

*Changes to legislation:* Courts and Legal Services Act 1990, Paragraph 5 is up to date with all changes known to be in force on or before 08 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

## SCHEDULES

### SCHEDULE 8

#### LICENSED CONVEYANCERS [F1 AND LICENSED CLC PRACTITIONERS]

##### Textual Amendments

- F1** Words in Sch. 8 heading inserted (29.6.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(6)(b), [Sch. 19 para. 13\(2\)](#); S.I. 2015/1402, art. 2(b)

#### PART I

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

###### *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;
  - [F1(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;]
  - (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 [F2an advocacy, litigation or probate licence or a licence under Part 2 of the Act of 1985] ;
  - [F3(d) after the Investigating Committee have made any order in his case under section 24A(1) of the Act of 1985 [F4(including section 24A(1) as applied by section 53)] or the Discipline and Appeals Committee have made any order in his case under section 26(1) of that Act [F5(including section 26(1) as applied by section 53)] .]
- (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.

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- (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>F6</sup>activities that may be carried on] by the applicant by virtue of his having the advocacy, litigation or probate licence in question; <sup>F7</sup> ...
  - (b) [<sup>F8</sup>in the case of an applicant who is a licensed conveyancer, ] 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>F9</sup>carries on the additional activities] authorised by that licence<sup>F10</sup>; 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,]
- and conditions may be imposed under that sub-paragraph (whether for the purposes mentioned in paragraph (b) [<sup>F11</sup>or (c)] 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>F12</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

- F1** Sch. 8 para. 5(1)(b) (ba) substituted for para. 5(1)(b) (29.6.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(6)(b), **Sch. 19 para. 13(5)(a)**; S.I. 2015/1402, art. 2(b)
- F2** Words in Sch. 8 para. 5(1)(c) substituted (29.6.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(6)(b), **Sch. 19 para. 13(5)(b)**; S.I. 2015/1402, art. 2(b)
- F3** 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)**
- F4** Words in Sch. 8 para. 5(1)(d) inserted (29.6.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(6)(b), **Sch. 19 para. 13(5)(e)(i)**; S.I. 2015/1402, art. 2(b)
- F5** Words in Sch. 8 para. 5(1)(d) inserted (29.6.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(6)(b), **Sch. 19 para. 13(5)(e)(ii)**; S.I. 2015/1402, art. 2(b)
- F6** 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)**
- F7** Word in Sch. 8 para. 5(6) omitted (29.6.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(6)(b), **Sch. 19 para. 13(5)(d)**; S.I. 2015/1402, art. 2(b)
- F8** Words in Sch. 8 para. 5(6)(b) inserted (29.6.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(6)(b), **Sch. 19 para. 13(5)(e)**; S.I. 2015/1402, art. 2(b)
- F9** 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)**

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- F10** Sch. 8 para. 5(6)(c) and word inserted (29.6.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(6)(b), [Sch. 19 para. 13\(5\)\(f\)](#); S.I. 2015/1402, art. 2(b)
- F11** Words in Sch. 8 para. 5(6) inserted (29.6.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(6)(b), [Sch. 19 para. 13\(5\)\(g\)](#); S.I. 2015/1402, art. 2(b)
- F12** 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\(c\)\(ii\)](#)

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#### Commencement Information

- I1** 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](#)

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 58A(2)(fe) inserted by [2021 c. 17 s. 53](#)