



Courts and Legal Services Act 1990

1990 CHAPTER 41

PART II

LEGAL SERVICES

Extension of conveyancing services

51 Board's intervention powers

- (1) The powers conferred on the Board by this section may be exercised if it appears to the Board to be desirable to do so for the purpose of protecting the interests of the clients, or prospective clients, of an authorised practitioner.
- (2) The Board may, in particular, exercise any such power where it appears to it—
 - (a) that an authorised practitioner who is an individual is no longer fit to provide conveyancing services;
 - (b) that any person carrying on the business of an authorised practitioner is not fit to provide such services; or
 - (c) that an authorised practitioner has failed, or is likely to fail, to comply with any regulation made under section 40.
- (3) The Board may direct the authorised practitioner not to dispose of, or otherwise deal with, except in accordance with the terms of the direction—
 - (a) any assets belonging to any client of the authorised practitioner and held by or under the control of the authorised practitioner in connection with his business as an authorised practitioner; or
 - (b) any assets of such a kind which are specified in the direction.
- (4) The Board may direct the authorised practitioner to transfer to the Board, or to such persons ("the trustees") as may be specified in the direction—
 - (a) all assets belonging to any client of that practitioner and held by or under his control in connection with his business as an authorised practitioner; or
 - (b) any assets of such a kind which are specified in the direction.

- (5) Any assets which have been transferred as a result of a direction given under subsection (4) shall be held by the Board, or by the trustees, on trust for the client concerned.
- (6) The trustees may deal with any assets which have been transferred to them only in accordance with directions given to them by the Board.
- (7) In this section—
- “assets” includes any sum of money held (in whatever form and whether or not in any bank, building society or other account) by the authorised practitioner or on behalf of the client concerned and any instrument or other document belonging to that client; and
- “authorised practitioner” includes a person whose authorisation has been suspended or revoked under section 39.
- (8) Any direction under this section—
- (a) must be given in writing;
 - (b) must state the reason why it is being given;
 - (c) shall take effect on such date as may be specified in the direction (which may be the date on which it is served on the authorised practitioner);
 - (d) may be varied or revoked by a further direction given by the Board.