

## SCHEDULES

### SCHEDULE 19

Section 88

#### CLC PRACTITIONER SERVICES: CONSEQUENTIAL AMENDMENTS

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

- 1 The Administration of Justice Act 1985 is amended as follows.
- 2 (1) In section 16 (conditional licences), subsection (1) is amended as follows.
  - (2) For paragraph (b) substitute—
    - “(b) when conditions under this section have been imposed on a licence under this Part previously issued to him;
    - (ba) when conditions under paragraph 5 of Schedule 8 to the Courts and Legal Services Act 1990 have been imposed on a licence under section 53 of that Act previously issued to him;”.
  - (3) In paragraph (c), after “Part” insert “or a licence in force under section 53 of the Courts and Legal Services Act 1990”.
  - (4) In paragraph (ca), after “24A” insert “(including that section as applied by section 53 of the Courts and Legal Services Act 1990)”.
  - (5) In paragraph (d), after “26” insert “(including that section as applied by section 53 of the Courts and Legal Services Act 1990)”.
  - (6) In paragraph (ea), after “22” insert “(including that section as applied by section 53 of the Courts and Legal Services Act 1990)”.
- 3 (1) Section 26 (proceedings in disciplinary cases) is amended as follows.
  - (2) In subsection (2)—
    - (a) in paragraph (a), after “licence” insert “under this Part”;
    - (b) in paragraph (b), for “a licence under this Part” substitute “any relevant licence”;
    - (c) in paragraph (c), after “licence” insert “under this Part”.
  - (3) After subsection (8) insert—
    - “(9) In this section “relevant licence” means—
      - (a) a licence under this Part, or
      - (b) a licence under section 53 of the Courts and Legal Services Act 1990.”
- 4 (1) Section 28 (revocation of licence on grounds of fraud or error) is amended as follows.
  - (2) In subsection (1)—
    - (a) after “a licence” insert “under this Part”;
    - (b) for “the licence” substitute “all of the relevant licences held by that person”.

- (3) For subsection (2) substitute—
- “(2) Where a person has had any relevant licence which was held by him revoked because of fraud on that person’s part, the person may not be issued with a licence under this Part except on the advice of the Committee given to the Council as the result of an application made by the person to the Committee.”
- (4) In subsection (3), for “a licence under this Part” substitute “any relevant licence”.
- (5) After subsection (6) insert—
- “(7) In this section “relevant licence” has the meaning given by section 26.”
- 5 (1) Section 33A (administration of oaths by licensed conveyancers) is amended as follows.
- (2) In the heading, after “conveyancers” insert “or licensed CLC practitioners”.
- (3) In the section, after “conveyancers” insert “or licensed CLC practitioners”.
- 6 (1) Section 34 (modification of existing enactments relating to conveyancing etc) is amended as follows.
- (2) In subsection (2), after “a recognised body” insert “which is a conveyancing services body”.
- (3) In subsection (2), after “conveyancer or” (in the second place it occurs) insert “such a”.
- (4) In subsection (3), after “body” insert “which is a conveyancing services body”.
- (5) After subsection (3) insert—
- “(4) In this section “conveyancing services body” has the meaning given by section 32A.”
- 7 In section 39 (interpretation of Part 2), in subsection (1), at the appropriate place insert—
- ““licensed CLC practitioner” means a person, other than a licensed conveyancer, who holds a licence under section 53 of the Courts and Legal Services Act 1990;”.
- 8 In Schedule 3 (the Council for Licensed Conveyancers: supplementary provisions), in paragraph 2 (constitution of the Council), in sub-paragraph (1)(a)—
- (a) omit the “or” at the end of sub-paragraph (i);
- (b) after sub-paragraph (i) insert—
- “(ia) licensed CLC practitioners; or”.
- 9 (1) Schedule 6 (bodies recognised under section 32: supplementary provisions) is amended as follows.
- (2) In paragraph 3 (preliminary investigation by the Investigating Committee etc)—
- (a) omit the “or” at the end of sub-paragraph (1)(a)(ii);
- (b) after sub-paragraph (1)(aa) insert—
- “(aaa) it is alleged that a manager or employee of a recognised body who is not a licensed CLC practitioner has failed

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to comply with any rules applicable to him by virtue of section 32; or”.

- (3) In paragraph 3A (orders made by the Investigating Committee), in sub-paragraph (1) (b)—
  - (a) after “3(1)(aa)” insert “or (aaa)”;
  - (b) for “that paragraph” substitute “paragraph 3(1)(aa) or (aaa) (as the case may be)”.
- (4) In paragraph 4 (orders made by the Discipline and Appeals Committee), in sub-paragraph (2A)—
  - (a) after “3(1)(aa)” insert “or (aaa)”;
  - (b) for “sub-paragraph (ii) of that paragraph” substitute “paragraph 3(1)(aa) or (aaa) (as the case may be)”.
- (5) In paragraph 14 (examination of files), in sub-paragraph (1), after “(aa)” insert “, (aaa)”.

#### *Courts and Legal Services Act 1990 (c. 41)*

- 10 The Courts and Legal Services Act 1990 is amended as follows.
- 11 In section 75 (judges etc barred from legal practice), in paragraph (c), for “or licensed conveyancer” substitute “, licensed conveyancer or licensed CLC practitioner”.
- 12 In section 119 (interpretation), in subsection (1), at the appropriate place insert—

““licensed CLC practitioner” has the meaning given in section 53;”.
- 13 (1) Schedule 8 (licensed conveyancers) is amended as follows.
  - (2) In the heading, after “CONVEYANCERS” insert “AND LICENSED CLC PRACTITIONERS”.
  - (3) In paragraph 1 (general)—
    - (a) for the definition of “advocacy licence” substitute—

““advocacy licence”, “litigation licence” and “probate licence” have the meaning given by section 53;”;
    - (b) omit the definitions of—
      - (i) “litigation licence”, and
      - (ii) “probate licence”.
  - (4) In paragraph 4 (issue of licences), in sub-paragraph (3), for the words from “with respect” to “as they” substitute “with respect to—
    - (a) any application under paragraph 3 for an advocacy licence and any advocacy licence in force under section 53;
    - (b) any application under paragraph 3 for a litigation licence and any litigation licence in force under section 53; and
    - (c) any application under paragraph 3 for a probate licence and any probate licence in force under section 53 (as the case may be),as they”.
  - (5) In paragraph 5 (conditional licences)—
    - (a) for sub-paragraph (1)(b) substitute—

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- “(b) when conditions under this paragraph have been imposed on an advocacy, litigation or probate licence previously issued to him;
    - (ba) when conditions under section 16 of the Act of 1985 have been imposed on a licence under Part 2 of the Act of 1985 previously issued to him;”;
  - (b) in sub-paragraph (1)(c), for “a licence of that kind” substitute “an advocacy, litigation or probate licence or a licence under Part 2 of the Act of 1985”;
  - (c) in sub-paragraph (1)(d)—
    - (i) after “1985” insert “(including section 24A(1) as applied by section 53)”;
    - (ii) after “that Act” insert “(including section 26(1) as applied by section 53)”;
  - (d) in sub-paragraph (6), omit the “or” after paragraph (a);
  - (e) in sub-paragraph (6)(b), at the beginning insert “in the case of an applicant who is a licensed conveyancer.”;
  - (f) after sub-paragraph (6)(b) insert “; or
    - (c) 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 CLC practitioner.”;
  - (g) in sub-paragraph (6), after “paragraph (b)” insert “or (c)”.
- (6) After paragraph 6 insert—

*“Register of licensed CLC practitioners*

- 6A
- (1) The Council must establish and maintain, in such form as the Council may determine, a register containing the names and places of business of all persons who for the time being hold an advocacy, litigation or probate licence and are not licensed conveyancers.
  - (2) The Council may make rules specifying the further information, including information about disciplinary measures taken, to be recorded in the register in relation to a person.
  - (3) The Council must cause the appropriate entries and deletions to be made in the register on the issue and termination of advocacy, litigation and probate licences; and where any licence held by a person is for the time being suspended by virtue of any provision of Part 2 of the Act of 1985 as applied by this Act the Council must cause that fact to be noted in the register against that person’s name.
  - (4) Any change in a licensed CLC practitioner’s place or places of business must be notified by that person to the Council within the period of fourteen days beginning with the date on which the change takes effect.
  - (5) The Council must provide facilities for making the information contained in the entries in the register available for inspection in visible and legible form by any person during office hours and without payment.
  - (6) A certificate signed by an officer of the Council appointed for the purpose and stating—

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- (a) that any person does or does not, or did or did not at any time, hold an advocacy, litigation or probate licence, or
  - (b) that any licence held by any person is or was at any time either free of conditions or subject to any particular conditions,
- is, unless the contrary is proved, evidence of the facts stated in the certificate; and a certificate purporting to be so signed is to be taken to have been so signed unless the contrary is proved.”

(7) For paragraph 8 and the cross-heading preceding it substitute—

*“Effect of suspension or revocation*

- 8           Where a relevant licence ceases to be in force because of—
- (a) a direction under section 24(5) of the Act of 1985, or
  - (b) an order under section 26(2)(a) or (c) of the Act of 1985,
- any other relevant licence in force with respect to that person at the time shall cease to have effect to the same extent as the licence in question.”

(8) Omit paragraph 9 (removal of disqualification from holding an advocacy, litigation or probate licence).

(9) Omit paragraph 10 (revocation on grounds of error or fraud).

(10) In paragraph 21 (power to examine files)—

- (a) in sub-paragraph (1)(a), after “conveyancer” insert “or licensed CLC practitioner”;
- (b) in sub-paragraph (1), for “the licensed conveyancer” (in both places where it occurs) substitute “the person complained of”.

(11) In paragraph 22 (interest on clients’ money), after “conveyancer” insert “or licensed CLC practitioner”.

*Legal Services Act 2007 (c. 29)*

14           The Legal Services Act 2007 is amended as follows.

15           (1) Section 104 (prevention of regulatory conflict: accounts rules) is amended as follows.

(2) In subsection (2), after “conveyancer” insert “or licensed CLC practitioner”.

(3) After subsection (2) insert—

“(3) In this section “licensed CLC practitioner” means a person, other than a licensed conveyancer, who holds a licence under section 53 of the Courts and Legal Services Act 1990.”

16           (1) In Schedule 5 (authorised persons), paragraph 11 (rights during transitional period: licensed conveyancers) is amended as follows.

(2) After sub-paragraph (1) insert—

“(1A) During the transitional period every individual, not being a licensed conveyancer, who holds a licence under section 53 of the Courts and Legal Services Act 1990 is deemed to be authorised by the Council to administer oaths.”

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- (3) In sub-paragraph (2), after “(1)” insert “or (1A)”.
- (4) In sub-paragraph (3), in the opening words—
- (a) after “and every” insert “conveyancing services”;
  - (b) after “provide conveyancing” insert “or other”.
- (5) After sub-paragraph (3) insert—
- “(3A) During that period, every CLC practitioner services body recognised under section 32 of the Administration of Justice Act 1985 is deemed to be authorised by the Council to administer oaths.”
- (6) In sub-paragraph (4), after “(3)” insert “or (3A)”.
- (7) For sub-paragraph (5) substitute—
- “(5) In this paragraph—
- “CLC practitioner services body” has the meaning given by section 32B of the Administration of Justice Act 1985;
- “conveyancing partnership” means a partnership at least some of the members of which are licensed conveyancers, but does not include a CLC practitioner services body;
- “conveyancing services body” has the meaning given by section 32A of the Administration of Justice 1985.”
- (8) In sub-paragraph (6), after “licence” insert “or a licence under section 53 of the Courts and Legal Services Act 1990”.
- 17 In Schedule 24 (index of defined expressions), at the appropriate places insert—
- |                                 |                             |
|---------------------------------|-----------------------------|
| “CLC practitioner services body | paragraph 11 of Schedule 5” |
| “conveyancing services body     | paragraph 11 of Schedule 5” |
| “licensed CLC practitioner      | section 104(3)”             |