



Courts and Legal Services Act 1990

1990 CHAPTER 41

PART II

LEGAL SERVICES

Extension of conveyancing services

36 Provision of conveyancing services by authorised practitioners

- (1) The restriction imposed by section 22 of the Solicitors Act 1974 (which has the effect of limiting the categories of person who may provide conveyancing services) shall not apply to any act done in connection with the provision of conveyancing services—
 - (a) by an individual at any time when he is an authorised practitioner;
 - (b) by a body corporate at any time when it is an authorised practitioner;
 - (c) by an officer or employee of a body corporate at any time when that body is an authorised practitioner; or
 - (d) by a member or employee of an unincorporated association at any time when that association is an authorised practitioner.
- (2) In subsection (1)(c) and (d) “officer”, “employee” and “member” mean respectively an officer, employee or member who (at the time of the act in question) satisfies, and is acting in accordance with, regulations under section 40.
- (3) Any rule (however described) which is imposed by a professional or other body and which would, but for this subsection, result in restricting or preventing a qualified person from—
 - (a) providing any conveyancing services as an authorised practitioner;
 - (b) acting as an employee of an authorised practitioner in connection with the provision of any such services; or
 - (c) acting on behalf of an authorised practitioner in connection with the provision of any such services,

shall be of no effect unless it is given partial effect by subsection (4)(a) or full effect by subsection (4)(b).

Status: This is the original version (as it was originally enacted).

- (4) If the result mentioned in subsection (3) is not the main or only result of the rule in question, subsection (3)—
- (a) shall apply only to the extent that the rule would have that result; but
 - (b) shall not apply if the rule is reasonably required as a rule of general application for the purpose of regulating the conduct or practice of all members of that body.
- (5) Nothing in this section prevents a professional or other body from imposing a rule that any member of that body who is acting as mentioned in subsection (3)(c) may do so only on terms which allow him to give independent legal or financial advice to the person for whom conveyancing services are being provided by the authorised practitioner concerned.
- (6) In this section “qualified person” means—
- (a) any barrister, solicitor, duly certificated notary public or licensed conveyancer;
 - (b) any body recognised under section 9 of the Administration of Justice Act 1985 (incorporated practices); or
 - (c) any body recognised under section 32 of the Act of 1985 (incorporated bodies carrying on business of provision of conveyancing services).