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 08 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

*[<sup>F227</sup>Employment tribunal] (S.I. 1965/1101.)*

**Textual Amendments**

**F227** 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 [<sup>F228</sup>Employment Tribunal] (England and Wales) Regulations 1965 (President of [<sup>F228</sup>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**

**F228** 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)*

*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

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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 08 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (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
  - (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 [<sup>F229</sup>Employment Tribunals] or chairman of such a tribunal appointed under the [<sup>F229</sup>Employment Tribunals] (England and Wales) Regulations 1965.

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

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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.”

**Textual Amendments**

**F229** 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

**F230**

**Textual Amendments**

**F230** [Sch. 10 para. 32](#) repealed (3.11.2008) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), [ss. 146, 148](#), [Sch. 23 Pt. 2](#); [S.I. 2008/2926, art. 5\(j\)](#) (with [arts. 3, 4](#))

*Status: Point in time view as at 12/11/2009.*

*Changes to legislation: Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 08 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

*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*

F231 34 .....

**Textual Amendments**  
**F231** Sch. 10 para. 34 repealed (14.2.2000) by 1999 c. 33, s. 169(1)(3), Sch. 14 para. 91(2), Sch. 16; S.I. 2000/168, art. 2, Sch. (with art. 3)

*Friendly Societies Act 1974 (c. 46)*

*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*

F232 36 .....

**Textual Amendments**  
**F232** 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)

*Status: Point in time view as at 12/11/2009.*

*Changes to legislation: Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 08 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

*Social security appeal tribunal and medical appeal tribunal*

F233 37 .....

**Textual Amendments**

**F233** 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—

- “(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.”

*Status: Point in time view as at 12/11/2009.*

*Changes to legislation: Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 08 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

*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*

F234 43 .....

<p><b>Textual Amendments</b>  <b>F234</b> Sch. 10 para. 43 repealed (19.6.1997) by 1997 c. 24, ss. 23(3), 24(2), Sch. 6</p>
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*Justices of the Peace Act 1979 (c. 55)*

*Stipendiary Magistrate*

F235 44 .....

<p><b>Textual Amendments</b>  <b>F235</b> 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)</p>
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*Justices’ Clerk*

F236 45 .....

*Status: Point in time view as at 12/11/2009.*

*Changes to legislation: Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 08 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

**Textual Amendments**

**F236** 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*

<sup>F237</sup>46 . . . . .

**Textual Amendments**

**F237** 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)

*[<sup>F238</sup>Senior Courts Act 1981] (c. 54)*

**Textual Amendments**

**F238** Sch. 10 cross-heading: for the words "Supreme Court Act 1981" wherever they occur there is substituted (1.10.2009) the words "Senior Courts Act 1981" by virtue of Constitutional Reform Act 2005 (c. 4), ss. 59, 148(1), Sch. 11 para. 1(2); S.I. 2009/1604, art. 2(d)

*Judge's legal secretary*

47 In section 98(4) of the [<sup>F239</sup>Senior Courts 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)" .

**Textual Amendments**

**F239** Sch. 10 para. 47: for the words "Supreme Court Act 1981" wherever they occur there is substituted (1.10.2009) the words "Senior Courts Act 1981" by virtue of Constitutional Reform Act 2005 (c. 4), ss. 59, 148(1), Sch. 11 para. 1(2); S.I. 2009/1604, art. 2(d)

*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." "



*Status: Point in time view as at 12/11/2009.*

*Changes to legislation: Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 08 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

*Master, Registrar etc*

49 F240 .....

**Textual Amendments**  
F240 Sch. 10 para. 49 repealed (3.11.2008) by Tribunals, Courts and Enforcement Act 2007 (c. 15), ss. 146, 148, Sch. 23 Pt. 2; S.I. 2008/2926, art. 5(j) (with arts. 3, 4)

*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) F241 .....
  - (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” ”.

**Textual Amendments**  
F241 Sch. 10 para. 50(2)(b) repealed (3.11.2008) by Tribunals, Courts and Enforcement Act 2007 (c. 15), ss. 146, 148, Sch. 23 Pt. 2; S.I. 2008/2926, art. 5(j) (with arts. 3, 4)

*Mental Health Act 1983 (c. 20)*

*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*

F242 52 .....

*Status: Point in time view as at 12/11/2009.*

*Changes to legislation: Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 08 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

**Textual Amendments**

**F242** 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*

**F243** 55 .....

**Textual Amendments**

**F243** 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)*

*Status: Point in time view as at 12/11/2009.*

*Changes to legislation: Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 08 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

*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 **F244** .....

**Textual Amendments**

**F244** Sch. 10 para. 57 repealed (3.11.2008) by Tribunals, Courts and Enforcement Act 2007 (c. 15), ss. 146, 148, Sch. 23 Pt. 2; S.I. 2008/2926, art. 5(j) (with arts. 3, 4)

*Data Protection Act 1984 (c. 35)*

- F245**58 .....

**Textual Amendments**

**F245** Sch. 10 para. 58 repealed (1.3.2000) by 1998 c. 29, s. 74(2), Sch. 16 Pt. I; S.I. 2000/183, art. 2

*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—
- (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)*

*Status: Point in time view as at 12/11/2009.*

*Changes to legislation: Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 08 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

*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)*

F246 62 .....

**Textual Amendments**

F246 Sch. 10 para. 62 repealed (2.10.2000) by 2000 c. 23, s. 82, Sch. 5 (with ss. 82(3)-(6)); S.I. 2000/2543, art. 3 (with arts. 5, 6)

*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,” ”.

*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)*

*Status: Point in time view as at 12/11/2009.*

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*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.”

*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.”

*Status: Point in time view as at 12/11/2009.*

*Changes to legislation: Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 08 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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

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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;”.
- (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)*

F24774 .....

**Textual Amendments**

**F247** Sch. 10 para. 74 repealed (2.10.2000) by 2000 c. 23, s. 82, Sch. 5 (with s. 82(3)); S.I. 2000/2543, art. 3 (with arts. 5, 6)

*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



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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 10 years' standing.”

## SCHEDULE 11

Section 75.

### JUDGES ETC BARRED FROM LEGAL PRACTICE

The following are the offices for the purposes of section 75—

- [<sup>F248</sup>Judge of the Supreme Court]
- 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 [<sup>F249</sup>Senior Courts]
- Registrar of Civil Appeals
- [<sup>F250</sup>Senior Judge of the Court of Protection
- President of the Court of Protection
- Vice-President of the Court of Protection]
- District probate registrar
- Judge Advocate General
- Vice Judge Advocate General
- Assistant <sup>F251</sup> . . . Judge Advocate General
- [<sup>F252</sup> District Judge (Magistrates' Courts)]
- Social Security Commissioner <sup>F253</sup> . . .
- [<sup>F254</sup>President of social security appeal tribunals, medical appeal tribunals and disability appeal tribunals or regional or other full-time chairman of such tribunals]
- [<sup>F255</sup>President of the Employment Tribunals (England and Wales) or member of a panel of chairmen established by regulations under section 1(1) of the <sup>M8</sup>Employment Tribunals Act 1996 for employment tribunals for England and Wales]
- [<sup>F256</sup>President or other member of the Asylum and Immigration Tribunal]
- <sup>F257</sup> . . . . .
- <sup>F258</sup> . . . . .
- <sup>F258</sup> . . . . .
- [<sup>F259</sup>Member of the Charity Commission appointed as provided in Schedule 1A to the Charities Act 1993]
- Coroner appointed under section 2 of the <sup>M9</sup>Coroners Act 1988.
- [<sup>F260F261</sup>Member of a Pensions Appeal Tribunal]

*Status: Point in time view as at 12/11/2009.*

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[<sup>F260</sup>President of the Gambling Appeals Tribunal]

F262 .....

[<sup>F263</sup>Judge or other member of the First-tier Tribunal—

- (a) appointed under paragraph 1(1) or 2(1) of Schedule 2 to the Tribunals, Courts and Enforcement Act 2007, or
- (b) who is a transferred-in judge, or a transferred-in other member, of the First-tier Tribunal (see section 31(2) of that Act)

Judge or other member of the Upper Tribunal—

- (a) appointed under paragraph 1(1) or 2(1) of Schedule 3 to the Tribunals, Courts and Enforcement Act 2007, or
- (b) who is a transferred-in judge, or a transferred-in other member, of the Upper Tribunal (see section 31(2) of that Act)

Senior President of Tribunals

Chamber President, or Acting Chamber President or Deputy Chamber President, of a chamber of the First-tier Tribunal or of a chamber of the Upper Tribunal]

#### Textual Amendments

- F248** Sch. 11: entry substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 145, 148, **Sch. 17 para. 24**; S.I. 2009/1604, **art. 2(e)**
- F249** Sch. 11: words in entry substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 59, 148, **Sch. 11 para. 4**; S.I. 2009/1604, **art. 2(f)**
- F250** Sch. 11: references substituted (1.10.2007) for reference to Master of the Court of Protection by [Mental Capacity Act 2005 \(c. 9\)](#), ss. 67(1), 68(1), **Sch. 6 para. 35(2)** (with ss. 27-29, 62); S.I. 2007/1897, **art. 2(1)(d)**
- F251** Words in Sch. 11 repealed (1.10.2001) by 2001 c. 19, ss. 34, 38, Sch. 6 Pt. 2 para. 9, **Sch. 7 Pt. 3**; S.I. 2001/3234, **art. 2**
- F252** Entry in Sch. 11 substituted (31.8.2000) by 1999 c. 22, s. 78, **Sch. 11 para. 37** (with Sch. 14 para. 7(2)); S.I. 2000/1920, **art. 3(a)** (with art. 4)
- F253** 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)
- F254** 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)**
- F255** 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**
- F256** Sch. 11: entry substituted (4.4.2005) for entries relating to Immigration Appeal Tribunal and immigration adjudicators by [Asylum and Immigration \(Treatment of Claimants, etc.\) Act 2004 \(c. 19\)](#), ss. 26(7), 48(3), **Sch. 2 para. 6**; S.I. 2005/565, **art. 2(d)** (with arts. 3-9)
- F257** Sch. 11: entry omitted (1.6.2009) by virtue of [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), arts. 1, 5(1)(2), **Sch. 1 para. 214** (with Sch. 5)
- F258** Sch. 11: entries omitted (1.4.2009) by virtue of [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), arts. 1(2), 3, **Sch. 1 para. 168**
- F259** Sch. 11: entry substituted (27.2.2007) by [Charities Act 2006 \(c. 50\)](#), ss. 75(1), 79(2), **Sch. 8 para. 86**; S.I. 2007/309, **art. 2**, Sch. (subject to arts. 4-13)
- F260** Sch. 11: entry added (1.1.2007) by [Gambling Act 2005 \(c. 19\)](#), ss. 140(2), 358(1), **Sch. 8 para. 17** (with ss. 352, 354); S.I. 2006/3272, **art. 2(1)**, Sch. 1 (with art. 6, Sch. 4 (as amended (29.3.2007) by SI 2007/1157, arts. 7-12 and (16.8.2007) by SI 2007/2169, arts. 7-11))
- F261** Entry in Sch. 11 inserted (9.4.2001) by 2000 c. 19, s. 60(5) (with s. 83(6)); S.I. 2000/2994, **art. 2(6)**
- F262** Sch. 11: entry omitted (1.9.2009) by virtue of [The Transfer of Functions of the Charity Tribunal Order 2009 \(S.I. 2009/1834\)](#), arts. 1, 4(1), **Sch. 1 para. 3** (with transitional and saving provisions in Sch. 4)

*Status: Point in time view as at 12/11/2009.*

**Changes to legislation:** Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 08 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

**F263** Sch. 11: entries inserted (3.11.2008) by Tribunals, Courts and Enforcement Act 2007 (c. 15), ss. 48(1), 148, {Sch. 8 par. 16}; S.I. 2008/2696, art. 5(c)(i) (with arts. 3, 4)

#### Marginal Citations

**M8** 1996 c. 17.

**M9** 1988 c. 13.

## SCHEDULE 12

Section 79(2).

### WIDOWERS’ PENSIONS: TRANSITIONAL PROVISIONS

#### Commencement Information

**I53** 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.

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—

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- (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
  - (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—

$$WP1 = \frac{WP2 \times RS1}{RS2}$$

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.

*Status: Point in time view as at 12/11/2009.*

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- (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.”

PROSPECTIVE

## SCHEDULE 13

Section 81.

### TRANSFER OF ACCRUED BENEFITS

The following are the provisions which are inserted in the <sup>M10</sup>Judicial Pensions Act 1981, as Schedule 1A—

#### “SCHEDULE 1A

### TRANSFER OF ACCRUED BENEFITS

#### PART I

#### GENERAL

#### *Interpretation*

[<sup>F264</sup>(1)] In this Schedule—

[<sup>F265</sup>“authorised insurer” means—

- (i) a person who has permission under Part 4 of the Financial Services and Markets Act 2000 to effect or carry out contracts of long-term insurance, or
- (ii) an EEA firm of the kind mentioned in paragraph 5(d) of Schedule 3 to that Act, which has permission under paragraph 15 of that Schedule (as a result of qualifying for authorisation under paragraph 12 of that Schedule) to effect or carry out contracts of long-term insurance;]

“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;

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“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.

- [<sup>F266</sup>(2) The definition of “authorised insurer” in sub-paragraph (1) must be read with—
- (a) section 22 of the Financial Services and Markets Act 2000;
  - (b) any relevant order under that section;
  - (c) Schedule 2 to that Act.]

#### *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.

## 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

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- (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 [<sup>F267</sup>insurers]—
    - (i) chosen by the qualifying member; and
    - (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—



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- (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—
    - (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.



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*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.

*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.

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### 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 [<sup>F268</sup>insurer], 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—
- (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.”

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#### Textual Amendments

- F264** Sch. 13: Para. 1 of inserted Sch. 1A renumbered para. 1(1) (1.12.2001) by S.I. 2001/3649, arts. 1, 326(2)
- F265** Sch. 13: Definition of “authorised insurer” substituted for definition of “authorised insurance company” in para. 1(1) of inserted Sch. 1A (1.12.2001) by S.I. 2001/3649, arts. 1, 326(3)
- F266** Sch. 13: Para. 1(2) inserted (1.12.2001) into inserted Sch. 1A by S.I. 2001/3649, arts. 1, 326(4)
- F267** Sch. 13: Word in para. 6(2)(c) of inserted Sch. 1A substituted (1.12.2001) by S.I. 2001/3649, arts. 1, 326(5)
- F268** Sch. 13: Word in definition of “qualifying scheme” in para. 11(3)(a) of inserted Sch. 1A substituted (1.12.2001) by S.I. 2001/3649, arts. 1, 326(6)

#### Marginal Citations

- M10** 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;
- F269** .....
- F269** .....
- “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.

#### Textual Amendments

- F269** Sch. 14 para. 1: definitions of “the Council” and “controlled trust” repealed (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 210, 211, Sch. 16 para. 127, Sch. 23 (with ss. 29, 192, 193); S.I. 2009/503, art. 2(b)(iii)(f)(vi)(dd)

#### Commencement Information

- I54** Sch. 14 para. 1 wholly in force at 14.10.1991 see s. 124(3) and S.I. 1991/1883, art. 3, Sch.

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### *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 <sup>F270</sup>Society] may prescribe; and
  - (b) shall be accompanied by such fee as the <sup>F270</sup>Society] may, with the concurrence of the Master of the Rolls , prescribe.
- (2) Where such an application is duly made by a foreign lawyer, the <sup>F271</sup>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<sup>F272</sup> for members of that profession to be managers of recognised bodies.]
- (3) <sup>F273</sup> .....
- (4) The <sup>F270</sup>Society] may make regulations, with the concurrence of the Master of the Rolls , with respect to—
- (a) the keeping of the register (including <sup>F274</sup>the form of the register and] the manner in which entries are to be made, altered or removed); and
  - (b) applications for registration or renewal of registration.<sup>F275</sup> and
  - (c) the making available to the public of the information contained in the register (including the manner in which, and hours during which, the information is to be made so available and whether the information is to be made available free of charge).]
- (5) <sup>F276</sup> .....

#### **Textual Amendments**

- F270** Words in Sch. 14 para. 2 substituted (7.3.2008) by Legal Services Act 2007 (c. 29), ss. 177, 211, Sch. 16 para. 128(a) (with ss. 29, 192, 193); S.I. 2008/222, art. 2(f)(j)(iii)
- F271** Word in Sch. 14 para. 2(2) substituted (7.3.2008) by Legal Services Act 2007 (c. 29), ss. 177, 211, Sch. 16 para. 128(c)(i) (with ss. 29, 192, 193); S.I. 2008/222, art. 2(f)(j)(iii)
- F272** Words in Sch. 14 para. 2(2) substituted (30.6.2008) for Sch. 14 para. 2(2)(a)(b) by Legal Services Act 2007 (c. 29), ss. 177, 211, Sch. 16 para. 128(c)(ii) (with ss. 29, 192, 193); S.I. 2008/1436, art. 2(d)(iii) (as amended by S.I. 2008/1591, art. 2)
- F273** Sch. 14 para. 2(3) repealed (1.7.2009) by Legal Services Act 2007 (c. 29), ss. 177, 210, 211, Sch. 16 para. 128(d), Sch. 23 (with ss. 29, 192, 193); S.I. 2009/1365, art. 2(b)(i)(c)(ii) (with art. 4)
- F274** Words in Sch. 14 para. 2(4)(a) inserted (1.7.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, Sch. 16 para. 128(e)(ii) (with ss. 29, 192, 193); S.I. 2009/1365, art. 2(b)(i)
- F275** Sch. 14 para. 2(4)(c) and preceding word inserted (1.7.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, Sch. 16 para. 128(f) (with ss. 29, 192, 193); S.I. 2009/1365, art. 2(b)(i)
- F276** Sch. 14 para. 2(5) repealed (1.7.2009) by Legal Services Act 2007 (c. 29), ss. 177, 210, 211, Sch. 16 para. 128(g), Sch. 23 (with ss. 29, 192, 193); S.I. 2009/1365, art. 2(b)(i)(c)(ii) (with art. 4)

#### **Modifications etc. (not altering text)**

- C5** 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) (as amended (1.7.2009) by S.I. 2009/1587, art. 3(6); S.I. 2009/1365, art. 2(a)(i))
- C6** 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) (as amended (1.7.2009) by S.I. 2009/1587, art. 3(6); S.I. 2009/1365, art. 2(a)(i))

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- C7** Sch. 14 para. 2(3) 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))
- C8** Sch. 14 para. 2(4) 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. 2(5) 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

- I55** Sch. 14 para. 2 wholly in force at 14.10.1991 see s. 124(3) and S.I. 1991/1883, art. 3, Sch.

[<sup>F277</sup>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

- F277** 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)

#### *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 [<sup>F278</sup>Society] 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 [<sup>F278</sup>Society] 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.

#### Textual Amendments

- F278** Words in Sch. 14 para. 3(2)(3)(c) substituted (7.3.2008) by Legal Services Act 2007 (c. 29), ss. 177, 211, Sch. 16 para. 130 (with ss. 29, 192, 193); S.I. 2008/222, art. 2(f)(j)(iii)

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**Modifications etc. (not altering text)**

- C10** 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))
- C11** 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**

- I56** 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**

- I57** Sch. 14 para. 4 wholly in force at 14.10.1991 see s. 124(3) and S.I. 1991/1883, art. 3, Sch.

**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 [<sup>F279</sup>Society has] 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  
F280 . . . ;
  - (b) in the case of a registered foreign lawyer who has died, the [<sup>F279</sup>Society has] reason to suspect dishonesty on the part of his personal representative, in connection with—
    - (i) the practice of the multi-national partnership; or

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- (ii) any trust of which the registered foreign lawyer was a trustee<sup>F280</sup> . . . . ;
- [<sup>F281</sup>(ba) the Society has reason to suspect dishonesty on the part of the registered foreign lawyer (“L”) in connection with—
  - (i) the business of any person of whom L is or was an employee, or of any body of which L is or was a manager, or
  - (ii) any business which is or was carried on by L as a sole trader;]
- (c) the [<sup>F282</sup>Society is] 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;
- [<sup>F283</sup>(ea) the Society is satisfied that he has abandoned his practice;]
- [<sup>F284</sup>(f) he lacks capacity (within the meaning of the Mental Capacity Act 2005) to act as a registered foreign lawyer and powers under sections 15 to 20 or section 48 are exercisable in relation to 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 [<sup>F285</sup>Society is] 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 [<sup>F286</sup>a manager] of a recognised body which is so approved; or
  - (iii) he may only be such a member or such [<sup>F286</sup>a manager].
- [<sup>F287</sup>(j) the Society is satisfied that it is necessary to exercise the intervention powers (or any of them) in relation to the registered foreign lawyer to protect—
  - (i) the interests of clients (or former or potential clients) of the registered foreign lawyer or the multi-national partnership, or
  - (ii) the interests of the beneficiaries of any trust of which the registered foreign lawyer is or was a trustee.]
- (4) <sup>F288</sup> . . . . .
- (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) [<sup>F289</sup>the Society is satisfied] 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 [<sup>F290</sup>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 [<sup>F291</sup>Society regards] 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.



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- (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.
- [<sup>F292</sup>(10) In this paragraph “manager”, in relation to a recognised body, has the same meaning as in the Legal Services Act 2007 (see section 207 of that Act).]

#### Textual Amendments

- F279** Words in Sch. 14 para. 5(3)(a)(b) substituted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 131(a)(i)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(iii)**
- F280** Words in Sch. 14 para. 5(3)(a)(b) repealed (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 210, 211, Sch. 16 para. 131(a)(ii), **Sch. 23** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(iii)(f)(vi)(dd)**
- F281** Sch. 14 para. 5(3)(ba) inserted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 131(b)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(iii)**
- F282** Words in Sch. 14 para. 5(3)(c) substituted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 131(c)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(iii)**
- F283** Sch. 14 para. 5(3)(ea) inserted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 131(d)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(iii)**
- F284** Sch. 14 para. 5(3)(f) substituted (1.10.2007) by Mental Capacity Act 2005 (c. 9), ss. 67(1), 68(1), **Sch. 6 para. 35(3)** (with ss. 27-29, 62); S.I. 2007/1897, **art. 2(1)(d)**
- F285** Words in Sch. 14 para. 5(3)(i) substituted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 131(e)(i)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(iii)**
- F286** Words in Sch. 14 para. 5(3)(i) substituted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 131(e)(ii)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(iii)**
- F287** Sch. 14 para. 5(3)(j) inserted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 131(f)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(iii)**
- F288** Sch. 14 para. 5(4) repealed (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 210, 211, Sch. 16 para. 131(g), **Sch. 23** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(iii)(f)(vi)(dd)**
- F289** Words in Sch. 14 para. 5(5)(a) substituted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 131(h)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(iii)**
- F290** Word in Sch. 14 para. 5(5)(a)(ii) substituted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 131(i)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(iii)**
- F291** Words in Sch. 14 para. 5(5)(c) substituted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 131(j)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(iii)**
- F292** Sch. 14 para. 5(10) inserted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 131(k)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(iii)**



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#### Commencement Information

**I58** 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*

- [<sup>F293</sup>6 Section 36 of the 1974 Act applies in relation to registered foreign lawyers as if for paragraphs (a) and (b) of subsection (1) there were substituted—
- “(a) an act or omission of a registered foreign lawyer or former registered foreign lawyer;
  - (b) an act or omission of an employee or former employee of a registered foreign lawyer or former registered foreign lawyer;”.]

#### Textual Amendments

**F293** Sch. 14 para. 6 substituted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, Sch. 16 para. 132 (with ss. 29, 192, 193); S.I. 2009/503, art. 2(b)(iii) (subject to art. 5)

#### Commencement Information

**I59** 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*

- [<sup>F294</sup>7 Section 36A(2) and (3) of the 1974 Act applies in relation to registered foreign lawyers as it applies in relation to solicitors.]

#### Textual Amendments

**F294** Sch. 14 para. 7 substituted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, Sch. 16 para. 133 (with ss. 29, 192, 193); S.I. 2009/503, art. 2(b)(iii)

#### Commencement Information

**I60** 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*

- [<sup>F295</sup>8 Section 34 of the Act of 1974 applies in relation to registered foreign lawyers as it applies in relation to solicitors.]

#### Textual Amendments

**F295** Sch. 14 para. 8 substituted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, Sch. 16 para. 134 (with ss. 29, 192, 193); S.I. 2009/503, art. 2(b)(iii)

#### 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) (as amended (1.7.2009) by S.I. 2009/1587, art. 3(6); S.I. 2009/1365, art. 2(a)(i))

#### Commencement Information

**I61** Sch. 14 para. 8 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 12/11/2009.*

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### *Certification for purposes of investment business*

F2969 .....

#### **Textual Amendments**

**F296** [Sch. 14 para. 9](#) repealed (1.12.2001) by [S.I. 2001/3649](#), [arts. 1, 327](#)

### *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**

**I62** [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**

**I63** [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.

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- (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**

**I64** 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**

**I65** 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 [<sup>F297</sup>High Court] 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; <sup>F298</sup> . . .
  - (d) any condition imposed by the Society under paragraph [<sup>F299</sup>2A], 12(2) or 13 [<sup>F300</sup>; or—
  - (e) a decision of the Society to remove his name from the register.]
- (2) <sup>F301</sup> . . . . .
- (3) On an appeal <sup>F302</sup> . . . under this paragraph, the [<sup>F303</sup>High Court] may make such order as [<sup>F304</sup>it] thinks fit.
- [<sup>F305</sup>(4) In relation to an appeal under this paragraph the High Court may make such order as it thinks fit as to payment of costs.
- (5) The decision of the High Court on an appeal under this paragraph shall be final.]

**Textual Amendments**

**F297** Words in Sch. 14 para. 14(1) substituted (1.7.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, Sch. 16 para. 135(a)(i) (with ss. 29, 192, 193); S.I. 2009/1365, art. 2(b)(ii) (subject to art. 4)

**F298** Word in Sch. 14 para. 14(1)(c) omitted (1.7.2009) by virtue of The Registered Foreign Lawyers Order 2009 (S.I. 2009/1589), arts. 1(1), 7(a); S.I. 2009/1365, art. 2(a)(i)

**F299** Words in Sch. 14 para. 14(1) substituted (1.7.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, Sch. 16 para. 135(a)(ii) (with ss. 29, 192, 193); S.I. 2009/1365, art. 2(b)(ii) (subject to art. 4)

*Status: Point in time view as at 12/11/2009.*

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- F300** Sch. 14 para. 14(1)(e) and word added (1.7.2009) by The Registered Foreign Lawyers Order 2009 (S.I. 2009/1589), arts. 1(1), **7(b)**; S.I. 2009/1365, **art. 2(a)(i)**
- F301** Sch. 14 para. 14(2) repealed (1.7.2009) by Legal Services Act 2007 (c. 29), ss. 177, 210, 211, Sch. 16 para. 135(b), **Sch. 23** (with ss. 29, 192, 193); S.I. 2009/1365, **art. 2(b)(ii)(c)(ii)** (subject to art. 4)
- F302** Words in Sch. 14 para. 14(3) repealed (1.7.2009) by Legal Services Act 2007 (c. 29), ss. 177, 210, 211, Sch. 16 para. 135(c)(i), **Sch. 23** (with ss. 29, 192, 193); S.I. 2009/1365, **art. 2(b)(ii)(c)(ii)** (subject to art. 4)
- F303** Words in Sch. 14 para. 14(3) substituted (1.7.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 135(c)(ii)** (with ss. 29, 192, 193); S.I. 2009/1365, **art. 2(b)(ii)** (subject to art. 4)
- F304** Word in Sch. 14 para. 14(3) substituted (1.7.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 135(c)(iii)** (with ss. 29, 192, 193); S.I. 2009/1365, **art. 2(b)(ii)** (subject to art. 4)
- F305** Sch. 14 para. 14(4)(5) inserted (1.7.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 135(d)** (with ss. 29, 192, 193); S.I. 2009/1365, **art. 2(b)(ii)** (subject to art. 4)

**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)** (as amended (1.7.2009) by S.I. 2009/1587, **art. 3(6)**; S.I. 2009/1365, **art. 2(a)(i)**)

**Commencement Information**

- I66** Sch. 14 para. 14 wholly in force at 14.10.1991 see s. 124(3) and S.I. 1991/1883, art. 3, **Sch.**

*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.
- [<sup>F306</sup>(3A) Any person who alleges that a registered foreign lawyer has knowingly acted in contravention of any order under section 43(2) of the Act of 1974 or of any conditions subject to which a permission has been granted under such an order 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—

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- (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<sup>F307</sup> . . . , 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)<sup>F308</sup> .....

#### Textual Amendments

**F306** Sch. 14 para. 15(3A) inserted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 136(a)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(iii)**

**F307** Words in Sch. 14 para. 15(4)(c) repealed (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 210, 211, Sch. 16 para. 136(b), **Sch. 23** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(iii)(f)(vi)(dd)**

**F308** Sch. 14 para. 15(5) repealed (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 210, 211, Sch. 16 para. 136(c), **Sch. 23** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(iii)(f)(vi)(dd)**

#### Modifications etc. (not altering text)

**C14** Sch. 14 para. 15(3A) applied by Administration of Justice Act 1985 (c. 61), Sch. 2 para. 18A(6) (as inserted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 107** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(iii)**)

#### Commencement Information

**I67** Sch. 14 para. 15 wholly in force at 14.10.1991 see s. 124(3) and S.I. 1991/1883, art. 3, **Sch.**

### *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.

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**Commencement Information**

**I68** 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<sup>F309</sup> lie to the High Court].
- (2) The High Court<sup>F310</sup> . . . shall have power to make such order on an appeal under this paragraph as [<sup>F311</sup>it] may think fit.
- (3) Any decision [<sup>F312</sup>of the High Court on an appeal in the case of an order on an application under paragraph 15(2)(d) or (e), or the refusal of any such application,] shall be final.
- (4)<sup>F313</sup> .....

**Textual Amendments**

- F309** Words in Sch. 14 para. 17(1) substituted (1.7.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, Sch. 16 para. 138(a) (with ss. 29, 192, 193); S.I. 2009/1365, art. 2(b)(ii) (subject to art. 4)
- F310** Words in Sch. 14 para. 17(2) repealed (1.7.2009) by Legal Services Act 2007 (c. 29), ss. 177, 210, 211, Sch. 16 para. 138(b)(i), Sch. 23 (with ss. 29, 192, 193); S.I. 2009/1365, art. 2(b)(ii)(c)(ii) (subject to art. 4)
- F311** Word in Sch. 14 para. 17(2) substituted (1.7.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, Sch. 16 para. 138(b)(ii) (with ss. 29, 192, 193); S.I. 2009/1365, art. 2(b)(ii) (subject to art. 4)
- F312** Words in Sch. 14 para. 17(3) substituted (1.7.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, Sch. 16 para. 138(c) (with ss. 29, 192, 193); S.I. 2009/1365, art. 2(b)(ii) (subject to art. 4)
- F313** Sch. 14 para. 17(4) repealed (1.7.2009) by Legal Services Act 2007 (c. 29), ss. 177, 210, 211, Sch. 16 para. 138(d), Sch. 23 (with ss. 29, 192, 193); S.I. 2009/1365, art. 2(b)(ii)(c)(ii) (subject to art. 4)

**Commencement Information**

**I69** Sch. 14 para. 17 wholly in force at 14.10.1991 see s. 124(3) and S.I. 1991/1883, art. 3, Sch.

<sup>F314</sup>SCHEDULE 15

Section 93(3).

INADEQUATE PROFESSIONAL SERVICES

**Textual Amendments**

- F314** Sch. 15 repealed (prosp.) by Legal Services Act 2007 (c. 29), ss. 210, 211, Sch. 23 (with ss. 29, 192, 193)

**Commencement Information**

**I70** 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 <sup>M11</sup>Solicitors Act 1974 as Schedule 1A—

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## “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.
- (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.

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- (2) The Lord Chancellor may by order made by statutory instrument amend subparagraph (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.
- (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



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- (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**

**M11** 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 <sup>M12</sup>Children Act 1989.

#### **Commencement Information**

**I71** Sch. 16 para. 1 wholly in force at 14.10.1991 see s. 124(3) and S.I 1991/1883, art.3, Sch.

#### **Marginal Citations**

**M12** 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—

*Status: Point in time view as at 12/11/2009.*

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- (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**

**I72** 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)*

F315<sub>3</sub> .....

**Textual Amendments**

**F315** Sch. 16 para. 3 repealed (1.4.2001) by 2000 c. 19, s. 85, Sch. 9 Pt. IX (with s. 83(6)); S.I. 2001/774, art. 2(d)

*The Children and Young Persons Act 1969 (c. 54)*

F316<sub>4</sub> .....

**Textual Amendments**

**F316** Sch. 16 para. 4 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

F317<sub>5</sub> .....

**Textual Amendments**

**F317** Sch. 16 para. 5 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

*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.

*Status: Point in time view as at 12/11/2009.*

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**Commencement Information**

**I73** 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)*

F3187

**Textual Amendments**

**F318** Sch. 16 para. 7 repealed (1.4.2001) by 2000 c. 43, s. 75, Sch. 8; S.I. 2001/919, art. 2(g) Table

*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”.

**Commencement Information**

**I74** 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**

**I75** 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 <sup>M13</sup>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—

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“(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

**I76** 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

**M13** 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

**I77** 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—

“(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

**I78** 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

**I79** 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

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- (b) in subsection (3) for the word “persons” there shall be substituted “authorities”<sup>F319</sup> . . . .

**Textual Amendments**

**F319** Words in Sch. 16 para. 14(b) repealed (1.4.2004) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), ss. 196, 199, Sch. 14 Pt. 1; S.I. 2004/749, art. 12

**Commencement Information**

**I80** 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**

**I81** 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”.

**Commencement Information**

**I82** Sch. 16 para. 16 wholly in force at 14.10.1991 see s. 124(3) and S.I 1991/1883, art.3, Sch.

<sup>F320</sup>17 . . . . .

**Textual Amendments**

**F320** Sch. 16 para. 17 repealed (1.4.2001) by 2000 c. 43, s. 75, Sch. 8; S.I. 2001/919, art. 2(g) Table

- 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.”

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#### Commencement Information

**I83** 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.”

#### Commencement Information

**I84** Sch. 16 para. 19 wholly in force at 14.10.1991 see s. 124(3) and S.I 1991/1883, art.3, Sch.

20 <sup>F321</sup> .....

#### Textual Amendments

**F321** Sch. 16 para. 20 repealed (1.4.2004) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), ss. 196, 199, Sch. 14 Pt. 1; S.I. 2004/749, art. 12

21 <sup>F322</sup> .....

#### Textual Amendments

**F322** Sch. 16 para. 21 repealed (7.6.2005) by Inquiries Act 2005 (c. 12), ss. 49(2), 51, Sch. 3 (with ss. 44, 50); S.I. 2005/1432, art. 2

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

**I85** 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

**I86** Sch. 16 para. 23 wholly in force at 14.10.1991 see s. 124(3) and S.I 1991/1883, art.3, Sch.

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- 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**

**I87** Sch. 16 para. 24 wholly in force at 14.10.1991 see s. 124(3) and S.I 1991/1883, art. 3, Sch.

- 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**

**I88** 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**

**I89** 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**

**I90** 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**

**I91** 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**

**I92** Sch. 16 para. 29 wholly in force at 14.10.1991 see s. 124(3) and S.I. 1991/1883, art.3, Sch.

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- 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” ”.

**Commencement Information**

**I93** 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**

**I94** 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**

**I95** 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



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(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)".

#### Commencement Information

**I96** 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

**I97** 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 <sup>M14</sup>Child Care Act 1980” there shall be substituted “ paragraph 23 of Schedule 2 to the <sup>M15</sup>Children Act 1989”.

#### Commencement Information

**I98** 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

**M14** 1980 c. 5.

**M15** 1989 c. 41.

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*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**

**I199** Sch. 16 para. 36 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)*

- 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**

**I100** 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**

**I101** 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 <sup>F323</sup>(1) . . . . .
- <sup>F323</sup>(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**

**F323** 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.

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**Commencement Information**

**I102** 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.

**Commencement Information**

**I103** 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**

**I104** 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**

**I105** 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)*

*Status: Point in time view as at 12/11/2009.*

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#### Textual Amendments

**F324** Sch. 17 para. 1 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), {Sch. 1 Pt. 1 Group. 4}

#### *The Land Registration Act 1925 (c. 21)*

2 **F325** .....

#### Textual Amendments

**F325** Sch. 17 para. 2 repealed (13.10.2003) by 2002 c. 9, ss. 135, 136(2), Sch. 13 (with s. 129, Sch. 12 para. 1); S.I. 2003/1725, art. 2

#### *The Administration of Justice Act 1956 (c. 46)*

3 **F326** .....

#### Textual Amendments

**F326** Sch. 17 para. 3 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), {Sch. 1 Pt. 1 Group. 4}

#### *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

**I106** 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

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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.”

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

**I107** 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 **F327** .....

#### Textual Amendments

**F327** Sch. 17 para. 7 repealed (5.4.2004) by Criminal Justice Act 2003 (c. 44), ss. 332, 336, Sch. 37 Pt. 10; S.I. 2004/829, art. 2(1)(2)(1)(iv) (subject to art. 2(3)-(6))

#### *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.”

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#### Commencement Information

**I108** Sch. 17 para. 8 wholly in force at 1. 4. 1991 see s. 124(3) and S.I. 1991/608, art. 2, Sch.

9

F328

#### Textual Amendments

**F328** Sch. 17 para. 9 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), {Sch. 1 Pt. 1 Group. 4}

10

In section 31 of that Act (rules as to professional practice, conduct and discipline), the following subsections shall be added at the end—

“(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

**I109** 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)*

F329

11

#### Textual Amendments

**F329** Sch. 17 para. 11 repealed (8.1.2001) by 1999 c. 22, s. 106, Sch. 15 Pt. V(8) (with Sch. 14 paras. 7(2), 36(9)); S.I. 2000/3280, art. 2(c)

#### *The [F330]Senior Courts Act 1981] (c. 54)*

#### Textual Amendments

**F330** Sch. 17 para. 12 cross-heading: for the words "Supreme Court Act 1981" wherever they occur there is substituted (1.10.2009) the words "Senior Courts Act 1981" by virtue of Constitutional Reform Act 2005 (c. 4), ss. 59, 148(1), Sch. 11 para. 1(2); S.I. 2009/1604, art. 2(d)

12

In section 5(3) of the [F331]Senior Courts 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

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the concurrence of the President of the Family Division or the Vice-Chancellor, or both, as appropriate” ”.

**Textual Amendments**

**F331** Sch. 17 para. 12: for the words "Supreme Court Act 1981" wherever they occur there is substituted (1.10.2009) the words "Senior Courts Act 1981" by virtue of [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 59, 148(1), [Sch. 11 para. 1\(2\)](#); S.I. 2009/1604, [art. 2\(d\)](#)

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**

**I110** 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 <sup>F332</sup> .....

**Textual Amendments**

**F332** Sch. 17 para. 14 repealed (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), ss. 109(3), 110, [Sch. 10](#); S.I. 2005/910, [art. 3\(aa\)\(bb\)](#)

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” ”.

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**Commencement Information**

**I111** Sch. 17 para. 17 wholly in force at 1.7.1991 see s. 124(3) and S.I. 1991/1364, art. 2, Sch.

18 <sup>F333</sup> .....

**Textual Amendments**

**F333** Sch. 17 para. 18 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), {Sch. 1 Pt. 1 Group. 4}

PROSPECTIVE

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

<sup>F334</sup>19 .....

**Textual Amendments**

**F334** Sch. 17 para. 19 repealed (1.4.2000) by 1999 c. 22, s. 106, Sch. 15 Pt. I (with Sch. 14 paras. 7(2), 36(9)); S.I. 2000/774, art. 2(c)(ii), Sch. para. 7 (with arts. 3-5)

*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—

<sup>F335cc</sup> .....



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F335cc .....”

“The Legal Services Ombudsman”

“The Lord Chancellor’s Advisory Committee on Legal Education and Conduct”.

(2) F336 .....

**Textual Amendments**

**F335** Words in Sch. 18 para. 1 repealed (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 210, 211, Sch. 23 (with ss. 29, 192, 193); S.I. 2009/503, art. 2(f)(vi)(ee)

**F336** Sch. 18 para. 1(2) repealed (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 210, 211, Sch. 23 (with ss. 29, 192, 193); S.I. 2009/503, art. 2(f)(vi)(ee)

**Commencement Information**

**I112** 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)*

F337<sub>2</sub> .....

**Textual Amendments**

**F337** 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 F338 .....

*Status: Point in time view as at 12/11/2009.*

*Changes to legislation: Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 08 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

#### Textual Amendments

**F338** Sch. 18 para. 4 repealed (20.6.2003) by 2002 c. 40, ss. 278, 279, Sch. 26; S.I. 2003/1397, art. 2, Sch. (with art. 10)

#### *The Juries Act 1974 (c. 23)*

5 **F339** .....

#### Textual Amendments

**F339** Sch. 18 para. 5 repealed (5.4.2004) by Criminal Justice Act 2003 (c. 44), ss. 332, 336, Sch. 37 Pt. 10; S.I. 2004/829, art. 2(1)(2)(1)(iv) (subject to art. 2(3)-(6))

PROSPECTIVE

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

6 **F340** .....

#### Textual Amendments

**F340** Sch. 18 para. 6 repealed (20.6.2003) by 2002 c. 40, ss. 278, 279, Sch. 26; S.I. 2003/1397, art. 2, Sch. (with art. 10)

#### *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” ”.

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**Commencement Information**

**I113** Sch. 18 para. 9 wholly in force at 1.7.1991 see s. 124(3) and S.I. 1991/1364, art. 2, Sch.

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

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

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

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

**Commencement Information**

**I114** 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**

**I115** Sch. 18 para. 13 wholly in force at 1.6.1992 see s. 124 and S.I. 1992/1221, art. 2, Sch.

*Status: Point in time view as at 12/11/2009.*

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- 14 In section 41 of that Act (employment by solicitor of person struck off or suspended), the following subsection shall be inserted after subsection (1)—
- “(1A) No solicitor shall, except in accordance with a written permission granted under this section, employ or remunerate in connection with his practice as a solicitor any person if, to his knowledge, there is a direction in force under section 47(2)(g) in relation to that person.”
- 15 In section 42 of that Act (failure to disclose certain facts to solicitor employer), the following subsection shall be inserted after subsection (1)—
- “(1A) Any person—
- (a) with respect to whom a direction is in force under section 47(2)(g); and
- (b) who seeks or accepts employment by a solicitor in connection with that solicitor’s practice without previously informing him of the direction,
- shall be guilty of an offence and liable on summary conviction to a fine not exceeding level three on the standard scale.”
- 16 (1) Section 80 of that Act (powers to act on behalf of Society) shall be amended as follows.
- (2) In subsection (1) for the words “to committees conferred on the Council” there shall be substituted “conferred”.
- (3) In subsection (3)—
- (a) after the word “Council”, in the second place where it occurs, there shall be inserted “or sub-committee”;
- (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**

**I116** 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—

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- (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**

**I117** Sch. 18 para. 18 wholly in force at 1.7.1991 see s. 124(3) and S.I. 1991/1364, art. 2, Sch.

PROSPECTIVE

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

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

*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)*

<sup>F341</sup>21 .....

**Textual Amendments**

**F341** Sch. 18 para. 21 repealed (1.10.1997) by 1996 c. 27, s. 66(3), Sch. 10; S.I. 1997/1892, art. 3(1)

*Status: Point in time view as at 12/11/2009.*

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PROSPECTIVE

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

22

F342

**Textual Amendments**

**F342** Sch. 18 para. 22 repealed (20.6.2003) by 2002 c. 40, ss. 278, 279, Sch. 26; S.I. 2003/1397, art. 2, Sch. (with art. 10)

PROSPECTIVE

*The Competition Act 1980 (c.21)*

23

F343

**Textual Amendments**

**F343** Sch. 18 para. 23 repealed (20.6.2003) by 2002 c. 40, ss. 278, 279, Sch. 26; S.I. 2003/1397, art. 2, Sch. (with art. 10)

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

F344 24

**Textual Amendments**

**F344** 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 ” ”.

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- (4) For the words—
- (a) “solicitor” in sections 6(2)(a), 12(2), 128(1A)(ii) and (3B);
  - <sup>F345</sup>(b) .....
  - <sup>F346</sup>(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” ”.
- (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**

**F345** Sch. 18 para. 25(4)(b) repealed (1.4.2001) by 2000 c. 43, s. 75, **Sch. 8**; S.I. 2001/919, **art. 2(g)** Table

**F346** 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**

**I118** 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” ”.

*Status: Point in time view as at 12/11/2009.*

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**Commencement Information**

**I119** 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”.

**Commencement Information**

**I120** 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**

**I121** 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**

**I122** 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.



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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” ”.

**Commencement Information**

**I123** 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**

**I124** 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**

**I125** Sch. 18 para. 35 wholly in force at 1.1.1992 see s. 124(3) and S.I. 1991/2730, art. 2, Sch.

*The [F347 Senior Courts Act 1981] (c. 54)*

**Textual Amendments**

**F347** Sch. 18 para. 36 cross-heading: for the words “Supreme Court Act 1981” wherever they occur there is substituted (1.10.2009) the words “Senior Courts Act 1981” by virtue of [Constitutional Reform Act 2005](#) (c. 4), ss. 59, 148(1), [Sch. 11 para. 1\(2\)](#); S.I. 2009/1604, art. 2(d)

- 36 (1) In section 85 of the [F348 Senior Courts 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—

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- “(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.”.

#### Textual Amendments

**F348** Sch. 18 para. 36: for the words "Supreme Court Act 1981" wherever they occur there is substituted (1.10.2009) the words "Senior Courts Act 1981" by virtue of [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 59, 148(1), [Sch. 11 para. 1\(2\)](#); S.I. 2009/1604, [art. 2\(d\)](#)

- 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” ”.

*Status: Point in time view as at 12/11/2009.*

*Changes to legislation: Courts and Legal Services Act 1990 is up to date with all changes known to be in force on or before 08 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (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**

**I126** Sch. 18 para. 41 wholly in force at 1. 4.1991 see s. 124(3) and S.I. 1991/608, art. 2, Sch.

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

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

- (a) for the word “registrar” in each place where it occurs, except where it is in the context of assistant registrar or deputy registrar, there shall be substituted “district judge””;

<sup>F349</sup>(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**

**F349** 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**

**I127** 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**

**I128** Sch. 18 para. 44 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 12/11/2009.*

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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**

**I129** Sch. 18 para. 45 wholly in force at 1.7.1991 see s. 124(3) and S.I. 1991/1364, art. 2, Sch.

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

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

**Commencement Information**

**I130** 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**

**I131** Sch. 18 para. 48 wholly in force at 1. 4.1991 see s. 124(3) and S.I. 1991/608, art. 2, Sch.

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

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

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

**Commencement Information**

**I132** Sch. 18 para. 49 wholly in force at 1. 4.1991 see s. 124(3) and S.I. 1991/608, art. 2, Sch.

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

PROSPECTIVE

F350 50

**Textual Amendments**

**F350** 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)*

F351 51

**Textual Amendments**

**F351** Sch. 18 para. 51 repealed (31.7.2000) by 1999 c. 22, s. 106, Sch. 15 Pt. II (with Sch. 14 paras. 7(2), 36(9)); S.I. 2000/1920, art. 2(c)

- 52 (1) In section 14(1)(a) of that Act (regulations in relation to fees of counsel) for the word “counsel” there shall be substituted “ any legal representative” ”.
- (2) The following definition shall be inserted in section 15(1) of that Act after the definition of “Director”—

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

**Commencement Information**

**I133** Sch. 18 para. 52 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 12/11/2009.*

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- 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**

**I134** 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 20 partnership 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**

**I135** Sch. 18 para. 54 wholly in force at 14.10.1991 see s. 124(3) and S.I. 1991/1883, art. 3, Sch.

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

- 56 In paragraph 13 of Schedule 2 to that Act (incorporated practices)—
- (a) in sub-paragraph (1), for the words from “section” to “and (8)” there shall be substituted “ Schedule 1A of the Act of 1974 (except paragraphs 5(1) and 9 ”; and
- (b) in sub-paragraph (2), for the words “section 44A (1)(a)” there shall be substituted “ paragraph 2(1)(a) of Schedule 1A to the Act of 1974 ”.

**Commencement Information**

**I136** 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)—

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“(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**

**I137** 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)*

F352 59 .....

**Textual Amendments**

**F352** Sch. 18 para. 59 repealed (1.4.2000) by 1999 c. 22, s. 106, Sch. 15 Pt. I (with Sch. 14 paras. 7(2), 36(9)); S.I. 2000/774, art. 2(c)(ii), Sch. para. 7 (with arts. 3-5)

F353 60 .....

**Textual Amendments**

**F353** Sch. 18 para. 60 repealed (1.4.2000) by 1999 c. 22, s. 106, Sch. 15 Pt. I (with Sch. 14 paras. 7(2), 36(9)); S.I. 2000/774, art. 2(c)(ii), Sch. para. 7 (with arts. 3-5)

F354 61 .....

**Textual Amendments**

**F354** Sch. 18 para. 61 repealed (1.4.2000) by 1999 c. 22, s. 106, Sch. 15 Pt. I (with Sch. 14 paras. 7(2), 36(9)); S.I. 2000/774, art. 2(c)(ii), Sch. para. 7 (with arts. 3-5)

F355 62 .....

*Status: Point in time view as at 12/11/2009.*

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**Textual Amendments**

**F355** Sch. 18 para. 62 repealed (1.4.2000) by 1999 c.22, s. 106, **Sch. 15 Pt. I** (with Sch. 14 paras. 7(2), 36(9)); S.I. 2000/774, art. 2(c)(ii), **Sch. para. 7** (with arts. 3-5)

<sup>F356</sup>63 .....

**Textual Amendments**

**F356** Sch. 18 para. 63 repealed (1.4.2000) by 1999 c. 22, s. 106, **Sch. 15 Pt. I** (with Sch. 14 paras. 7(2), 36(9)); S.I. 2000/774, art. 2(c)(ii), **Sch. para. 7** (with arts. 3-5)

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*

<sup>F357</sup>2 .....

**Textual Amendments**

**F357** 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*

<sup>F358</sup>3 .....

**Textual Amendments**

**F358** 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)**



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*Directions under section 83 of the [F359Senior Courts Act 1981] (c. 54)*

**Textual Amendments**

**F359** Sch. 19 para. 4 cross-heading: for the words "Supreme Court Act 1981" wherever they occur there is substituted (1.10.2009) the words "Senior Courts Act 1981" by virtue of [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 59, 148(1), [Sch. 11 para. 1\(2\)](#); S.I. 2009/1604, [art. 2\(d\)](#)

- 4 (1) Any direction given under section 83 of the [F360Senior Courts 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 M16Interpretation Act 1978.

**Textual Amendments**

**F360** Sch. 19 para. 4: for the words "Supreme Court Act 1981" wherever they occur there is substituted (1.10.2009) the words "Senior Courts Act 1981" by virtue of [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 59, 148(1), [Sch. 11 para. 1\(2\)](#); S.I. 2009/1604, [art. 2\(d\)](#)

**Marginal Citations**

**M16** 1978 c. 30.

*District judges*

- 5 For the purposes of section 16(3)(c) of the M17Courts 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**

**M17** 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 M18Promissory 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" .

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#### Marginal Citations

M18 1868 c. 72.

### *Retirement age of certain officers of [<sup>F361</sup>Senior Courts]*

#### Textual Amendments

**F361** Words in cross-heading preceding Sch. 19 para. 7 substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 59, 148, [Sch. 11 para. 4](#); S.I. 2009/1604, [art. 2\(d\)](#)

7

<sup>F362</sup> .....

#### Textual Amendments

**F362** [Sch. 19 para. 7](#) repealed (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), ss. 109(3), 110, [Sch. 10](#); S.I. 2005/910, [art. 3\(aa\)\(bb\)](#)

### *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 <sup>M19</sup>Solicitors Act 1974 (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

M19 1974 c. 47.

### *Judicial pensions*

- 9 The repeal by this Act of sections 18(3), 20(6) and 24 of the <sup>M20</sup>Judicial Pensions Act 1981 shall not apply in relation to any person who is entitled to exercise the

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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

**I138** 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

**M20** 1981 c. 20.

- 10 (1) The repeal by this Act of subsection (3) of section 3 of the <sup>M21</sup>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 <sup>M22</sup>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 <sup>M23</sup>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 <sup>M24</sup>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.
- (5) The repeal by this Act of subsection (4) of section 12 of the <sup>M25</sup>[<sup>F363</sup>Senior Courts 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.

#### Textual Amendments

**F363** Sch. 19 para. 10: for the words "Supreme Court Act 1981" wherever they occur there is substituted (1.10.2009) the words "Senior Courts Act 1981" by virtue of [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 59, 148(1), [Sch. 11 para. 1\(2\)](#); S.I. 2009/1604, art. 2(d)

#### Marginal Citations

**M21** 1967 c. 28.

**M22** 1969 c. 7 (N.I.).

**M23** 1971 c. 23.

**M24** 1973 c. 15.

**M25** 1981 c. 54.

#### *Overseas solicitors*

- 11 (1) Notwithstanding the repeal by this Act of section 4 of the Solicitors Act 1974 (under which the <sup>M26</sup>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.

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- (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**

**M26** S.I. 1964/1848.

*Practising certificates*

- 12 (1) Section 14 of the <sup>M27</sup>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**

**I139** Sch. 19 para. 12 wholly in force at 1.7.1991 see s. 124(3) and S.I. 1991/1364, art. 2, Sch.

**Marginal Citations**

**M27** 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**

**I140** Sch. 19 para. 13 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 12/11/2009.*

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*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 <sup>M28</sup>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**

**I141** Sch. 19 para. 14 in force at 1. 4.1991 see s. 124(3) and S.I. 1991/608, art. 2, Sch.

**Marginal Citations**

**M28** 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,
- 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**

**I142** 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.

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- (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 <sup>M29</sup>Commissioners for Oaths Act 1889 shall not affect the power of the [<sup>F364</sup>Lord Chancellor] to revoke any appointment made by [<sup>F365</sup>the Lord Chancellor] under that provision.

#### **Textual Amendments**

**F364** Words in Sch. 19 para. 17 substituted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 208, 211, **Sch. 21 para. 101** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(d)**

**F365** Words in Sch. 19 para. 17 substituted (19.8.2003) by The Secretary of State for Constitutional Affairs Order 2003 (S.I. 2003/1887), art. 9, **Sch. 2 para. 8(4)(b)** (with arts. 6, 8)

#### **Commencement Information**

**I143** Sch. 19 para. 17 in force at 1. 4.1991 see s. 124(3) and S.I. 1991/608, art. 2, **Sch**

#### **Marginal Citations**

**M29** 1889 c. 10.

## SCHEDULE 20

Section 125(7).

### REPEALS

#### **Extent Information**

**E1** For extent of this Schedule see s. 123

#### **Commencement Information**

**I144** 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.**

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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.

<b>Chapter</b>	<b>Short title</b>	<b>Extent of repeal</b>
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).
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).

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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).
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).



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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 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 <sup>F366</sup> Senior Courts 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).

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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.
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).

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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 paragraph (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 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).

#### Textual Amendments

**F366** Sch. 20: for the words "Supreme Court Act 1981" wherever they occur there is substituted (1.10.2009) the words "Senior Courts Act 1981" by virtue of [Constitutional Reform Act 2005 \(c. 4\), ss. 59, 148\(1\), Sch. 11 para. 1\(2\)](#); S.I. 2009/1604, art. 2(d)

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