

Status: Point in time view as at 19/01/2013.

Changes to legislation: Courts and Legal Services Act 1990, PART II is up to date with all changes known to be in force on or before 05 June 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)

SCHEDULES

SCHEDULE 8

LICENSED CONVEYANCERS

PART II

AMENDMENTS OF PROVISIONS RELATING TO POWERS OF COUNCIL ETC.

Delegation of powers etc.

- 12 (1) [^{F1}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
 - [^{F2}(b) by a sub-committee of such a committee; or
 - (c) by an individual (whether or not a member of the Council's staff).]
- [^{F3}(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.
- [^{F4}(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.

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- (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.
- [^{F5}(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.
- [^{F6}(10) This paragraph is subject to any provision to the contrary made by or under any enactment.]

Textual Amendments

- F1** 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\(c\)\(ii\)](#)
- F2** 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\(c\)\(ii\)](#)
- F3** 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\(c\)\(ii\)](#)
- F4** 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\(c\)\(ii\)](#)
- F5** 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\(c\)\(ii\)](#)
- F6** 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\(c\)\(ii\)](#)

Commencement Information

- I1** 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

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Textual Amendments

F7 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 **F8**

Textual Amendments

F8 Sch. 8 paras. 14-20 repealed (1.1.2010) by [Legal Services Act 2007 \(c. 29\)](#), ss. 208, 210, 211, [Sch. 21 para. 100\(e\)](#), [Sch. 23](#) (with ss. 29, 192, 193); S.I. 2009/3250, [art. 2\(h\)](#) (with art. 9)

Inadequate professional services: steps that may be taken

15 **F9**

Textual Amendments

F9 Sch. 8 paras. 14-20 repealed (1.1.2010) by [Legal Services Act 2007 \(c. 29\)](#), ss. 208, 210, 211, [Sch. 21 para. 100\(e\)](#), [Sch. 23](#) (with ss. 29, 192, 193); S.I. 2009/3250, [art. 2\(h\)](#) (with art. 9)

Inadequate professional services: compensation

16 **F10**

Textual Amendments

F10 Sch. 8 paras. 14-20 repealed (1.1.2010) by [Legal Services Act 2007 \(c. 29\)](#), ss. 208, 210, 211, [Sch. 21 para. 100\(e\)](#), [Sch. 23](#) (with ss. 29, 192, 193); S.I. 2009/3250, [art. 2\(h\)](#) (with art. 9)

Inadequate professional services: failure to comply with direction

17 **F11**

Textual Amendments

F11 Sch. 8 paras. 14-20 repealed (1.1.2010) by [Legal Services Act 2007 \(c. 29\)](#), ss. 208, 210, 211, [Sch. 21 para. 100\(e\)](#), [Sch. 23](#) (with ss. 29, 192, 193); S.I. 2009/3250, [art. 2\(h\)](#) (with art. 9)

Inadequate professional services: fees

18 **F12**

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Textual Amendments

F12 Sch. 8 paras. 14-20 repealed (1.1.2010) by [Legal Services Act 2007 \(c. 29\)](#), ss. 208, 210, 211, [Sch. 21 para. 100\(e\)](#), [Sch. 23](#) (with ss. 29, 192, 193); S.I. 2009/3250, [art. 2\(h\)](#) (with art. 9)

Inadequate professional services: costs

19 ^{F13}

Textual Amendments

F13 Sch. 8 paras. 14-20 repealed (1.1.2010) by [Legal Services Act 2007 \(c. 29\)](#), ss. 208, 210, 211, [Sch. 21 para. 100\(e\)](#), [Sch. 23](#) (with ss. 29, 192, 193); S.I. 2009/3250, [art. 2\(h\)](#) (with art. 9)

Duty of Discipline and Appeals Committee

20 ^{F14}

Textual Amendments

F14 Sch. 8 paras. 14-20 repealed (1.1.2010) by [Legal Services Act 2007 \(c. 29\)](#), ss. 208, 210, 211, [Sch. 21 para. 100\(e\)](#), [Sch. 23](#) (with ss. 29, 192, 193); S.I. 2009/3250, [art. 2\(h\)](#) (with art. 9)

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) ^{F15}

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).

- (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.

Textual Amendments

F15 Sch. 8 para. 21(1)(b) repealed (1.1.2010) by [Legal Services Act 2007 \(c. 29\)](#), ss. 208, 210, 211, [Sch. 21 para. 100\(e\)](#), [Sch. 23](#) (with ss. 29, 192, 193); S.I. 2009/3250, [art. 2\(h\)](#) (with art. 9)

Commencement Information

I2 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.](#)

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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

- I3** 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

^{F16}23

Textual Amendments

- F16** 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

- I4** 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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