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**Changes to legislation:** There are currently no known outstanding effects for the Legal Services Act 2007, Cross Heading: Objection to existing restricted interest. (See end of Document for details)

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## SCHEDULES

### SCHEDULE 13

#### OWNERSHIP OF LICENSED BODIES

##### PART 3

###### APPROVAL OF RESTRICTED INTERESTS AFTER LICENCE IS ISSUED

###### ***POWERS OF LICENSING AUTHORITY WHERE NO CHANGE OF INTERESTS***

###### *Objection to existing restricted interest*

- 36 (1) The relevant licensing authority may object to a person's holding of a restricted interest in a licensed body (or a restricted interest of a particular kind) if—
- (a) it is not satisfied that the approval requirements are met in relation to the person's holding of that interest, or
  - (b) it is satisfied that a condition imposed under paragraph 17, 28 or 33 on the person's holding of the interest has not been, or is not being, complied with.
- (2) The licensing authority may act under sub-paragraph (1) only before the end of such period (beginning with the time when the licensing authority becomes aware of the matters in question) as may be prescribed.
- (3) If the licensing authority proposes to object to a person's holding of the restricted interest, it must give the person and the licensed body a warning notice.
- (4) But the licensing authority may object to the person's holding of the restricted interest without giving a warning notice if it considers it necessary or desirable to do so for the purpose of protecting any of the regulatory objectives.
- (5) The warning notice must—
- (a) specify the reasons for the proposed objection, and
  - (b) state that representations may be made to the licensing authority within the prescribed period.
- (6) The licensing authority must consider any representations made within the prescribed period.
- (7) If the licensing authority objects to the person's holding of the restricted interest, it must notify the person and the licensed body of its objection as soon as reasonably practicable.
- (8) The notice must—
- (a) specify the reasons for the objection, and
  - (b) explain the effect of Part 5 of this Schedule.

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#### Commencement Information

- I1** Sch. 13 para. 36 partly in force; Sch. 13 para. 36 not in force at Royal Assent see s. 211; Sch. 13 para. 36(2)(5)(b)(6) in force for certain purposes at 1.1.2009 by [S.I. 2008/3149](#), [art. 2\(d\)\(iv\)](#)
- I2** Sch. 13 para. 36(1)(3)(4)(5)(a)(7)(8) in force at 1.10.2011 by [S.I. 2011/2196](#), [art. 2\(1\)\(d\)](#)
- I3** Sch. 13 para. 36(2)(5)(b)(6) in force at 1.10.2011 in so far as not already in force by [S.I. 2011/2196](#), [art. 2\(1\)\(d\)](#)

- 37 (1) The person and the licensed body may before the end of the prescribed period appeal to the relevant appellate body against the objection.
- (2) The relevant appellate body may dismiss or allow the appeal.
- (3) If the relevant appellate body allows the appeal it may also—
- (a) order the licensing authority to impose under paragraph 33 such conditions on the person's holding of the restricted interest as may be specified in the order, or
  - (b) remit the matter to the licensing authority.
- (4) A party to the appeal may before the end of the prescribed period appeal to the High Court on a point of law arising from the decision of the relevant appellant body, but only with the permission of the High Court.
- (5) The High Court may make such order as it thinks fit.
- (6) If the person's holding of the restricted interest is subject to conditions as a result of an order made on an appeal under this paragraph, for the purposes of this Schedule the conditions are to be treated as having been imposed under paragraph 33.

#### Modifications etc. (not altering text)

- C1** Sch. 13 para. 37 modified (with effect in accordance with art. 2 of the amending S.I.) by [Legal Services Act 2007 \(Appeals from Licensing Authority Decisions\) Order 2011 \(S.I. 2011/1712\)](#), arts. 2(1), 5, [Sch. para. 2\(7\)](#)
- C2** Sch. 13 para. 37 modified (18.7.2014) by [The Legal Services Act 2007 \(Appeals from Licensing Authority Decisions\) \(Chartered Institute of Patent Attorneys and Institute of Trade Mark Attorneys\) Order 2014 \(S.I. 2014/1897\)](#), art. 2(1), [Sch. para. 2\(1\)\(7\)](#) (with art. 2(2))
- C3** Sch. 13 para. 37 modified (18.7.2014) by [The Legal Services Act 2007 \(Appeals from Licensing Authority Decisions\) \(Institute of Chartered Accountants in England and Wales\) Order 2014 \(S.I. 2014/1898\)](#), art. 2, [Sch. para. 2\(1\)\(7\)](#)
- C4** Sch. 13 para. 37 modified (1.10.2018) by [The Legal Services Act 2007 \(Appeals from Licensing Authority Decisions\) \(General Council of the Bar\) Order 2018 \(S.I. 2018/457\)](#), art. 1, [Sch. para. 2\(7\)](#)
- C5** Sch. 13 para. 37 modified (6.4.2020) by [The Legal Services Act 2007 \(Chartered Institute of Legal Executives\) \(Appeals from Licensing Authority Decisions\) Order 2020 \(S.I. 2020/301\)](#), art. 1, [Sch. para. 2\(7\)](#)

#### Commencement Information

- I4** Sch. 13 para. 37 partly in force; Sch. 13 para. 37 not in force at Royal Assent see s. 211; Sch. 13 para. 37(1)(4) in force for certain purposes at 1.1.2009 by [S.I. 2008/3149](#), [art. 2\(d\)\(iv\)](#)
- I5** Sch. 13 para. 37(1)(4) in force at 1.10.2011 in so far as not already in force by [S.I. 2011/2196](#), [art. 2\(1\)\(d\)](#)
- I6** Sch. 13 para. 37(2)(3)(5)(6) in force at 1.10.2011 by [S.I. 2011/2196](#), [art. 2\(1\)\(d\)](#)

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