



Administration of Justice Act 1985

1985 CHAPTER 61

PART II

LICENSED CONVEYANCING

Miscellaneous and supplemental

33 Legal professional privilege

—Any communication made—

- (a) to or by a licensed conveyancer in the course of his acting as such for a client;
or
- (b) to or by a recognised body in the course of its acting as such for a client,

shall in any legal proceedings be privileged from disclosure in like manner as if the licensed conveyancer or body had at all material times been acting as the client's solicitor.

34 Modification of existing enactments relating to conveyancing etc.

(1) In the following provisions, namely—

- (a) sections 69 and 75(1) of the Law of Property Act 1925 ; and
- (b) sections 14(1) and 144(1)(iii) and (xiv) of the Land Registration Act 1925,

any reference to a solicitor shall be construed as including a reference to a licensed conveyancer and any reference to a person's solicitor shall be construed as including a reference to a licensed conveyancer acting for that person.

(2) In the following provisions, namely—

- (a) sections 10(2), 48 and 182 of the Law of Property Act 1925 ;
- (b) sections 113 and 144(1)(xxiv) of the Land Registration Act 1925 ;
- (c) section 12 of the Land Charges Act 1972 ;
- (d) section 13 of the Local Land Charges Act 1975 ;
- (e) section 11(8) of the Estate Agents Act 1979 ; and

Status: This is the original version (as it was originally enacted).

(f) sections 4(3) and 6(2) of the Matrimonial Homes Act 1983, any reference to a solicitor shall be construed as including a reference to a licensed conveyancer or to a recognised body, and any reference to a person's solicitor shall be construed as including a reference to a licensed conveyancer or recognised body acting for that person.

- (3) The Estate Agents Act 1979 shall not, by virtue of section 1 of that Act, apply to things done in the course of the provision of conveyancing services by a licensed conveyancer or a recognised body.

35 Penalty for pretending to be a licensed conveyancer or recognised body

- (1) An individual shall not describe himself or hold himself out as a licensed conveyancer unless he holds a licence in force under this Part.
- (2) A body corporate shall not describe itself or hold itself out as a recognised body unless it is for the time being recognised under section 32.
- (3) Any person who contravenes subsection (1) or (2) shall be guilty of an offence and liable on summary conviction to a fine not exceeding the fourth level on the standard scale.

36 Offences by bodies corporate

Where an offence under this Part which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person purporting to act in any such capacity, he as well as the body corporate shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

37 Service of documents

Any notice or other document authorised or required to be given or served under this Part may be sent by post; and for the purpose of the application to this section of section 7 of the Interpretation Act 1978 (service by post) the proper address of a licensed conveyancer shall be the address of any place specified in the register as his place of business or one of his places of business.

38 Rules

- (1) Any rules made by the Council under this Part shall be made with the concurrence of the Lord Chancellor.
- (2) Any such rules may make different provision for different circumstances.
- (3) Without prejudice to the generality of subsection (2), any rules prescribing a fee may provide for that fee to be reduced, or to be waived by the Council, in such circumstances as may be specified in the rules.

39 Interpretation of Part II

- (1) In this Part—

Status: This is the original version (as it was originally enacted).

" associate " means, in the case of a licensed conveyancer practising in partnership with other persons, any partner of his not holding a licence in force under this Part or any employee of such a partner ;

" client" means—

- (a) in relation to a licensed conveyancer, any person by whom or on whose behalf instructions regarding the provision of conveyancing services are given to the licensed conveyancer or his firm ;
- (b) in relation to a recognised body, any person by whom or on whose behalf such instructions are given to the body ;

and " client account" means an account in whose title the word " client" is required by rules under section 22(2);

" conveyancing services " shall be construed in accordance with section 11(3);

"the Council" means the Council for Licensed Conveyancers;

" fees " includes charges, disbursements, expenses and remuneration ;

" functions " includes powers and duties; " licence " and " licensed conveyancer " have the meaning given by section 11(2);

" officer", in relation to a recognised body, includes a director, manager or secretary ;

" recognised body " means a body corporate for the time being recognised under section 32 ;

" relevant body of accountants " means—

the Institute of Chartered Accountants in England and Wales;

the Institute of Chartered Accountants of Scotland ;

the Association of Certified Accountants ;

the Institute of Chartered Accountants in Ireland ;

any other body of accountants established in the United Kingdom and for the time being recognised for the purposes of section 389(1)(a) of the Companies Act 1985 by the Secretary of State ;

" the standard scale" has the meaning given by section 37 of the Criminal Justice Act 1982.

- (2) Any reference in this Part to a licensed conveyancer practising as a sole practitioner is a reference to a licensed conveyancer practising either as the sole principal in the practice or in partnership with other persons of whom none are licensed conveyancers.