

*Status: Point in time view as at 19/08/2003.*

**Changes to legislation:** Courts and Legal Services Act 1990, SCHEDULE 3 is up to date with all changes known to be in force on or before 06 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

## SCHEDULES

### <sup>F1</sup>SCHEDULE 3

Section 21.

#### THE LEGAL SERVICES OMBUDSMAN

##### Textual Amendments

- F1** Sch. 3 repealed (prosp.) by Legal Services Act 2007 (c. 29), ss. 159(2)(b), 210, 211, Sch. 23 (with ss. 29, 192, 193)

##### *Provision for discharge of functions*

- 1 (1) The [<sup>F2</sup>Secretary of State] may give general directions concerning the discharge of the functions of the Legal Services Ombudsman.
- (2) Any such directions shall be published by the [<sup>F2</sup>Secretary of State] in such manner as appears to him to be appropriate.
- (3) Subject to any such direction and to the provisions of this Act, the Ombudsman may make such provision as he considers appropriate for the discharge of his functions.
- (4) The Ombudsman may, in particular, make provision as to—
- (a) the procedure to be followed in relation to any investigation conducted by him or on his behalf;
  - (b) the form and conduct of any such investigation;
  - (c) the form, content and publication of reports under section 23.

##### Textual Amendments

- F2** Words in Schs. 3-6 substituted (19.8.2003) by The Secretary of State for Constitutional Affairs Order 2003 (S.I. 2003/1887), art. 9, Sch. 2 para. 8(1)(d) (with arts. 6, 8)

##### *Delegation of functions*

- 2 (1) The Ombudsman may delegate any of his functions to such members of his staff as he thinks fit.
- (2) All recommendations and reports prepared by or on behalf of the Ombudsman must be signed by him.

##### *Remuneration*

- 3 (1) The [<sup>F3</sup>Secretary of State] shall pay to, or in respect of, the Ombudsman, such amounts—
- (a) by way of remuneration, pensions, allowances or gratuities; or

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(b) by way of provision for any such benefits,  
as he may determine <sup>F4</sup> . . .

(2) If—

- (a) the Ombudsman ceases to hold office; and
- (b) it appears to the [<sup>F3</sup>Secretary of State] that there are special circumstances which make it right that he should receive compensation,

the [<sup>F3</sup>Secretary of State] may pay to him such sum as the [<sup>F3</sup>Secretary of State] may <sup>F4</sup> . . . determine.

#### Textual Amendments

- F3** Words in Schs. 3-6 substituted (19.8.2003) by [The Secretary of State for Constitutional Affairs Order 2003 \(S.I. 2003/1887\)](#), art. 9, **Sch. 2 para. 8(1)(d)** (with arts. 6, 8)
- F4** Words in Sch. 3 paras. 3(1)(2) repealed (27.9.1999) by 1999 c.22, s. 106, **Sch. 15 Pt. II** (with Sch. 14 paras. 7(2), 36(9)); S.I. 1999/2657, art. 2(d)(ii)(a), **Sch. 2 Pt. I para. 2(d)**

#### *Staff*

- 4 (1) The Ombudsman may appoint such staff as he thinks necessary for the discharge of his functions.
- (2) Appointments shall be made by the Ombudsman on such terms and conditions (including terms as to pensions, allowances and gratuities) as he may, with the approval of the [<sup>F5</sup>Secretary of State]<sup>F6</sup> . . . , determine.
- (3) The reference in sub-paragraph (2) to pensions, allowances or gratuities includes a reference to pensions, allowances or gratuities by way of compensation to or in respect of any of the Ombudsman's staff who suffer loss of employment or loss or diminution of emoluments.

#### Textual Amendments

- F5** Words in Schs. 3-6 substituted (19.8.2003) by [The Secretary of State for Constitutional Affairs Order 2003 \(S.I. 2003/1887\)](#), art. 9, **Sch. 2 para. 8(1)(d)** (with arts. 6, 8)
- F6** Words in Sch. 3 para. 4(2) repealed (27.9.1999) by 1999 c.22, s. 106, **Sch. 15 Pt. II** (with Sch. 14 paras. 7(2), 36(9)); S.I. 1999/2657, art. 2(d)(ii)(a), **Sch. 2 Pt. I para. 2(d)**

#### *Annual and other reports*

- 5 (1) The Ombudsman shall make an annual report to the [<sup>F7</sup>Secretary of State] on the discharge of his functions during the year to which the report relates.
- (2) The Ombudsman may, in addition, report to the [<sup>F7</sup>Secretary of State] at any time on any matter relating to the discharge of the Ombudsman's functions.
- (3) The Ombudsman shall provide the [<sup>F7</sup>Secretary of State] with such information relating to the discharge of his functions as the [<sup>F7</sup>Secretary of State] may see fit to require.

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- (4) The [<sup>F7</sup>Secretary of State] shall lay before each House of Parliament a copy of any annual report made to him under sub-paragraph (1).

**Textual Amendments**

- F7** Words in Schs. 3-6 substituted (19.8.2003) by [The Secretary of State for Constitutional Affairs Order 2003 \(S.I. 2003/1887\)](#), art. 9, **Sch. 2 para. 8(1)(d)** (with arts. 6, 8)

*Accounts and audit*

- 6 (1) The Ombudsman shall keep accounts with respect to his receipts and expenditure and shall prepare a statement of accounts with respect to each financial year.
- (2) The accounts shall be kept, and the statement of accounts prepared, in such form as the [<sup>F8</sup>Secretary of State] may, with the approval of the Treasury, direct.
- (3) The accounts shall be audited by persons appointed by the [<sup>F8</sup>Secretary of State] in respect of each financial year.
- (4) The auditors shall send to the [<sup>F8</sup>Secretary of State] a copy of the statement of accounts and of their report.
- (5) The [<sup>F8</sup>Secretary of State] shall lay before each House of Parliament a copy of every statement of accounts and auditors' report sent to him under this paragraph.

**Textual Amendments**

- F8** Words in Schs. 3-6 substituted (19.8.2003) by [The Secretary of State for Constitutional Affairs Order 2003 \(S.I. 2003/1887\)](#), art. 9, **Sch. 2 para. 8(1)(d)** (with arts. 6, 8)

*Financial provisions*

- 7 (1) Any expenses of the Ombudsman incurred under this Act shall be defrayed by the [<sup>F9</sup>Secretary of State] out of money provided by Parliament.
- (2) The Ombudsman may, with the approval of the [<sup>F9</sup>Secretary of State], pay fees or allowances to any person who, in the Ombudsman's opinion, is qualified to assist him in the discharge of his functions and who so assists him.

**Textual Amendments**

- F9** Words in Schs. 3-6 substituted (19.8.2003) by [The Secretary of State for Constitutional Affairs Order 2003 \(S.I. 2003/1887\)](#), art. 9, **Sch. 2 para. 8(1)(d)** (with arts. 6, 8)

*Parliamentary disqualification etc.*

- 8 (1) In Part III of Schedule 1 to the <sup>M1</sup>House of Commons Disqualification Act 1975 (disqualifying offices) the following entry shall be inserted at the appropriate place — “The Legal Services Ombudsman”.

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- (2) The same entry shall be inserted at the appropriate place in Part III of Schedule 1 to the <sup>M2</sup>Northern Ireland Assembly Disqualification Act 1975.

#### Marginal Citations

- M1** 1975 c. 24.  
**M2** 1975 c. 25.

#### *Acting Ombudsman*

- 9 (1) The [<sup>F10</sup>Secretary of State] may appoint a person to exercise the functions of the Ombudsman where—
- (a) the Ombudsman's office becomes vacant; or
  - (b) the Ombudsman—
    - (i) is incapable of exercising his functions; or
    - (ii) considers that it would be inappropriate for him to exercise any of his functions in connection with a particular matter (because of a possible conflict of interests or for any other reason).
- (2) A person so appointed shall have the powers of the Ombudsman but shall act only in accordance with the terms on which he is appointed.
- (3) The [<sup>F10</sup>Secretary of State] may pay to any person so appointed such remuneration as he may determine <sup>F11</sup>. . . .

#### Textual Amendments

- F10** Words in Schs. 3-6 substituted (19.8.2003) by [The Secretary of State for Constitutional Affairs Order 2003 \(S.I. 2003/1887\)](#), art. 9, **Sch. 2 para. 8(1)(d)** (with arts. 6, 8)
- F11** Words in Sch. 3 para. 9(3) repealed (27.9.1999) by 1999 c.22, s. 106, **Sch. 15 Pt. II** (with Sch. 14 paras. 7(2), 36(9)); S.I. 2657, art. 2(d)(ii)(a), Sch. 2 Pt. I para. 2(d)

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