



Legal Services Act 2007

2007 CHAPTER 29

PART 6

LEGAL COMPLAINTS

Co-operation with investigations

144 Duties to share information

- (1) Scheme rules must make provision requiring persons within subsection (3) to disclose to an approved regulator information of such description as may be specified in the rules, in such circumstances as may be so specified.
- (2) The regulatory arrangements of an approved regulator must make provision requiring the approved regulator to disclose to persons within subsection (3) information of such description as may be specified in the arrangements, in such circumstances as may be so specified.
- (3) The persons are—
 - (a) the OLC;
 - (b) an ombudsman;
 - (c) a member of the OLC's staff appointed under paragraph 13 of Schedule 15.
- (4) Provision made under subsection (1) or (2) must satisfy such requirements as the Board may, from time to time, specify.
- (5) In specifying requirements under subsection (4) the Board must have regard to the need to ensure that, so far as reasonably practicable—
 - (a) duplication of investigations is avoided;
 - (b) the OLC assists approved regulators to carry out their regulatory functions, and approved regulators assist with the investigation, consideration and determination of complaints under the ombudsman scheme.
- (6) The Board must publish any requirements specified by it under subsection (4).

Changes to legislation: There are currently no known outstanding effects for the Legal Services Act 2007, Cross Heading: Co-operation with investigations. (See end of Document for details)

- (7) The OLC must—
- (a) before publishing under section 205(2) a draft of rules it proposes to make under subsection (1), consult each approved regulator to which the proposed rules apply, and
 - (b) when seeking the Board's consent to such rules under section 155, identify any objections made by an approved regulator to the rules and not withdrawn.
- (8) An approved regulator must—
- (a) consult the OLC before making provisions in its regulatory arrangements of the kind mentioned in subsection (2), and
 - (b) where an application is made for the Board's approval of such provisions, identify any objections made by the OLC to the provisions and not withdrawn.
- (9) This section applies to the Board in its capacity as a licensing authority and licensing rules made by the Board as it applies to an approved regulator and its regulatory arrangements; and for this purpose the reference in subsection (5)(b) to “regulatory functions” is to be read as a reference to the Board's functions under its licensing rules.

Commencement Information

- I1** S. 144 partly in force; s. 144 not in force at Royal Assent see s. 211; s. 144(1)(3) in force at 1.1.2009 by [S.I. 2008/3149](#), [art. 2\(e\)\(i\)](#)
- I2** S. 144(2)(8)(9) in force at 6.10.2010 by [S.I. 2010/2089](#), [art. 2\(a\)](#) (with [art. 5](#)) (as amended (30.9.2011) by [S.I. 2011/2196](#), art. 6)

145 Duties of authorised persons to co-operate with investigations

- (1) The regulatory arrangements of an approved regulator, and licensing rules made by the Board in its capacity as a licensing authority, must make—
- (a) provision requiring each relevant authorised person to give ombudsmen all such assistance requested by them, in connection with the investigation, consideration or determination of complaints under the ombudsman scheme, as that person is reasonably able to give, and
 - (b) provision for the enforcement of that requirement.
- (2) The provision made for the purposes of subsection (1) must satisfy such requirements as the Board may, from time to time, specify for the purposes of that subsection.
- (3) The Board must publish any requirements specified by it under subsection (2).
- (4) In this section “relevant authorised person”—
- (a) in relation to an approved regulator, has the same meaning as in section 112, and
 - (b) in relation to the Board in its capacity as a licensing authority, means a person licensed by the Board under Part 5.

Commencement Information

- I3** S. 145 partly in force; s. 145 not in force at Royal Assent see s. 211; s. 145(2)(3) in force at 1.1.2009 by [S.I. 2008/3149](#), [art. 2\(e\)\(i\)](#)

Changes to legislation: There are currently no known outstanding effects for the Legal Services Act 2007, Cross Heading: Co-operation with investigations. (See end of Document for details)

- 14** S. 145(1)(4) in force at 6.10.2010 by [S.I. 2010/2089](#), [art. 2\(a\)](#) (with [art. 5](#)) (as amended (30.9.2011) by [S.I. 2011/2196](#), art. 6)

146 Reporting failures to co-operate with an investigation to approved regulators

- (1) This section applies where an ombudsman is of the opinion that an authorised person has failed to give an ombudsman all such assistance requested by the ombudsman, in connection with the investigation, consideration or determination of a complaint under the ombudsman scheme, as that person is reasonably able to give.
- (2) The ombudsman must give each relevant authorising body, in relation to that person, a report which—
 - (a) states that the ombudsman is of that opinion, and
 - (b) gives details of the failure.
- (3) A report under subsection (2) may require the relevant authorising body to report to the ombudsman the action which has been or is to be taken by it in response to the report under that subsection and the reasons for that action being taken.
- (4) The duty imposed by subsection (2) is not affected by the withdrawal or abandonment of the complaint.
- (5) If an ombudsman, having regard to any report produced by the relevant authorising body in compliance with a requirement imposed under subsection (3), or any failure to comply with such a requirement, considers—
 - (a) that there has been a serious failure by the relevant authorising body to discharge its regulatory functions, or
 - (b) if such a requirement has been imposed on the body on more than one occasion, that the relevant authorising body has persistently failed adequately to discharge its regulatory functions,the ombudsman may make a report to that effect to the Board.
- (6) In this section “authorised person” means an authorised person in relation to any activity which is a reserved legal activity.

Commencement Information

- 15** S. 146 in force at 6.10.2010 by [S.I. 2010/2089](#), [art. 2\(a\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Legal Services Act 2007, Cross
Heading: Co-operation with investigations.