



# Courts and Legal Services Act 1990

## 1990 CHAPTER 41

### PART II

#### LEGAL SERVICES

##### *Extension of conveyancing services*

#### **37 Authorisation of practitioners**

- (1) On an application duly made by a person who proposes to provide conveyancing services, the Board shall authorise that person to provide those services, if—
  - (a) it is satisfied that the applicant's business is, and is likely to continue to be, carried on by fit and proper persons or, in the case of an application by an individual, that he is a fit and proper person; and
  - (b) it is of the opinion that the applicant will comply with the requirements mentioned in subsection (7).
- (2) Any such authorisation shall be given in writing and shall take effect on such date as the Board may specify.
- (3) A person so authorised is referred to in this Act as “an authorised practitioner”.
- (4) An application for authorisation must be made in accordance with rules made by the Board, with the approval of the Lord Chancellor, for the purposes of this section.
- (5) On making any such application, the applicant shall pay to the Board such fee as may be specified in the rules.
- (6) The rules may, in particular, make provision—
  - (a) as to the form in which any application must be made; and
  - (b) for the furnishing by applicants of information required by the Board in connection with their applications.
- (7) The requirements are that the applicant—

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*Status: This is the original version (as it was originally enacted).*

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- (a) complies with any rules made by the Board and any regulations made under section 40, so far as applicable;
  - (b) ensures that satisfactory arrangements are at all times in force for covering adequately the risk of any claim made against the applicant in connection with the provision of conveyancing services provided by the applicant, however arising;
  - (c) maintains satisfactory procedures for—
    - (i) dealing with complaints made about any aspect of conveyancing services provided by the applicant; and
    - (ii) the payment of compensation;
  - (d) has in force satisfactory arrangements to protect the applicant's clients in the event of the applicant ceasing to provide conveyancing services;
  - (e) is a member of the Conveyancing Ombudsman Scheme.
- (8) Where the applicant is—
- (a) an institution which is authorised by the Bank of England, under Part I of the Banking Act 1987, to carry on a deposit taking business;
  - (b) a building society which is authorised by the Building Societies Commission, under section 9 of the Building Societies Act 1986, to raise money from its members; or
  - (c) an insurance company which is authorised under section 3 or 4 of the Insurance Companies Act 1982,
- the Board shall have regard to the fact that it is so authorised in determining whether the Board is satisfied as mentioned in subsection (1)(a).
- (9) The Board shall maintain a register of authorised practitioners which shall be open to inspection, at all reasonable times, without charge.
- (10) The Lord Chancellor may by order amend the provisions of subsection (7) by imposing any additional requirement or by varying or removing any requirement.