

LEGAL SERVICES ACT 2007

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 5: Alternative Business Structures

Background

Section 94: Enforcement of notices under section 93

253. These sections deal with the information that a licensing authority may require from a licensed body and others to determine whether the terms of its licence are being complied with. The licensing authority may require information or documents (*section 93(1)*) from the body itself and any manager, officer or employee, and from any non-authorised person who holds a material interest in the body, *section 93(2)*. Requests for information are made by notice, which can specify the form in which the information is to be provided and set a deadline for doing so, and also inform the provider of the information to whom it must be provided, as set out in *section 93(3)*.
254. The licensing authority can require those persons, or a representative, to give an explanation of that material (*section 93(4)*). It may pay reasonable expenses to cover the cost of providing information and of attending to provide an explanation (*section 93(5)*). It may also copy or take extracts from any documents it receives (*section 93(6)*).
255. If persons asked for information under section 93 cannot provide it, they must give the licensing authority an explanation (*section 94(1)*). If a person fails to comply with a request, the licensing authority may apply to the High Court for an order compelling that person to comply (*section 94(2)*).