

Deregulation Bill

AMENDMENTS
TO BE MOVED
ON REPORT

Clause 30

BARONESS HAYTER OF KENTISH TOWN

Page 24, line 39, at end insert—

“(aa) after section 213(10) (requirements relating to tenancy deposits) insert—

“(11) Where an order made by the appropriate national authority under subsection (5) requires, in connection with the tenancy in respect of which a deposit has been paid, the provision of the name, address, telephone number, and any email address or fax number of the landlord, the name, address, telephone number, and any email address or fax number of any agent who is holding the deposit on behalf of the landlord may be provided instead.”

(bb) ”

After Clause 83

BARONESS HAYTER OF KENTISH TOWN

Insert the following new Clause—

“Recognised bodies

- (1) The Administration of Justice Act 1985 is amended as follows.
- (2) In the title of section 32 (provision of conveyancing services by recognised bodies) after “conveyancing” insert “or other”.
- (3) In section 32—
 - (a) in subsection (1)(a) after “conveyancing services bodies” insert “or CLC practitioner services bodies”;
 - (b) in subsection (1)(b)—
 - (i) for “such bodies” substitute “conveyancing services bodies”;

After Clause 83 – continued

- (ii) for the words from “to undertake” to the end substitute –
 - “(a) the provision of conveyancing services,
 - (b) the administration of oaths,
 - (c) the exercise of a right of audience,
 - (d) the conduct of litigation,
 - (e) probate activities, or
 - (f) the provision of other relevant legal services;”;
- (c) after subsection (1)(b) insert –
 - “(bza) prescribing the circumstances in which CLC practitioner services bodies may be recognised by the Council as being suitable bodies to undertake –
 - (a) the administration of oaths,
 - (b) the exercise of a right of audience,
 - (c) the conduct of litigation,
 - (d) probate activities, or
 - (e) the provision of other relevant legal services;”;
- (d) in subsection (1)(ba) for the words from “carry on” to the end substitute –
 - “(i) reserved instrument activities, where the recognised body is a conveyancing services body,
 - (ii) the administration of oaths,
 - (iii) the exercise of a right of audience,
 - (iv) the conduct of litigation,
 - (v) probate activities, or
 - (vi) other relevant legal services;”;
- (e) in subsection (3)(e) after “those bodies” insert “(including information about disciplinary measures taken)”;
- (f) in subsection (3C) after paragraph (a) insert –
 - “(aa) conditions restricting the kinds of CLC practitioner services that may be provided by the body;”;
- (g) for subsection (8) substitute –
 - “(8) In this section –
 - “administration of oaths” has the same meaning as in the Legal Services Act 2007 (see section 12 of, and Schedule 2 to, that Act);
 - “CLC practitioner services” has the meaning given by section 32B;
 - “CLC practitioner services body” has the meaning given by section 32B;
 - “conduct of litigation” has the same meaning as in the Legal Services Act 2007 (see section 12 of, and Schedule 2 to, that Act);
 - “conveyancing services body” has the meaning given by section 32A;
 - “probate activities” has the same meaning as in the Legal Services Act 2007 (see section 12 of, and Schedule 2 to, that Act);

After Clause 83 – continued

“relevant legal services” –

- (a) in relation to a conveyancing services body, has the meaning given by section 32A; and
- (b) in relation to a CLC practitioner services body, has the meaning given by section 32B;

“reserved instrument activities” has the same meaning as in the Legal Services Act 2007 (see section 12 of, and Schedule 2 to, that Act);

“right of audience” has the same meaning as in the Legal Services Act 2007 (see section 12 of, and Schedule 2 to, that Act).”.

- (4) After section 32A (conveyancing services bodies) insert –

“32B CLC practitioner services bodies

- (1) For the purposes of section 32 a “CLC practitioner services body” means a body (corporate or unincorporate) in respect of which –
 - (a) the management and control condition,
 - (b) the services condition, and
 - (c) the authorised person condition,are satisfied.
- (2) The management and control condition is satisfied in the case of a partnership if at least one of the partners is a licensed conveyancer or a licensed CLC practitioner.
- (3) The management and control condition is satisfied in the case of an unincorporated body (other than a partnership), or a body corporate which is managed by its members, if at least one of those members is a licensed conveyancer or a licensed CLC practitioner.
- (4) The management and control condition is satisfied in the case of any other body corporate if at least one director of the body is a licensed conveyancer or a licensed CLC practitioner.
- (5) The services condition is satisfied in respect of a body if –
 - (a) the body is carrying on a business consisting of the provision of –
 - (i) CLC practitioner services; or
 - (ii) CLC practitioner services and other relevant legal services; and
 - (b) the body does not provide conveyancing services.
- (6) The authorised person condition is satisfied if the licensed conveyancer or licensed CLC practitioner by reference to whom the management and control condition is satisfied, or one of the persons by reference to whom that condition is satisfied, is an authorised person in respect of any of the CLC practitioner services that are provided by the body.

After Clause 83 – continued

- (7) For the purposes of this section –
- (a) a reference to CLC practitioner services is a reference to those of the following reserved legal activities in relation to which the Council is designated as an approved regulator –
 - (i) the administration of oaths,
 - (ii) the exercise of a right of audience,
 - (iii) the conduct of litigation, and
 - (iv) probate activities;
 - (b) a reference to designation as an approved regulator is a reference to designation as an approved regulator –
 - (i) by Part 1 of Schedule 4 to the Legal Services Act 2007, by virtue of an order under paragraph 5 of Schedule 22 to that Act; or
 - (ii) under Part 2 of Schedule 4 to that Act;
 - (c) a person has an interest in a body if the person has an interest in the body within the meaning of Part 5 of the Legal Services Act 2007 (see sections 72 and 109 of that Act).
- (8) In this section –
- “administration of oaths” has the same meaning as in the Legal Services Act 2007 (see section 12 of, and Schedule 2 to, that Act);
 - “authorised person” means an authorised person in relation to an activity which is a reserved legal activity (within the meaning of the Legal Services Act 2007);
 - “conduct of litigation” has the same meaning as in the Legal Services Act 2007 (see section 12 of, and Schedule 2 to, that Act);
 - “probate activities” has the same meaning as in the Legal Services Act 2007 (see section 12 of, and Schedule 2 to, that Act);
 - “relevant legal services”, in relation to a CLC practitioner services body, means –
 - (a) CLC practitioner services; and
 - (b) where authorised persons are managers or employees of, or have an interest in the body, such services as are provided by individuals practising as such authorised persons (whether or not those services involve the carrying on of reserved legal activities), except for conveyancing services;
 - “reserved legal activity” has the same meaning as in the Legal Services Act 2007 (see section 12 of, and Schedule 2 to, that Act);
 - “right of audience” has the same meaning as in the Legal Services Act 2007 (see section 12 of, and Schedule 2 to, that Act).”.

Insert the following new Clause –

“Licensed CLC practitioners

- (1) The Courts and Legal Services Act 1990 is amended as follows.

After Clause 83 – continued

- (2) In the cross-heading preceding section 53 after “conveyancers” insert “and other persons”.
- (3) In section 53 (the Council for Licensed Conveyancers) –
- (a) in subsection (2) omit “only if the person is a licensed conveyancer”;
 - (b) in subsection (3) –
 - (i) for “licensed conveyancer” substitute “person”;
 - (ii) for “licensed conveyancer” substitute “person in respect of that activity”;
 - (c) in subsection (4) for “Any such” substitute “If the person granted a licence under this section is a licensed conveyancer, the”;
 - (d) after subsection (4) insert –
 - “(4A) If the person granted a licence under this section is not a licensed conveyancer, the licence may be granted as a separate licence or as part of a composite licence comprising any other licence under this section which the Council may grant to the person.
 - (4B) A licence under this section granted to a person who is not a licensed conveyancer ceases to have effect if the person becomes a licensed conveyancer.”;
 - (e) in subsection (9) –
 - (i) before paragraph (a) insert –
 - “(za) persons who apply for, or hold, an advocacy, litigation or probate licence;”;
 - (ii) in paragraph (c) for “licensed conveyancer” substitute “person”;
 - (iii) after paragraph (d) insert –
 - “(da) any case of an individual who describes himself or herself, or holds himself or herself out, as a licensed CLC practitioner without holding a licence in force under this section;”;
 - (iv) in paragraph (f) for “other matter” substitute “matter, other than those mentioned in paragraphs (a) to (da), that is”; and
 - (v) after “with respect to” insert “persons who apply for, or hold, a licence under Part 2 of the Act of 1985 and”;
 - (f) after subsection (9) insert –
 - “(9A) The modifications mentioned in subsection (9) may differ depending on whether the person applying for, or holding, an advocacy, litigation or probate licence is or is not a licensed conveyancer.
 - (9B) Subsection (9) does not apply to section 34 of the Act of 1985 (modification of existing enactments relating to conveyancing etc.)”;
 - (g) after subsection (10) insert –
 - “(11) In this section –
 - “advocacy licence” means a licence issued under this section by which the Council authorises the person concerned to exercise a right of audience;

After Clause 83 – continued

“a CLC practitioner services” has the same meaning as in section 32B of the Act of 1985;

“licensed CLC practitioner” means a person, other than a licensed conveyancer, who holds a licence under this section;

“litigation licence” means a licence issued under this section by which the Council authorises the person concerned to carry on activities which constitute the conduct of litigation;

“the practice of a licensed CLC practitioner” means the provision by a person, as the holder of a licence under this section, of CLC practitioner services in accordance with the licence; and

“probate licence” means a licence issued under this section by which the Council authorises the person concerned to carry on activities that constitute probate activities.””

Insert the following new Clause –

“Recognised bodies and licensed CLC practitioners: consequential amendments

Schedule (*Recognised bodies and licensed CLC practitioners: consequential amendments*) has effect.”

Insert the following new Clause –

“Other amendments to the 1985 Act

Schedule (*Other amendments to the 1985 Act*) has effect.”

Insert the following new Clause –

“Transitional provisions

- (1) The amendments to section 15 of the Administration of Justice Act 1985 made by paragraph 2 of Schedule (*Other amendments to the 1985 Act*) do not take effect, other than for the purposes of making rules under section 15(3A), until the date on which those rules come into force.
- (2) If an application under section 14 of the 1985 Act is received, but not determined, by the Council before the date the rules made under section 15(3A) of the 1985 Act (as inserted by paragraph 2 of Schedule (*Other amendments to the 1985 Act*)) come into force, the application will be subject to the provisions of section 15(3)(b) of the 1985 Act, disregarding the amendment made by paragraph 2 of Schedule (*Other amendments to the 1985 Act*).
- (3) The amendments made by paragraph 3 of Schedule (*Other amendments to the 1985 Act*) only apply to an exercise of the powers in paragraph 6(1) or 9(1) of Schedule 5 to the 1985 Act or paragraph 3(1) or 8(1) of Schedule 14 to the 2007 Act that arises by virtue of an act or omission that occurs on or after the date of commencement of those amendments.

After Clause 83 – continued

- (4) The amendments to the 1985 Act made by paragraphs 3(d) and (e), 6, 7, 8 and 10 of Schedule (*Other amendments to the 1985 Act*) in relation to the right of appeal against certain decisions only apply in relation to a decision that is taken on or after the date of commencement of those amendments.”

After Schedule 20

BARONESS HAYTER OF KENTISH TOWN

Insert the following new Schedule –

“SCHEDULE

RECOGNISED BODIES AND LICENSED CLC PRACTITIONERS: CONSEQUENTIAL AMENDMENTS

PART 1

AMENDMENTS TO THE 1985 ACT

Section (Recognised bodies and licensed CLC practitioners: consequential amendments)

- 1 The Administration of Justice Act 1985 is amended as follows.
- 2 In section 16(1) (conditional licences) –
 - (a) in paragraph (b) for “each” substitute “a”;
 - (b) after paragraph (b) insert –
 - “(ba) when a licence previously held by him under section 53 of the Courts and Legal Services Act 1990 was subject to conditions under paragraph 5 of Schedule 8 to that Act;”;
 - (c) in paragraph (c) after “this Part” insert “or a licence in force under section 53 of the Courts and Legal Services Act 1990”;
 - (d) in paragraph (ca) after “section 24A” insert “, whether the order relates to a licence under this Part or a licence under section 53 of the Courts and Legal Services Act 1990”;
 - (e) in paragraph (d) after “section 26” insert “, whether the order relates to a licence under this Part or a licence under section 53 of the Courts and Legal Services Act 1990”;
 - (f) in paragraph (ea) after section 22 insert “(including section 22 as applied by section 53 of the Courts and Legal Services Act 1990)”.
- 3 In section 26 (proceedings in disciplinary cases) –
 - (a) in subsection (2) –
 - (i) in paragraph (a) after “any licence” insert “under this Part”;
 - (ii) in paragraph (b) for “a licence under this Part” substitute “any relevant licence”;
 - (iii) in paragraph (c) after “any licence” insert “under this Part”;

After Schedule 20—*continued*

- (b) after subsection (8) insert—
- “(9) In this section “relevant licence” means—
- (a) a licence under this Part, or
- (b) a licence under section 53 of the Courts and Legal Services Act 1990.”
- 4 In section 28 (revocation of licence on grounds of fraud or error)
- (a) in subsection (1)—
- (i) after “a licence” insert “under this Part”;
- (ii) for “the licence” substitute “all of the relevant licences held by that person”;
- (b) for subsection (2) substitute—
- “(2) Where a person has had any relevant licence which was held by him revoked because of fraud on that person’s part, the person may not be issued with a licence under this Part except on the advice of the Committee given to the Council as the result of an application made by the person to that Committee.”;
- (c) in subsection (3) for “a licence under this Part” substitute “any relevant licence”;
- (d) after subsection (6) insert—
- “(7) In this section “relevant licence” has the meaning given by section 26.”.
- 5 In the title of section 33A after “licensed conveyancers” insert “or licensed CLC practitioners”.
- 6 In section 33A after “licensed conveyancers” insert “or licensed CLC practitioners”.
- 7 In section 34 (modification of existing enactments relating to conveyancing etc.)—
- (a) in subsection (2) after “to a recognised body” insert “which is a conveyancing services body”;
- (b) in subsection (2) after “conveyancer or” insert “such a”;
- (c) in subsection (3) after a “recognised body” insert “which is a conveyancing services body”; and
- (d) after subsection (3) insert—
- “(4) In this section “conveyancing services body” has the meaning given by section 32A.”
- 8 In section 39(1) (interpretation of Part 2) at the appropriate place insert—
- ““licensed CLC practitioner” means a person, other than a licensed conveyancer, who holds a licence under section 53 of the Courts and Legal Services Act 1990;”.
- 9 In Schedule 3 (the Council for Licensed Conveyancers: supplementary provisions) after paragraph 2(1)(a)(i) (constitution of the Council) (and before the “or”) insert—
- “(ia) licensed CLC practitioners;”.

After Schedule 20 – continued

- 10 In Schedule 6 (bodies recognised under section 32: supplementary provisions) –
- (a) after paragraph 3(1)(aa) insert –
 - “(aaa) it is alleged that a manager or employee of a recognised body who is not a licensed CLC practitioner has failed to comply with any rules applicable to him by virtue of section 32;”;
 - (b) in paragraph 3A(1)(b) after “paragraph 3(1)(aa)” insert “or (aaa)”;
 - (c) in paragraph 4(2A) (disciplinary control of recognised bodies) after “paragraph 3(1)(aa)” insert “or (aaa)”;
 - (d) in paragraph 14(1) after “paragraph 3(1)(a)(ii), (aa)” insert “, (aaa)”.

PART 2

AMENDMENTS TO THE 1990 ACT

- 11 The Courts and Legal Services Act 1990 is amended as follows.
- 12 In section 75(c) (judges etc. barred from legal practice) for “or licensed conveyancer” substitute “, licensed conveyancer or licensed CLC practitioner”.
- 13 In section 119(1) (interpretation) at the appropriate place insert –
““licensed CLC practitioner” has the meaning given in section 53;”.
- 14 For the title of Schedule 8 substitute “Council for Licensed Conveyancers”.
- 15 In Schedule 8 –
- (a) in paragraph 1 (general) for the definition of “advocacy licence” substitute –
 - ““advocacy licence”, “litigation licence” and “probate licence” have the meaning given by section 53;”;
 - (b) in paragraph 1 omit the definitions of –
 - (i) “litigation licence”, and
 - (ii) “probate licence”;
 - (c) in paragraph 4(3) (issues of licences) for the words from “with respect” to “as they” substitute “with respect to –
 - (a) any application under paragraph 3 for an advocacy licence and any advocacy licence in force under section 53;
 - (b) any application under paragraph 3 for a litigation licence any litigation licence in force under section 53; and
 - (c) any application under paragraph 3 for a probate licence and any probate licence in force under section 53 (as the case may be), as they”;

After Schedule 20 – continued

- (d) in paragraph 5 (conditional licences) –
- (i) in sub-paragraph (1)(b) –
 - (aa) for “of the kind applied for” substitute “issued under section 53”
 - (bb) at the end insert “under this paragraph”;
 - (ii) after sub-paragraph (1)(b) insert –
 - “(ba) when a licence issued under Part 2 of the Act of 1985 which has previously been held by him has been subject to conditions under section 16 of the Act of 1985”;
 - (iii) in sub-paragraph (1)(c) for “of that kind” substitute “issued under section 53 or Part 2 of the Act of 1985”;
 - (iv) in sub-paragraph (1)(d) at the end insert “, whether the order relates to a licence under section 53 or a licence under Part 2 of the Act of 1985”;
 - (v) in sub-paragraph (6) omit “or” after paragraph (a);
 - (vi) in sub-paragraph (6)(b) –
 - (aa) at the beginning insert “in the case of an applicant who is a licensed conveyancer,”;
 - (bb) at the end for “,” substitute “; or”;
 - (vii) after sub-paragraph (6)(b) insert –
 - “(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,”;
- (e) after paragraph 6 insert –

“6A Register of licensed CLC practitioners

- (1) The Council must establish and maintain, in such form as the Council may determine, a register containing the names and places of business of all persons who for the time being hold an advocacy, litigation or probate licence and are not licensed conveyancers.
- (2) The Council may make rules specifying the further information, including information about disciplinary measures taken, to be recorded in the register in relation to a person.
- (3) The Council must cause the appropriate entries and deletions to be made in the register on the issue and termination of advocacy, litigation and probate licences; and where any licence held by a person is for the time being suspended by virtue of any provision of Part 2 of the Act of 1985 as applied by this Act the Council must cause that fact to be noted in the register against that person’s name.
- (4) Any change in a licensed CLC practitioner’s place or places of business must be notified by that person to the Council within the period of fourteen days beginning with the date on which the change takes effect.

After Schedule 20 – *continued*

- (5) The Council must provide facilities for making the information contained in the entries in the register available for inspection in visible and legible form by any person during office hours and without payment.
- (6) A certificate signed by an officer of the Council appointed for the purpose and stating –
- (a) that any person does or does not, or did or did not at any time, hold an advocacy, litigation or probate licence, or
 - (b) that any licence held by any person is or was at any time either free of conditions or subject to any particular conditions,
- is, unless the contrary is proved, evidence of the facts stated in the certificate; and a certificate purporting to be so signed is to be taken to have been so signed unless the contrary is proved.”;
- (f) for paragraph 8 and the heading preceding it substitute –
- “8 Effect of suspension or revocation**
- (1) Where a relevant licence ceases to be in force because of –
- (a) a direction under section 24(5) of the Act of 1985, or
 - (b) an order under section 26(2)(a) or (c) of the Act of 1985,
- any other relevant licence in force with respect to that person at the time shall cease to have effect to the same extent as the licence in question.
- (2) In this paragraph “relevant licence” means –
- (a) an advocacy, litigation or probate licence, or
 - (b) a licence under Part 2 of the Act of 1985.”;
- (g) omit paragraph 9 (removal of disqualification from holding an advocacy, litigation or probate licence);
- (h) omit paragraph 10 (revocation on grounds of fraud or error);
- (i) in paragraph 21 (power to examine files) –
- (i) in sub-paragraph (1)(a) after “licensed conveyancer” insert “or licensed CLC practitioner”;
 - (ii) in sub-paragraph (1) for “the licensed conveyancer”, in both places it occurs, substitute “the person complained of”; and
- (j) in paragraph 22 (interest on clients’ money) after “licensed conveyancer” insert “or licensed CLC practitioner”.

PART 3

AMENDMENTS TO OTHER LEGISLATION

- 16 (1) The 2007 Act is amended as follows.
- (2) In section 104(2) (prevention of regulatory conflict: account rules) after “licensed conveyancer” insert “or licensed CLC practitioner”.

After Schedule 20 – *continued*

- (3) After section 104(2) insert –
- “(3) In this section “licensed CLC practitioner” means a person, other than a licensed conveyancer, who holds a licence under section 53 of the Courts and Legal Services Act 1990.”
- (4) In Schedule 5, in paragraph 11 (authorised persons: rights during transitional period: licensed conveyancers) –
- (a) after sub-paragraph (1) insert –
- “(1A) During the transitional period every individual, not being a licensed conveyancer, who holds a licence under section 53 of the Courts and Legal Services Act 1990 is deemed to be authorised by the Council to administer oaths.”;
- (b) in sub-paragraph (2) after “sub-paragraph (1)” insert “or (1A)”;
- (c) in sub-paragraph (3) in the opening words –
- (i) after “and every” insert “conveyancing services”;
- (ii) after “provide conveyancing” insert “or other”;
- (d) after sub-paragraph (3) insert –
- “(3A) During that period, every CLC practitioner services body recognised under section 32 of the Administration of Justice Act 1985 is deemed to be authorised by the Council to administer oaths.”;
- (e) in sub-paragraph (4) after “sub-paragraph (3)” insert “or (3A)”;
- (f) for sub-paragraph (5) substitute –
- “(5) In this paragraph –
- “CLC practitioner services body” has the meaning given by section 32B of the Administration of Justice Act 1985;
- “conveyancing partnership” means a partnership at least some of the members of which are licensed conveyancers, but does not include a CLC practitioner services body;
- “conveyancing services body” has the meaning given by section 32A of the Administration of Justice 1985.”;
- (g) in sub-paragraph (6) after “conveyancing licence” insert “or a licence under section 53 of the Courts and Legal Services Act 1990”.
- (5) In Schedule 24 (index of defined expressions) at the appropriate places insert –

“CLC practitioner services body	paragraph 11 of Schedule 5”
“conveyancing services body	paragraph 11 of Schedule 5
“licensed CLC practitioner	section 104 (3).””

After Schedule 20 – *continued*

Insert the following new Schedule –

“SCHEDULE**OTHER AMENDMENTS TO THE 1985 ACT**

- 1 The Administration of Justice Act 1985 is amended as follows.
- 2 In section 15 (issue of licences by Council) –
 - (a) in subsection (3)(b) for “the period of 42 days beginning with the date when the application was received by the Council” substitute “the period prescribed under subsection (3A)”; and
 - (b) after subsection (3) insert –
 - “(3A) The Council must by rules prescribe the period that applies for the purposes of subsection (3)(b).”
- 3 In section 18 (suspension or termination of licences) –
 - (a) after subsection (2A) insert –
 - “(2AA) Where the power conferred by paragraph 6(1) or 9(1) of Schedule 5 is exercised in relation to a recognised body by virtue of paragraph 10(1)(a) of Schedule 6, the exercise of that power shall operate immediately to suspend any licence under this Part held by a person who is a manager of the recognised body.
 - (2AB) Where the power conferred by paragraph 6(1) or 9(1) of Schedule 5 is exercised in relation to a recognised body by virtue of paragraph 10(1)(d) of Schedule 6, the exercise of that power shall operate immediately to suspend any licence under this Part held by a person who is –
 - (a) a manager of the recognised body, or
 - (b) and employee of the recognised body.
 - (2AC) Where the power conferred by paragraph 3(1) or 8(1) of Schedule 14 to the Legal Services Act 2007 is exercised in relation to a licensed body by virtue of paragraph 1(2)(d) of that Schedule, the exercise of that power shall operate immediately to suspend any licence under this Part held by a person who is –
 - (a) a manager of the licensed body, or
 - (b) an employee of the licensed body.”
 - (b) after subsection (2C) insert –
 - “(2CA) At the time when the power referred to in subsection (2AA), (2AB) or (2AC) is exercised, the Council may direct that subsection (2AA), (2AB) or (2AC) (as the case may be) is not to apply in relation to a particular licensed conveyancer.

After Schedule 20 – *continued*

- (2CB) The Council may give a direction under subsection (2CA) in relation to a licensed conveyancer only if –
- (a) the Council is satisfied that the licensed conveyancer did not fail to comply with the rules applicable to the recognised body by virtue of section 32, or contribute to the body’s failure to comply with such rules, in a case where the Council acts by virtue of paragraph 10(1)(a) of Schedule 6,
 - (b) the Council does not suspect the licensed conveyancer of dishonesty, in a case where the Council acts by virtue of –
 - (i) paragraph 10(1)(d) of Schedule 6, or
 - (ii) paragraph 1(2)(d) of Schedule 14 to the Legal Services Act 2007,
 - (c) the Council is satisfied that the licensed conveyancer was not a manager of the recognised body when the conduct providing the basis for the exercise of the power in paragraph 6(1) or 9(1) of Schedule 5 took place, in a case where the Council acts by virtue of paragraph 10(1)(a) of Schedule 6,
 - (d) the Council is satisfied that the licensed conveyancer was not a manager or employee of the recognised body when the conduct providing the basis for the exercise of the power in paragraph 6(1) or 9(1) of Schedule 5 is suspected of having taken place, in a case where the Council acts by virtue of paragraph 10(1)(d) of Schedule 6, and
 - (e) the Council is satisfied that the licensed conveyancer was not a manager or employee of the licensed body when the conduct providing the basis for the exercise of the power in paragraph 3(1) or 9(1) of Schedule 14 to the Legal Services Act 2007 is suspected of having taken place, in a case when the Council acts by virtue of paragraph 1(2)(d) of Schedule 14 to that Act.
- (2CC) At the time when the power referred to in subsection (2AA), (2AB) or (2AC) is exercised, the Council may direct that such of the licensed conveyancers concerned as are identified in the direction may continue to act in relation to any matter specified in the direction as if their licences had not been suspended by virtue of subsection (2AA), (2AB) or (2AC) (as the case may be), subject to such conditions (if any) as the Council sees fit to impose.”;
- (c) in subsection (2D) after “subsection (2A)” insert “, (2AA), (2AB) or (2AC)”;
 - (d) in subsection (2G) for “the High Court” substitute “the First-tier Tribunal”; and

After Schedule 20 – *continued*

- (e) omit subsection (2H).
- 4 In section 19 (register of licensed conveyancers) –
- (a) after subsection (1) insert –
 - “(1A) The Council may make rules specifying the further information, including information about disciplinary measures taken, to be recorded in the register in relation to a person”; and
 - (b) in subsection (2) omit “accordingly”.
- 5 In section 20 (rules as to professional practice, conduct and discipline) omit subsection (2).
- 6 In section 24 (preliminary investigation of disciplinary cases) –
- (a) in subsection (10) for “High Court” substitute “First-tier Tribunal”;
 - (b) in subsection (11) for “High Court” substitute “First-tier Tribunal”; and
 - (c) omit subsection (12).
- 7 In section 24A (determination of allegations by investigating committee) –
- (a) in subsections (8) and (9) for “High Court” substitute “First-tier Tribunal”; and
 - (b) omit subsection (10).
- 8 In section 26 (proceedings in disciplinary cases) –
- (a) for subsection (7) substitute –
 - “(7) Where the Discipline and Appeals Committee make an order by virtue of subsection (1) –
 - (a) the person whom the order is made, or
 - (b) the Council,may appeal to the First-tier Tribunal, and on any such appeal the First-tier Tribunal may make such order as it thinks fit.”;
 - (b) in subsection (7A) for “High Court” in both places substitute “First-tier Tribunal”; and
 - (c) omit subsection (8).
- 9 In paragraph 4(2) of Schedule 3 (the Council for Licensed Conveyancers: supplementary provision: constitution of the Council) omit “by one”.
- 10 In Schedule 6 (bodies recognised under section 32: supplementary provisions) –
- (a) in paragraph 3A (allegations to be determined by the Investigating Committee) –
 - (i) in sub-paragraphs (8) and (9) for “High Court” substitute “First-tier Tribunal”;
 - (ii) omit sub-paragraph (10); and
 - (b) in paragraph 6 (appeals against orders of the discipline and appeals committee) –
 - (i) for sub-paragraph (1) substitute –

After Schedule 20 – *continued*

- “(1) Where the Committee make an order by virtue of paragraph 4(1) or (2A) or 5(1) –
- (a) the person as regards whom the order is made, or
 - (b) the Council,
- may appeal to the First-tier Tribunal, and on any such appeal the First-tier Tribunal may make such order as it thinks fit.”;
- (i) in sub-paragraph (1A) for “High Court”, in both places, substitute “First-tier Tribunal”; and
 - (ii) omit sub-paragraph (2).”

Deregulation Bill

AMENDMENTS
TO BE MOVED
ON REPORT

16th January 2015

PUBLISHED BY AUTHORITY OF THE HOUSE OF LORDS
LONDON - THE STATIONERY OFFICE LIMITED
£4.00

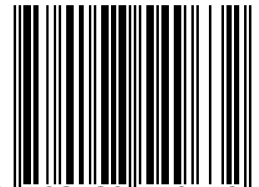
HL Bill 58(g)

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ISBN 978-0-10-854963-2



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