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Changes to legislation: There are currently no known outstanding effects for the Legal Complaints and Regulation Act (Northern Ireland) 2016, SCHEDULE 3. (See end of Document for details)

PROSPECTIVE

SCHEDULES

SCHEDULE 3

Section 30(3).

THE SOLICITORS COMPLAINTS COMMITTEE

Membership

1 The Solicitors Complaints Committee is to consist of the following members—

- (a) a chair appointed by the Law Society;
- (b) such number of other members appointed by the Law Society as the Law Society thinks fit.

2 The Law Society must consult the Legal Services Oversight Commissioner about the manner in which members of the Committee are to be appointed.

3 The Law Society must consult the Legal Services Oversight Commissioner before appointing members of the Solicitors Complaints Committee.

4.—(1) In appointing members of the Solicitors Complaints Committee, the Law Society must ensure that—

- (a) a majority of the members of the Committee are lay persons; and
- (b) none of the members of the Committee are members of the Council of the Law Society.

(2) The chair of the Solicitors Complaints Committee must be a lay person.

(3) In this Schedule a reference to a lay person is a reference to a person who is not and has never been a barrister or solicitor.

Terms of office

5.—(1) Subject to the provisions of this Schedule, a member of the Solicitors Complaints Committee shall hold and vacate office in accordance with the terms of that member's appointment.

(2) A person shall not be appointed as a member for more than 5 years at a time, and a person appointed to fill a casual vacancy shall hold office for the remainder of the term of the person in whose place that person is appointed.

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(3) A person who ceases to be a member on the expiration of that person's first term as a member shall be eligible for re-appointment, but a person who has been re-appointed as a member by virtue of this sub-paragraph shall not be eligible for appointment or re-appointment as a member at any time after the end of that person's second term as a member.

(4) A member may at any time—

- (a) resign by giving notice to the Law Society;
- (b) be removed from office by the Law Society.

(5) The Law Society may not under sub-paragraph (4)(b) remove a member (including the chair) from office unless the Society is satisfied that the member has—

- (a) failed to handle complaints in accordance with a plan submitted to the Legal Services Oversight Commissioner under section 2(1)(g);
- (b) failed to comply with any recommendation made by the Legal Services Oversight Commissioner in relation to the handling of complaints;
- (c) been convicted of a criminal offence;
- (d) become bankrupt or a composition or scheme proposed by the member has been approved under Chapter 2 of Part 8 of the Insolvency (Northern Ireland) Order 1989;
- (e) without reasonable excuse failed to exercise that member's functions for a continuous period of 6 months;
- (f) become unfit or unable to exercise that member's functions.

(6) The chair may only be removed from office under sub-paragraph (4)(b) with the consent of the Legal Services Oversight Commissioner.

(7) The Law Society must consult the chair and the Legal Services Oversight Commissioner before removing a member (other than the chair) under sub-paragraph (4)(b).

(8) A member (including the chair) may only be removed from office under sub-paragraph (4)(b) for a reason mentioned in sub-paragraph (5)(a) or (b) with the consent of the Legal Services Oversight Commissioner.

Remuneration, etc. of members

6.—(1) The Law Society shall pay to the members of the Solicitors Complaints Committee such remuneration and allowances as the Society may determine.

(2) If—

- (a) a person ceases to be a member of the Committee; and
- (b) it appears to the Law Society that there are special circumstances which make it right that that person should receive compensation,

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the Society may make a payment to that person of such amount as the Society may determine.

Arrangements for assistance

7.—(1) The Solicitors Complaints Committee may make arrangements with such persons as it considers appropriate for assistance to be provided to it.

(2) Arrangements may include the paying of fees to such persons.

Sub-committees

8.—(1) The Solicitors Complaints Committee may establish sub-committees.

(2) Subject to the following provisions of this paragraph, the Committee may authorise a sub-committee to exercise, on behalf of the Committee, such of the Committee's functions, in such circumstances, as the Committee may determine.

(3) Only members of the Committee may be members of a sub-committee.

(4) A majority of the members of a sub-committee must be lay persons.

Proceedings

9 Subject to the provisions of this Schedule and Part 3 and any rules made under that Part, the Solicitors Complaints Committee may regulate its own procedure and the procedure of its sub-committees, including quorum.

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