



# Legal Services Act 2007

## 2007 CHAPTER 29

### PART 6

#### LEGAL COMPLAINTS

##### *Effect on existing arrangements for redress etc*

#### **157 Approved regulators not to make provision for redress**

- (1) The regulatory arrangements of an approved regulator must not include any provision relating to redress.
- (2) If at the time this subsection comes into force the regulatory arrangements of an approved regulator contravene subsection (1), any provision relating to redress included in those regulatory arrangements ceases to have effect at that time, subject to subsection (3).
- (3) An order under section 211 which appoints a day for the coming into force of subsection (2) may include transitional provision in respect of any proceedings which, immediately before that day are awaiting determination under any provision relating to redress made by an approved regulator.

This subsection is without prejudice to any other transitional provision which may be made by or under this Act.

- (4) For the purposes of this section “provision relating to redress” means any provision made in regulatory arrangements (whether it is statutory or non-statutory) for redress in respect of acts or omissions of authorised persons and any provision connected with such provision.
- (5) Nothing in this section prevents an approved regulator making—
  - (a) provision in its regulatory arrangements of the kind required by section 112 (requirement for authorised persons to have complaints procedures etc),
  - (b) indemnification arrangements or compensation arrangements, or
  - (c) provision which by virtue of section 158 is not prohibited by this section.

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*Status: This is the original version (as it was originally enacted).*

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- (6) In subsection (4) “authorised person” means an authorised person in relation to any activity which is a reserved legal activity.
- (7) This section applies to licensing rules made by the Board in its capacity as a licensing authority as it applies in relation to the regulatory arrangements of an approved regulator.

### **158 Regulatory arrangements not prohibited by section 157**

- (1) Section 157 does not prohibit the regulatory arrangements of an approved regulator from making provision requiring, or authorising the approved regulator to require, a relevant authorised person—
  - (a) to investigate whether there are any persons who may have a claim against the relevant authorised person in relation to a matter specified by the approved regulator;
  - (b) to provide the approved regulator with a report on the outcome of the investigation;
  - (c) to identify persons (“affected persons”) who may have such a claim;
  - (d) to notify affected persons that they may have such a claim;
  - (e) to provide affected persons with information about the relevant authorised person’s complaints procedures and the ombudsman scheme;
  - (f) to ensure that the relevant authorised person’s complaints procedures operate as if an affected person had made a complaint against the relevant authorised person in respect of the act or omission to which the claim relates.
- (2) For the purposes of subsection (1) “claim”, in relation to a relevant authorised person, means a claim for redress resulting from an act or omission of that person.
- (3) For the purposes of this section—
  - (a) “relevant authorised person”, in relation to an approved regulator, means a person authorised by that approved regulator to carry on an activity which is a reserved legal activity, and
  - (b) a relevant authorised person’s complaints procedures are the procedures established by that person, or which that person participates in or is subject to, in accordance with regulatory arrangements made in accordance with section 112.
- (4) This section applies in relation to the Board in its capacity as a licensing authority as it applies in relation to an approved regulator, and in relation to the Board references to regulatory arrangements are to be read as references to the Board’s licensing rules.

### **159 Legal Services Complaints Commissioner and Legal Services Ombudsman**

- (1) The offices of Legal Services Complaints Commissioner and Legal Services Ombudsman are abolished.
- (2) Accordingly—
  - (a) sections 51 and 52 of, and Schedule 8 to, the Access to Justice Act 1999 (c. 22), and
  - (b) sections 21 to 26 of, and Schedule 3 to, the Courts and Legal Services Act 1990 (c. 41),are repealed.