



COUNCIL for LICENSED CONVEYANCERS

**Regulations for the Appointment and
Service of Council Members 2009**

THE COUNCIL FOR LICENSED CONVEYANCERS'

REGULATIONS FOR THE APPOINTMENT AND SERVICE OF COUNCIL MEMBERS 2009

Made 6 May 2009 by the Council for Licensed Conveyancers with the approval of the Legal Services Board under paragraph 4 of Schedule 3 to the Administration of Justice Act 1985.

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1. Citation, Commencement and Interpretation

1.1 These Regulations may be cited as the Regulations for the Appointment and Service of Council Members 2009.

1.2 These Regulations shall come into force on 25 September 2009 on which date the Regulations for Election, Nomination and Service of Council Members 2004 shall cease to have effect.

1.3 In these Regulations:

1.3.1 unless the contrary intention appears, words importing the masculine gender include the feminine, words in the singular include the plural and words in the plural include the singular;

1.3.2 "the 1985 Act" the Administration of Justice Act 1985;

"the 2007 Act" the Legal Services Act 2007;

"Chairman" the Chairman of the Council;

"Company" has the meaning given by section 735(1) of the Companies Act 1985;

"the Council" the Council for Licensed Conveyancers established under section 12 of the 1985 Act;

“Chief Executive Officer”	the Chief Executive Officer of the Council;
“Disciplinary Order”	in the case of a Licensed Conveyancer, an order made against him pursuant to section 24A or 26 of the 1985 Act (other than an order which provides only for the payment of costs by him) or a direction made pursuant to paragraph 17(2) of Schedule 8 to the Courts and Legal Services Act 1990;
“Lay Member”	a person who is not a Licensed Conveyancer and who is neither a Manager nor an employee of a Recognised Body;
“Licensed Conveyancer”	any person holding a licence in force granted by the Council under Part II of the 1985 Act.
“Limited Liability Partnerships Act 2000”	the Limited Liability Partnerships Act 2000, the Limited Liability Partnerships Regulations 2001 and any other regulations made under that Act;
“LLP Member”	a member of a Limited Liability Partnership;
“Manager”	in relation to a Recognised Body, means a person who is: <ul style="list-style-type: none"> (a) a member of the Recognised Body, if the Recognised Body is a Company and its affairs are managed by its members; (b) a director of the Recognised Body, if the Recognised Body is a Company and paragraph (a) does not apply; (c) a partner, if the Recognised Body is a partnership; (d) a LLP member, if the Recognised Body is a Limited Liability Partnership; (e) a member of its governing body, if the Recognised Body is an unincorporated body (other than a partnership); and (f) a Licensed Conveyancer, if sub-paragraphs (a)-(e) do not apply and the affairs of the Recognised Body are not managed by another Licensed Conveyancer;
“Recognised Body”	a body recognised by the Council under

section 32 of the 1985 Act to provide Regulated Services to the public;

1.3.3 Other expressions in these Rules shall, except where otherwise stated, have the meanings given to them by the 1985 Act and the 2007 Act.

2. Composition of the Council

2.1 The Council (including the Chairman) shall consist of up to nine members appointed in accordance with regulation 3 provided:

- (a) the total number of Licensed Conveyancers appointed exceeds by one the total number of Lay Members appointed; and
- (b) the Lay Members appointed include at least two persons who represent the interests of consumers.

3. Appointment

3.1 The Chairman and members of the Council shall be appointed in accordance with regulations 3.2 to 3.6.

3.2 Where a vacancy occurs by virtue of the operation of regulation 5.1 (but not regulation 5.1(c)) in any year the vacancy shall be filled as soon as may be convenient.

3.3 The posts of Chairman and members of the Council shall be appointed following an open recruitment process conducted by the Council taking into account good practice guidance for public appointments.

3.4 The appointment of Chairman and members of the Council shall be made by a selection panel and ratified by the Council.

3.5 The selection panel shall comprise up to five individuals, chosen by the Council after considering the advice of the Chief Executive Officer.

3.6 In making appointments under rule 3.4 the selection panel shall take into account the desirability that (between them) the Chairman and members of the Council have experience in or knowledge of:

- (a) the provision of conveyancing services, probate services and other legal services regulated by the Council;
- (b) legal education and legal training;
- (c) consumer affairs;
- (d) competition matters;
- (e) market sectors related to services regulated by the Council;

- (f) the maintenance of the professional standards of persons who provide legal services;
- (g) the maintenance of standards in professions other than the legal profession;
- (h) the handling of complaints;
- (i) commercial affairs;
- (j) non-commercial legal services;
- (k) the differing needs of consumers.

3.7 A person shall not be eligible for appointment to the Council if:

- (a) he has been convicted of a criminal offence involving fraud, dishonesty, deception or violence or an indictable offence unless the conviction is spent within the meaning of the Rehabilitation of Offenders Act 1974;
- (b) he is or has been an undischarged bankrupt or has made a composition or arrangement with his creditors unless:
 - (1) the bankruptcy is annulled either on the ground that he ought not to have been adjudged bankrupt or, where he is not subject to a Bankruptcy Restrictions Order or interim order, on the ground that his debts have been paid in full, on the date of the annulment; or
 - (2) in the case of a composition or arrangement with his creditors, he pays his debts in full on the date on which payment is completed or on the expiration of five years from the date on which the terms of the deeds of composition or arrangement are fulfilled.
- (c) he lacks capacity (within the meaning of the Mental Capacity Act 2005) and powers in relation to sections 15-20 or section 48 of that Act have been exercised in relation to him;
- (d) a Disciplinary Order is made against him;
- (e) the Council's power of intervention have been exercised against him or his practice in accordance with part 1 of schedule 5, or against a Recognised Body of which he is a Manager in accordance with schedule 6 to the 1985 Act;
- (f) the Council is satisfied that as a member of another profession an order has been made against him by his professional body

(other than an order which provides only for the payment of costs by him);

- (g) he is an employee, self-employed officer or general consultant of any organisation having as its main object the protection or promotion of the interests, or of the defence, of Licensed Conveyancers or any other approved persons.

4. Tenure of Office

- 4.1 Subject to regulation 4.2 and 4.3, the term of office of the Chairman and any Council member takes effect on the date specified in the letter of appointment for a period not exceeding four years.
- 4.2 Subject to regulation 4.3, the retiring Chairman and members of the Council may offer themselves subject to review for re-appointment once only, for a further period not exceeding four years.
- 4.3 A person elected or nominated as a member of the Council in accordance with the Regulations for Election, Nomination and Service of Council Members 2004 shall be eligible for appointment in accordance with these Regulations once only, for a period not exceeding four years even if he has already served more than one term of office under the Regulations for Election, Nomination and Service of Council Members 2004.

5. Vacancies

- 5.1 A vacancy in the office of Chairman or of a Council member shall automatically occur and his right to hold office shall cease immediately:
 - (a) on his death;
 - (b) on the receipt by the Council of his written resignation;
 - (c) on the expiration of his term of office;
 - (d) if, without consent, he fails in any Council year to attend in aggregate more than 60% of the meetings of the Council and of any Committee of which he is a member;
 - (e) if he is convicted of a criminal offence involving fraud, dishonesty, deception or violence or an indictable offence;
 - (f) if he is adjudged bankrupt, is the subject of a Bankruptcy Restrictions Order or interim order, or makes a composition or arrangement with his creditors;
 - (g) if he lacks capacity (within the meaning of the Mental Capacity Act 2005) and powers in relation to sections 15-20 or section 48 of that Act have been exercised in relation to him;

- (h) if, being a Licensed Conveyancer,
 - (1) he ceases to hold a licence;
 - (2) a Disciplinary Order Act is made against him;
 - (3) his licence is suspended pursuant to section 24 of the 1985 Act; or
 - (4) the Council's powers of intervention are exercised against him or his practice in accordance with part I of schedule 5 to the 1985 Act or against a Recognised Body of which he is a Manager in accordance with schedule 6 to the 1985 Act;
- (i) if the Council is satisfied that as a member of another profession an adverse determination has been made against him by a disciplinary tribunal or committee established to regulate the activities and the conduct of members of his profession (other than an order which provides only for the payment of costs by him);
- (j) if he is or becomes an employee, self-employed officer or general consultant of any organisation having as its main object the protection or promotion of the interests, or the defence, of Licensed Conveyancers or any other approved persons;
- (k) if he has failed to disclose to the Council any matter referred to in regulation 3.7 subparagraphs (a), (b), (c), (d), (e), (f) or (g);
- (l) if he is removed from office under regulation 8.1.

5.2 In the event that a vacancy occurs by reason of the operation of Regulation 5.1, the Chief Executive Officer shall inform the Council of that fact at the next meeting of the Council.

6. Remuneration

6.1 The Council will pay to the Chairman, other members of the Council and members of the selection panel fees and reasonable expenses, such fees to be determined by the Council and to be reviewed periodically.

7. Suspension

7.1 The Chairman or a Council member is suspended with immediate effect in the event that:-

- (a) he is charged with an offence which is the subject of subparagraph (e) of Regulation 5.1;
- (b) he is served with a bankruptcy petition, is the subject of a

Bankruptcy Restrictions Order or issues a bankruptcy petition on his own behalf; or

- (c) he receives notice of any application against him for an Order under sub-paragraph (h)(2) or (i) of Regulation 5.1.

7.2 Any suspension taking effect under Regulation 7.1 shall automatically be revoked in the following circumstances: -

- (a) under sub-paragraph 7.1(a) if no conviction ensues;
- (b) under sub-paragraph 7.1(b) if the bankruptcy petition issued is disposed of without a declaration of bankruptcy being made against him; or
- (c) under sub-paragraph 7.1(c) in the event that the application against the Council member is withdrawn or dismissed or the only order made is for the payment of costs.

8. Removal

8.1 The Council may declare a vacancy in the office of Chairman or of a Council member who has breached the Standing Orders of the Council, the Standing Orders for Committees or the Code of Conduct applicable to members of the Council, if at least three-quarters of the Council members are present at the relevant meeting and at least three-quarters of the members present agree in which event the Chairman or Council member's right to hold office shall cease immediately.

9. Standing Orders

9.1 Proceedings of the Council shall be governed by the Standing Orders made for the Council by the Council in accordance with paragraph 9(2) of schedule 3 to the 1985 Act.