



# Legal Services Act 2007

## 2007 CHAPTER 29

### PART 7

#### FURTHER PROVISIONS RELATING TO THE BOARD AND THE OLC

##### *Voluntary arrangements*

#### **163 Voluntary arrangements**

- (1) The Board may enter into arrangements with any person under which the Board is to provide assistance for the purpose of improving standards of service and promoting best practice in connection with the carrying on of any legal activity.
- (2) These arrangements may (among other things) provide for the Board to give advice on—
  - (a) the best regulatory practice, or
  - (b) the contents of codes of practice or other voluntary arrangements.
- (3) Arrangements under this section may include provision as to the terms on which assistance is to be provided by the Board (including provision as to payment).
- (4) Where the Board enters into arrangements under this section, it must publish a statement giving details of the arrangements and explaining what they are intended to achieve.

#### **164 Power to establish voluntary scheme for resolving complaints**

- (1) This section and section 166 provide for a scheme under which legal services complaints may be resolved quickly and with minimum formality by an independent person.
- (2) The OLC may make rules (“voluntary scheme rules”) establishing such a scheme (“the voluntary scheme”), but only in relation to such kinds of legal services complaints

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*Status: This is the original version (as it was originally enacted).*

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as may be specified by order made by the Lord Chancellor for the purposes of this section.

- (3) An order under subsection (2) may in particular specify a kind of legal services complaint by reference to the description of the complainant, of the respondent, or of the legal services to which the complaint relates.
- (4) “Legal services complaint” means a complaint which relates to an act or omission of an eligible person (“the respondent”) in the course of that person providing legal services.
- (5) For that purpose a person is eligible if at the time the act or omission took place there was no activity in relation to which the person—
  - (a) was an authorised person, or
  - (b) is to be regarded as having been such a person by virtue of section 129.
- (6) Under the voluntary scheme—
  - (a) redress may be provided to the complainant, but
  - (b) no disciplinary action may be taken against the respondent.
- (7) Voluntary scheme rules may confer functions on ombudsmen for the purposes of the voluntary scheme.
- (8) Section 131 applies for the purposes of the voluntary scheme as it applies for the purposes of the ombudsman scheme.
- (9) Sections 155 and 156 apply in relation to voluntary scheme rules as they apply in relation to scheme rules.
- (10) In this section—
 

“legal services” means services provided by a person which consist of or include legal activities carried on by, or on behalf of, that person;

“the voluntary scheme” and “voluntary scheme rules” have the meaning given by subsection (2).

## **165 Procedure for making orders under section 164**

- (1) The Lord Chancellor may make an order under section 164(2) only on the recommendation of an interested body.
- (2) An interested body must, if requested to do so by the Lord Chancellor, consider whether or not it is appropriate to make a recommendation for such an order.
- (3) An interested body must, before making a recommendation for such an order—
  - (a) publish a draft of the proposed recommendation,
  - (b) invite representations regarding the proposed recommendation, and
  - (c) consider any such representations which are made.
- (4) Where the Lord Chancellor receives a recommendation from an interested body for an order under section 164(2), the Lord Chancellor must consider whether to follow the recommendation.
- (5) If the Lord Chancellor decides not to follow the recommendation, the Lord Chancellor must publish a notice to that effect which includes the Lord Chancellor’s reasons for the decision.

- (6) In this section “interested body” means—
- (a) the OLC,
  - (b) the Board, or
  - (c) the Consumer Panel.

## **166 Operation of voluntary scheme**

- (1) A complaint may be determined under the voluntary scheme only if—
- (a) the complainant falls within a class of persons specified in voluntary scheme rules as qualified to make a complaint,
  - (b) the complainant wishes to have the complaint dealt with under the scheme,
  - (c) at the time of the act or omission to which the complaint relates, the respondent was participating in the scheme and voluntary scheme rules were in force in relation to the legal services in question, and
  - (d) at the time the complaint is made under the scheme the respondent has not withdrawn from the scheme in accordance with its provisions.
- (2) A person qualifies for participation in the voluntary scheme if the person falls within a class of persons specified as qualified in voluntary scheme rules.
- (3) In such circumstances as may be specified in voluntary scheme rules, a complaint may be dealt with under the voluntary scheme even though subsection (1)(c) would otherwise prevent that.
- (4) Subsection (3) applies only if the respondent participates in the voluntary scheme on the basis that complaints of that kind are to be dealt with under the scheme.
- (5) Complaints are to be dealt with and determined under the voluntary scheme on standard terms fixed by the OLC with the consent of the Board.
- (6) The OLC may modify standard terms only with the consent of the Board.
- (7) Section 204(3) applies to standard terms as it applies to rules made by the OLC.
- (8) The standard terms may in particular make provision—
- (a) requiring the making of payments to the OLC by persons participating in the scheme of such amounts, at such times and in such circumstances, as may be determined by the OLC;
  - (b) as to the award of costs on the determination of a complaint (including provision for an award of costs in favour of the OLC for the purpose of providing a contribution to resources deployed in dealing with the complaint).
- (9) In this section “legal services”, “the voluntary scheme” and “voluntary scheme rules” have the same meaning as in section 164.