



Licensing Rules 2009

Made on 21 January 2009 by the Council for Licensed Conveyancers with the concurrence of the Secretary of State pursuant to Sections 14 and 38(1) of the Administration of Justice Act 1985 and section 53 and schedule 8 to the Courts and Legal Services Act 1990

CONTENTS

1. Citation, Commencement and Interpretation
2. Application for and Grant of a licence
3. Endorsement of licences
4. Fees payable in respect of licences
5. Applications to remove or vary conditions

1. Citation, Commencement and Interpretation

1.1 These Rules may be cited as the Licensed Conveyancers' Licensing Rules 2009 and shall come into force on 31 March 2009 on which date the Council for Licensed Conveyancers' Licensing Rules 2007 shall cease to have effect.

1.2 In these Rules:

1.2.1 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;

1.2.2 "1985 Act" Administration of Justice Act 1985;

"Applicant" means any person who intends to apply for a Licence in accordance with these Rules;

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

"Conveyancing Services" the preparation of transfers, conveyances, contracts and other documents in connection with, and other services ancillary to, the disposition or acquisition of estates or interests in land.

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

“Legal Regulators”	the Council, the Law Society, the General Council of the Bar, the Master of the Faculties, the Institute of Legal Executives, the Chartered Institute of Patent Attorneys, the Institute of Trade Mark Attorneys and the Association of Law Costs Draftsmen and such other bodies which may be authorised to regulate providers of Reserved Legal Services;
“Licence”	a licence to practise as a Licensed Conveyancer issued by the Council;
“Licensed Conveyancer”	a person who holds a Licence;
“Limited Liability Partnership”	a body corporate formed by being incorporated under the Limited Liability Partnerships Act 2000;
“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 subparagraphs (a)-(e) do not apply and the affairs of the Recognised Body are not managed by another Licensed Conveyancer;
“Permitted Person”	a solicitor regulated by the Law Society, a

barrister regulated by the General Council of the Bar, a notary public regulated by the Master of the Faculties, a fellow regulated by the Institute of Legal Executives, a patent attorney regulated by the Chartered Institute of Patent Attorneys, a trade mark attorney regulated by the Institute of Trade Mark Attorneys and a law costs draftsman regulated by the Association of Law Costs Draftsmen and other individuals authorised by any other Legal Regulator to provide Reserved Legal Services;

“Practical Training”	has the meaning given by the Licensed Conveyancers’ Training Rules;
“Probate Services”	services limited to the drawing or preparation of any papers on which to found or oppose a grant of probate or grant of letters of administration and the administration of the estate of a deceased person;
“Qualifying Examination”	has the meaning given by the Licensed Conveyancers’ Training Rules;
“Recognised Body”	a body recognised by the Council under section 32 of the 1985 Act to provide Regulated Services to the public;
“Regulated Services”	Conveyancing Services, and such other services, including Probate Services, in respect of which a Licensed Conveyancer is regulated by the Council;
“Reserved Legal Services”	the right to conduct litigation, rights of audience, probate services, administration of oaths, notarial activities and conveyancing services.

2. Application For and Grant of a Licence

2.1 No person shall be entitled to apply for a Licence for the first time unless he is a fit and proper person to practise as a Licensed Conveyancer and has either:

- (a) (i) passed the Council ’s Qualifying Examination;
- (ii) completed at least two years’ Practical Training; and
- (iii) in respect of any period exceeding three months following the conclusion of his Practical Training, provided to the satisfaction of the Council evidence of having undergone relevant conveyancing experience; or

- (b) demonstrated to the satisfaction of the Council, in accordance with such terms and conditions as it may prescribe, that he has the relevant educational and professional qualifications and experience in the provision of conveyancing services.
- 2.2 Every Licence shall be in such form as the Council may prescribe and shall be valid for one year beginning with the date of issue of the Licence.
- 2.3 A Licensed Conveyancer shall only provide Regulated Services to the public:
 - (a) as a Manager of a Recognised Body;
 - (b) as a Manager of a body regulated by a Legal Regulator other than the Council; or
 - (c) if neither rule 2.3(a) nor rule 2.3(b) is applicable, as an employee of a Recognised Body or of a body regulated by a Legal Regulator other than the Council.and a Licence shall be so endorsed by the Council.
- 2.4 An Applicant for a Licence under rule 2.3 shall deliver to the Council's offices:
 - (a) a written application in the form prescribed by and obtained from the Council, correctly completed and signed by the Applicant;
 - (b) the fee payable;
 - (c) any contribution which the Council may require an Applicant to make to any fund or funds as to professional indemnity and compensation maintained by the Council by virtue of Section 21(3)(a) of the 1985 Act; and
 - (d) information about the Applicant or the Recognised Body the Council determines is necessary to enable it to issue a licence including any report, certificate or other document the Council may require.
- 2.5 In addition to the requirements of rule 2.4 an Applicant for a Licence under rule 2.3(a) shall deliver to the Council's offices:
 - (a) evidence of appropriate and current insurance cover as required by the Licensed Conveyancers' Indemnity Rules;
 - (b) such further or composite contribution which the Council shall require an Applicant to make to any fund or funds as to professional indemnity and compensation maintained by the Council by virtue of Section 21(3)(a) of the 1985 Act;
 - (c) the additional fee payable as prescribed by the Fees Rules when having been required by the Accounts Rules to deliver to the Council a report by an accountant, he has not delivered such a report within the period required by those Rules;
 - (d) in the case of an application for a Licence under rule 2.3(a) or 2.3(b) while a Licence issued under rule 2.3(c) is current, the additional fee; and
 - (e) where applicable, evidence that the requirements of rule 4.2 Licensed Conveyancers' Conduct Rules 2009 have been satisfied.

- 2.6 An application for a Licence shall be deemed to have been made on the day on which the Applicant has complied fully and finally with the requirements of rule 2.4 and, if applicable, rule 2.5.
- 2.8 In considering an application for a Licence the Council may, at its discretion, require the Applicant to attend for interview.
- 2.9 The Council may refuse an application for a Licence if:
- (a) the Applicant has not complied fully with rule 2.4 and, if applicable, with rule 2.5;
or
 - (b) it is not satisfied (whether or not it has interviewed the Applicant) that the Applicant is a fit and proper person to practise as a licensed conveyancer
- 2.10 An applicant may, when applying for a Licence, apply in addition for a duplicate Licence which, if issued, shall be free of charge. A Licensed Conveyancer may at any other time apply to the Council for a duplicate Licence on tendering the fee payable and the Council may issue such a Licence.

3. Endorsement of Licences

- 3.1 The Licence issued to a Licensed Conveyancer shall remain the property of the Council until it has expired.
- 3.2 Any Licence may, at the time of its grant or subsequently, be endorsed with such conditions as the Council thinks fit to impose. Any such conditions imposed may be removed by the Council at its discretion at any time.
- 3.3 Where any conditions are imposed, amended or removed during the currency of a Licence, the Licensed Conveyancer shall immediately upon request submit his Licence to the Council for endorsement, amendment or removal. The Council shall also record the endorsement or amendment in, or the removal of the endorsement from, the register maintained under Section 19 of the 1985 Act.
- 3.4 When, during the currency of a Licence, the Council agrees to the removal or amendment of all or any of the conditions imposed, those conditions shall remain effective until the Licence is delivered to the Council's offices together with the fee payable.
- 3.5 When, during the currency of a Licence issued under rule 2.3(a) or (b), the Licensed Conveyancer either ceases to comply with the Licensed Conveyancers' Indemnity Rules or for any other reason ceases to be eligible to hold such a Licence, he shall immediately surrender the Licence and any duplicate Licence issued to him by delivering them to the Council's offices.
- 3.6 Whilst the licence is in force the Licensed Conveyancer must notify the Council of any changes to information provided under rule 2.4(a) and (d) within seven days of becoming aware of such changes.

4. Fees Payable in Respect of Licences

- 4.1 Fees payable under the provisions of these Rules shall be such as are prescribed by the Council's Fees Rules in force at the time of application.

5. Applications to remove or vary conditions

- 5.1 During the currency of a Licence a Licensed Conveyancer may apply to the Council:

(a) for the removal of a condition on a Licence; or

(b) the variation of a condition on a Licence.

- 5.2 If the application is in respect of a Licence issued under rule 2.3(a) the Licensed Conveyancer shall deliver or cause to be delivered to the Council's offices the documents set out at rule 2.4 and 2.5 and the fee prescribed for such an application.

- 5.3 If the application is in respect of a Licence issued under rule 2.3(b) or 2.3(c) the Licensed Conveyancer shall deliver or cause to be delivered to the Council's offices the documents set out at rule 2.4 and the fee prescribed for such an application.

- 5.4 The Council may refuse an application for the removal or variation of a condition on a Licence if:

(a) the Licensed Conveyancer has not complied fully with rule 2.4 and, if applicable, with rule 2.5; or

(b) it is not satisfied (whether or not it has interviewed the Licensed Conveyancer) that the Licensed Conveyancer is a fit and proper person to practise as such a conveyancer with the removal or variation of such a condition on the Licence.

- 5.5 Where

(a) an application has been made in accordance with rule 5.2 or 5.3; and

(b) the Council has within the period of 42 days beginning with the date when the application was received by the Council neither allowed nor refused the application

then, for the purposes of these Rules, the application shall be deemed to have been so refused by the Council, and the Licensed Conveyancer shall be deemed to have been notified of the refusal at the end of the 42 day period.

6. Entitlement to Appeal

- 6.1 Subject to section 15(3) of the 1985 Act and rule 5.5 (as applicable), in any case where it decides to refuse an application for a Licence under rule 2.9 or for the removal of a condition on a Licence or the variation of a condition on a Licence under rule 5.4 the Council shall notify the Applicant or Licensed Conveyancer of the refusal of the application and of the grounds on which the application has been refused.

- 6.2 Where rule 2.9 or 5.4 applies the Applicant or Licensed Conveyancer may appeal under section 29 of the 1985 Act.