

# Deregulation Bill

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AMENDMENTS  
TO BE MOVED  
ON THIRD READING

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**Clause 1**

LORD WALLACE OF SALTAIRE

Page 1, line 10, at end insert—

“( ) After subsection (2) insert—

“(2A) A description of undertaking included in regulations under subsection (2) may be framed by reference to—

- (a) the type of activities carried out by the undertaking, where those activities are carried out or any other feature of the undertaking;
- (b) whether persons who may be affected by the conduct of the undertaking, other than the self-employed person (or his employees), may thereby be exposed to risks to their health or safety.”

**After Clause 43**

LORD WALLACE OF SALTAIRE

Insert the following new Clause—

**“Short-term use of London accommodation: relaxation of restrictions**

- (1) The Greater London Council (General Powers) Act 1973 is amended as follows.
- (2) In section 25 (provision of temporary sleeping accommodation to constitute material change of use), after subsection (1) insert—

“(1A) Subsection (1) is subject to section 25A.”

**After Clause 43 – continued**

- (3) After section 25 insert –

**“25A Exception to section 25**

- (1) Despite section 25(1), the use as temporary sleeping accommodation of any residential premises in Greater London does not involve a material change of use if two conditions are met.
- (2) The first is that the sum of –
  - (a) the number of nights of use as temporary sleeping accommodation, and
  - (b) the number of nights (if any) of each previous use of the premises as temporary sleeping accommodation in the same calendar year,does not exceed ninety.
- (3) The second is that, in respect of each night which falls to be counted under subsection (2)(a) –
  - (a) the person who provided the sleeping accommodation for the night was liable to pay council tax under Part 1 of the Local Government Finance Act 1992 in respect of the premises, or
  - (b) where more than one person provided the sleeping accommodation for the night, at least one of those persons was liable to pay council tax under Part 1 of that Act in respect of the premises.
- (4) For the purposes of subsection (2)(b), it does not matter whether any previous use was by the same person.”

- (4) After section 25A (inserted by subsection (3) above) insert –

**“25B Further provision about section 25A**

- (1) The local planning authority or the Secretary of State may direct that section 25A is not to apply –
  - (a) to particular residential premises specified in the direction;
  - (b) to residential premises situated in a particular area specified in the direction.
- (2) A direction under subsection (1) may be given only if the local planning authority or (as the case may be) the Secretary of State considers that it is necessary to protect the amenity of the locality.
- (3) The local planning authority may give a direction under subsection (1) only with the consent of the Secretary of State.
- (4) A direction under subsection (1) may be revoked by the person who gave it, whether or not an application is made for the revocation.
- (5) The Secretary of State may –
  - (a) delegate the functions of the Secretary of State under subsection (1) or (4) to the local planning authority;
  - (b) direct that a local planning authority may give directions under this section without the consent of the Secretary of State.

**After Clause 43 – continued**

- (6) The Secretary of State may revoke a delegation under subsection (5)(a) or a direction under subsection (5)(b).
- (7) The Secretary of State may by regulations made by statutory instrument make provision –
  - (a) as to the procedure which must be followed in connection with the giving of a direction under subsection (1) or in connection with the revocation of such a direction under subsection (4);
  - (b) as to the information which must be provided where the local planning authority seeks the consent of the Secretary of State to the giving of a direction under subsection (1).
- (8) A statutory instrument containing regulations under subsection (7) is subject to annulment in pursuance of a resolution of either House of Parliament.
- (9) In this section, “local planning authority” has the same meaning as in the Town and Country Planning Act 1990 (see section 336(1) of that Act).”

**Clause 44**

LORD WALLACE OF SALTAIRE

Page 37, line 2, leave out from “instrument” to end of line 6 and insert “provide that section 25(1) of the Greater London Council (General Powers) Act 1973 does not apply if conditions specified by the regulations are met.”

Page 37, line 7, leave out subsection (2) and insert –

- “( ) Regulations under subsection (1) must include provision corresponding to section 25B of that Act.”

Page 37, line 21, leave out subsection (6)

**Clause 83**

LORD WALLACE OF SALTAIRE

Page 71, line 1, at end insert –

- “( ) In section 43 (remand centres and young offender institutions), as it has effect on and after the day on which section 38 of the Criminal Justice and Courts Act 2015 comes into force, in the Table in subsection (4) –
- (a) in the entry for “Young offender institutions”, in the second column, for “Sections 28 and 37(2)” substitute “Section 28”;
  - (b) in the entry for “Secure training centres or secure colleges”, in the second column, for “, 28 and 37(2)” substitute “and 28”.

Page 71, line 2, at beginning insert “Until section 38 of the Criminal Justice and Courts Act 2015 comes into force,”

**After Clause 84**

LORD WALLACE OF SALTAIRE  
BARONESS HAYTER OF KENTISH TOWN

Insert the following new Clause –

**“CLC practitioner services bodies**

- (1) Section 32 of the Administration of Justice Act 1985 (provision of conveyancing services by recognised bodies) is amended as follows.
- (2) In the heading, after “conveyancing” insert “or other”.
- (3) In subsection (1) –
  - (a) in paragraph (a), after “bodies” insert “or CLC practitioner services bodies”;
  - (b) in paragraph (b), for “such bodies” substitute “conveyancing services bodies”;
  - (c) in paragraph (b), for the words from “undertake” to the end substitute “undertake –
    - (i) the provision of conveyancing services,
    - (ii) the exercise of a right of audience,
    - (iii) the conduct of litigation,
    - (iv) probate activities,
    - (v) the administration of oaths, or
    - (vi) the provision of relevant legal services not covered by sub-paragraphs (i) to (v);”;
  - (d) after paragraph (b) insert –
 

“(bza) prescribing the circumstances in which CLC practitioner services bodies may be recognised by the Council as being suitable bodies to undertake –

    - (i) the exercise of a right of audience,
    - (ii) the conduct of litigation,
    - (iii) probate activities,
    - (iv) the administration of oaths, or
    - (v) the provision of relevant legal services not covered by sub-paragraphs (i) to (iv);”;
  - (e) in paragraph (ba), for the words from “bodies” to the end substitute “bodies to carry on –
    - (i) the exercise of a right of audience,
    - (ii) the conduct of litigation,
    - (iii) reserved instrument activities, where the recognised body is a conveyancing services body,
    - (iv) probate activities, or
    - (v) the administration of oaths;”;
  - (f) in paragraph (c), after “requirements” insert “, including requirements about the carrying on of activities which are not reserved legal activities,”.
- (4) In subsection (3)(e), after “those bodies” insert “(including information about disciplinary measures taken)”.

**After Clause 84** – *continued*

- (5) In subsection (3C), after paragraph (a) insert –
- “(aa) conditions restricting the kinds of CLC practitioner services that may be provided by the body;”.
- (6) 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);
- “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).”
- (7) After subsection (8) insert –
- “(8A) Nothing in this section affects section 13 of the Legal Services Act 2007 (entitlement to carry on a reserved legal activity).”
- (8) After section 32A (definition of “conveyancing services body”) 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.

**After Clause 84** – *continued*

- (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 relation to any reserved legal activity involved in the CLC practitioner services that are provided by the body.
- (7) For the purposes of this section –
  - (a) a reference to CLC practitioner services is a reference to services involving the carrying on of such of the following as are reserved legal activities in relation to which the Council is designated as an approved regulator –
    - (i) the exercise of a right of audience;
    - (ii) the conduct of litigation;
    - (iii) probate activities;
    - (iv) the administration of oaths;
  - (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, 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);

**After Clause 84** – *continued*

“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 body, means –

- (a) CLC practitioner services, and
- (b) where authorised persons are managers or employees of, or have an interest in, the body, services such 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) Section 53 of the Courts and Legal Services Act 1990 (the Council for Licensed Conveyancers: authorisation of individuals to carry on reserved legal activities) is amended as follows.
- (2) In subsection (2), omit “only if the person is a licensed conveyancer”.
- (3) In subsection (3) –
  - (a) for “a licensed conveyancer” substitute “a person”;
  - (b) for “the licensed conveyancer” substitute “the person in respect of that activity”.
- (4) In subsection (4), for “Any such” substitute “If the person granted a licence under this section is a licensed conveyancer, the”.
- (5) 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 that and 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.”
- (6) In subsection (9) –
  - (a) in the opening words, after “respect to” insert “persons who apply for, or hold, an advocacy, litigation or probate licence and”;
  - (b) in paragraph (c), for “licensed conveyancer” substitute “person”;

**After Clause 84 – continued**

- (c) 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;”;
- (d) in the words following paragraph (f), after “respect to” insert “persons who apply for, or hold, a licence under Part 2 of the Act of 1985 and”.
- (7) 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).”
- (8) 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;
- “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.”
- (9) In the italic heading preceding section 53, after “*conveyancers*” insert “*and licensed CLC practitioners*”.

Insert the following new Clause –

**“CLC practitioner services: consequential amendments**

Schedule (*CLC practitioner services: consequential amendments*) contains consequential amendments relating to sections (*CLC practitioner services bodies*) and (*Licensed CLC practitioners*).”



**After Clause 84 – continued**

Insert the following new Clause –

**“The Council for Licensed Conveyancers: other amendments**

Schedule (*The Council for Licensed Conveyancers: other amendments*) contains other amendments relating to the Council for Licensed Conveyancers.”

**Clause 88**

LORD WALLACE OF SALTAIRE

Page 73, line 27, at end insert –

“( ) section 30A(6)(f);”

**Clause 109**

LORD WALLACE OF SALTAIRE

Page 84, line 28, leave out “Paragraph 39 of Schedule 21 extends” and insert “Paragraphs 4, 31(b) and (c), 32(2), 32(4) so far as relating to paragraphs 9 and 68 of Schedule 13 to the Merchant Shipping Act 1995, 32(5) and (6) and 39 of Schedule 21 extend”

Page 84, line 30, after “paragraphs” insert “5,”

**Clause 110**

LORD WALLACE OF SALTAIRE

Page 85, line 3, leave out paragraph (c)

Page 85, line 45, at end insert –

“(5A) The following provisions come into force on such day as the Lord Chancellor may by order made by statutory instrument appoint –

- (a) sections (*CLC practitioner services bodies*) and (*Licensed CLC practitioners*);
- (b) section (*CLC practitioner services: consequential amendments*) and Schedule (*CLC practitioner services: consequential amendments*);
- (c) section (*The Council for Licensed Conveyancers: other amendments*) and Schedule (*The Council for Licensed Conveyancers: other amendments*).”

Page 86, line 1, after “(5)” insert “and (5A)”

Page 86, line 12, at end insert –

“(8A) The Lord Chancellor may by order made by statutory instrument make such transitional, transitory or saving provision as the Lord Chancellor considers appropriate in connection with the coming into force of sections (*CLC practitioner services bodies*) to (*The Council for Licensed Conveyancers: other amendments*) and Schedules (*CLC practitioner services: consequential amendments*) and (*The Council for Licensed Conveyancers: other amendments*).”

Page 86, line 13, after “(8)” insert “and (8A)”

### Schedule 13

#### LORD WALLACE OF SALTAIRE

Page 183, line 41, leave out “subsections (2) and (3)” and insert “subsection (2)”

Page 183, line 41, at end insert –

- “( ) in subsection (2B), omit paragraph (a);
- ( ) in subsection (3), omit “(ba),”;

Page 185, line 39, leave out sub-paragraph (29) and insert –

- “(29) If paragraph 4 comes into force before the coming into force of the repeal of the Audit Commission Act 1998 by section 1(2) of the Local Audit and Accountability Act 2014, Schedule 2 to the Act of 1998 is to have effect (until the repeal comes into force) as if in paragraph 1, paragraph (ma) were omitted.

Page 186, line 14, at end insert –

- “( ) In the Energy Act 2013, in Part 3 of Schedule 9, in the definition of “local authority” in paragraph 14(3), omit paragraph (b).
- ( ) In the Local Audit and Accountability Act 2014, in Schedule 2, omit paragraph 25.”

### After Schedule 18

#### LORD WALLACE OF SALTAIRE

Insert the following new Schedule –

#### “SCHEDULE

##### CLC PRACTITIONER SERVICES: CONSEQUENTIAL AMENDMENTS

*Administration of Justice Act 1985 (c. 61)*

- 1 The Administration of Justice Act 1985 is amended as follows.
- 2 (1) In section 16 (conditional licences), subsection (1) is amended as follows.
  - (2) For paragraph (b) substitute –
    - “(b) when conditions under this section have been imposed on a licence under this Part previously issued to him;
    - (ba) when conditions under paragraph 5 of Schedule 8 to the Courts and Legal Services Act 1990 have been imposed on a licence under section 53 of that Act previously issued to him;”.
  - (3) In paragraph (c), after “Part” insert “or a licence in force under section 53 of the Courts and Legal Services Act 1990”.
  - (4) In paragraph (ca), after “24A” insert “(including that section as applied by section 53 of the Courts and Legal Services Act 1990)”.
  - (5) In paragraph (d), after “26” insert “(including that section as applied by section 53 of the Courts and Legal Services Act 1990)”.

**After Schedule 18 – continued**

- (6) In paragraph (ea), after “22” insert “(including that section as applied by section 53 of the Courts and Legal Services Act 1990)”.
- 3 (1) Section 26 (proceedings in disciplinary cases) is amended as follows.
- (2) In subsection (2) –
- (a) in paragraph (a), after “licence” insert “under this Part”;
  - (b) in paragraph (b), for “a licence under this Part” substitute “any relevant licence”;
  - (c) in paragraph (c), after “licence” insert “under this Part”.
- (3) 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 (1) Section 28 (revocation of licence on grounds of fraud or error) is amended as follows.
- (2) In subsection (1) –
- (a) after “a licence” insert “under this Part”;
  - (b) for “the licence” substitute “all of the relevant licences held by that person”.
- (3) 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 the Committee.”
- (4) In subsection (3), for “a licence under this Part” substitute “any relevant licence”.
- (5) After subsection (6) insert –
- “(7) In this section “relevant licence” has the meaning given by section 26.”
- 5 (1) Section 33A (administration of oaths by licensed conveyancers) is amended as follows.
- (2) In the heading, after “conveyancers” insert “or licensed CLC practitioners”.
- (3) In the section, after “conveyancers” insert “or licensed CLC practitioners”.
- 6 (1) Section 34 (modification of existing enactments relating to conveyancing etc) is amended as follows.
- (2) In subsection (2), after “a recognised body” insert “which is a conveyancing services body”.
- (3) In subsection (2), after “conveyancer or” (in the second place it occurs) insert “such a”.

**After Schedule 18 – continued**

- (4) In subsection (3), after “body” insert “which is a conveyancing services body”.
- (5) After subsection (3) insert –
- “(4) In this section “conveyancing services body” has the meaning given by section 32A.”
- 7 In section 39 (interpretation of Part 2), in subsection (1), 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;”.
- 8 In Schedule 3 (the Council for Licensed Conveyancers: supplementary provisions), in paragraph 2 (constitution of the Council), in sub-paragraph (1)(a) –
- (a) omit the “or” at the end of sub-paragraph (i);
- (b) after sub-paragraph (i) insert –
- “(ia) licensed CLC practitioners; or”.
- 9 (1) Schedule 6 (bodies recognised under section 32: supplementary provisions) is amended as follows.
- (2) In paragraph 3 (preliminary investigation by the Investigating Committee etc) –
- (a) omit the “or” at the end of sub-paragraph (1)(a)(ii);
- (b) after sub-paragraph (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; or”.
- (3) In paragraph 3A (orders made by the Investigating Committee), in sub-paragraph (1)(b) –
- (a) after “3(1)(aa)” insert “or (aaa)”;
- (b) for “that paragraph” substitute “paragraph 3(1)(aa) or (aaa) (as the case may be)”.
- (4) In paragraph 4 (orders made by the Discipline and Appeals Committee), in sub-paragraph (2A) –
- (a) after “3(1)(aa)” insert “or (aaa)”;
- (b) for “sub-paragraph (ii) of that paragraph” substitute “paragraph 3(1)(aa) or (aaa) (as the case may be)”.
- (5) In paragraph 14 (examination of files), in sub-paragraph (1), after “(aa)” insert “, (aaa)”.

*Courts and Legal Services Act 1990 (c. 41)*

- 10 The Courts and Legal Services Act 1990 is amended as follows.
- 11 In section 75 (judges etc barred from legal practice), in paragraph (c), for “or licensed conveyancer” substitute “, licensed conveyancer or licensed CLC practitioner”.

**After Schedule 18 – continued**

- 12 In section 119 (interpretation), in subsection (1), at the appropriate place insert –
- ““licensed CLC practitioner” has the meaning given in section 53;”.
- 13 (1) Schedule 8 (licensed conveyancers) is amended as follows.
- (2) In the heading, after “CONVEYANCERS” insert “AND LICENSED CLC PRACTITIONERS”.
- (3) In paragraph 1 (general) –
- (a) for the definition of “advocacy licence” substitute –
- ““advocacy licence”, “litigation licence” and “probate licence” have the meaning given by section 53;”;
- (b) omit the definitions of –
- (i) “litigation licence”, and
- (ii) “probate licence”.
- (4) In paragraph 4 (issue of licences), in sub-paragraph (3), 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 and 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”.
- (5) In paragraph 5 (conditional licences) –
- (a) for sub-paragraph (1)(b) substitute –
- “(b) when conditions under this paragraph have been imposed on an advocacy, litigation or probate licence previously issued to him;
- (ba) when conditions under section 16 of the Act of 1985 have been imposed on a licence under Part 2 of the Act of 1985 previously issued to him;”;
- (b) in sub-paragraph (1)(c), for “a licence of that kind” substitute “an advocacy, litigation or probate licence or a licence under Part 2 of the Act of 1985”;
- (c) in sub-paragraph (1)(d) –
- (i) after “1985” insert “(including section 24A(1) as applied by section 53)”;;
- (ii) after “that Act” insert “(including section 26(1) as applied by section 53)”;;
- (d) in sub-paragraph (6), omit the “or” after paragraph (a);
- (e) in sub-paragraph (6)(b), at the beginning insert “in the case of an applicant who is a licensed conveyancer,”;

**After Schedule 18 – continued**

- (f) after sub-paragraph (6)(b) insert “; or
    - (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,”;
  - (g) in sub-paragraph (6), after “paragraph (b)” insert “or (c)”.
- (6) After paragraph 6 insert –

*“Register of licensed CLC practitioners*

- 6A (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.
- (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.”

**After Schedule 18 – continued**

(7) For paragraph 8 and the cross-heading preceding it substitute –

*“Effect of suspension or revocation*

8 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.”

(8) Omit paragraph 9 (removal of disqualification from holding an advocacy, litigation or probate licence).

(9) Omit paragraph 10 (revocation on grounds of error or fraud).

(10) In paragraph 21 (power to examine files) –

(a) in sub-paragraph (1)(a), after “conveyancer” insert “or licensed CLC practitioner”;

(b) in sub-paragraph (1), for “the licensed conveyancer” (in both places where it occurs) substitute “the person complained of”.

(11) In paragraph 22 (interest on clients’ money), after “conveyancer” insert “or licensed CLC practitioner”.

*Legal Services Act 2007 (c. 29)*

14 The Legal Services Act 2007 is amended as follows.

15 (1) Section 104 (prevention of regulatory conflict: accounts rules) is amended as follows.

(2) In subsection (2), after “conveyancer” insert “or licensed CLC practitioner”.

(3) After subsection (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.”

16 (1) In Schedule 5 (authorised persons), paragraph 11 (rights during transitional period: licensed conveyancers) is amended as follows.

(2) 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.”

(3) In sub-paragraph (2), after “(1)” insert “or (1A)”.

(4) In sub-paragraph (3), in the opening words –

(a) after “and every” insert “conveyancing services”;

(b) after “provide conveyancing” insert “or other”.

**After Schedule 18 – continued**

- (5) 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.”
- (6) In sub-paragraph (4), after “(3)” insert “or (3A)”.
- (7) 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.”
- (8) In sub-paragraph (6), after “licence” insert “or a licence under section 53 of the Courts and Legal Services Act 1990”.
- 17 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)”.             |

Insert the following new Schedule –

**“SCHEDULE****THE COUNCIL FOR LICENSED CONVEYANCERS: OTHER AMENDMENTS**

- 1 The Administration of Justice Act 1985 is amended as follows.
- 2 (1) Section 15 (issue of licences by the Council for Licensed Conveyancers) is amended as follows.
- (2) In subsection (3)(b), for the words from “the period” to “the Council” substitute “the period prescribed under subsection (3A)”.
- (3) After subsection (3) insert –
- “(3A) The Council must by rules prescribe the period that applies for the purposes of subsection (3)(b).”
- 3 (1) Section 18 (suspension or termination of licences) is amended as follows.



**After Schedule 18 – continued**

## (2) After subsection (2C) insert –

- “(2CA) 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.
- (2CB) 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) an employee of the recognised body.
- (2CC) 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.
- (2CD) At the time when the power referred to in subsection (2CA), (2CB) or (2CC) is exercised, the Council may direct that subsection (2CA), (2CB) or (2CC) (as the case may be) is not to apply in relation to a particular licensed conveyancer.
- (2CE) The Council may give a direction under subsection (2CD) 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,

**After Schedule 18 – continued**

- (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 8(1) of Schedule 14 to the Legal Services Act 2007 is suspected of having taken place, in a case where the Council acts by virtue of paragraph 1(2)(d) of Schedule 14 to that Act.
- (2CF) At the time when the power referred to in subsection (2CA), (2CB) or (2CC) 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 (2CA), (2CB) or (2CC) (as the case may be), subject to such conditions (if any) as the Council sees fit to impose.”
- (3) In subsection (2D), after “(2A)” insert “, (2CA), (2CB) or (2CC)”.
  - (4) In subsection (2G), for “High Court” substitute “First-tier Tribunal”.
  - (5) Omit subsection (2H).
- 4 (1) Section 19 (register of licensed conveyancers) is amended as follows.
- (2) 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.”
  - (3) In subsection (2), omit “accordingly”.
- 5 In section 20 (rules as to professional practice, conduct and discipline), omit subsection (2).
- 6 (1) Section 24 (preliminary investigation of disciplinary cases) is amended as follows.
- (2) In subsection (10), for “High Court” substitute “First-tier Tribunal”.
  - (3) In subsection (11), for “High Court” substitute “First-tier Tribunal”.
  - (4) Omit subsection (12).
- 7 (1) Section 24A (determination of allegations by the Investigating Committee) is amended as follows.
- (2) In subsection (8), for “High Court” substitute “First-tier Tribunal”.
  - (3) In subsection (9), for “High Court” substitute “First-tier Tribunal”.
  - (4) Omit subsection (10).

**After Schedule 18 – continued**

- 8 (1) Section 26 (proceedings in disciplinary cases) is amended as follows.
- (2) For subsection (7) substitute –
- “(7) Where the Discipline and Appeals Committee make an order by virtue of subsection (1) –
- (a) the person against 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.”
- (3) In subsection (7A), for “High Court” (in both places where it occurs) substitute “First-tier Tribunal”.
- (4) Omit subsection (8).
- 9 In Schedule 3 (the Council for Licensed Conveyancers: supplementary provisions), in paragraph 4 (appointment of persons to Council), in sub-paragraph (2), omit “by one”.
- 10 (1) Schedule 6 (bodies recognised under section 32: supplementary provisions) is amended as follows.
- (2) In paragraph 3A (orders made by the Investigating Committee) –
- (a) in sub-paragraph (8), for “High Court” substitute “First-tier Tribunal”;
- (b) in sub-paragraph (9), for “High Court” substitute “First-tier Tribunal”;
- (c) omit sub-paragraph (10).
- (3) In paragraph 6 (appeals against orders of the Discipline and Appeals Committee) –
- (a) for sub-paragraph (1) substitute –
- “(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.”;
- (b) in sub-paragraph (1A), for “High Court” (in both places where it occurs) substitute “First-tier Tribunal”;
- (c) omit sub-paragraph (2).”

**Schedule 19**

LORD WALLACE OF SALTAIRE

Page 216, line 14, leave out “level 5 on the standard scale” and insert “the statutory maximum”

**Schedule 21**

LORD WALLACE OF SALTAIRE

Page 234, line 18, leave out from “1983,” to end of line 20

Page 234, line 23, leave out sub-paragraph (3)



# Deregulation Bill

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AMENDMENTS  
TO BE MOVED  
ON THIRD READING

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*25th February 2015*

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

HL Bill 95(b)

(47729)

55/4



ISBN 978-0-10-800016-4

