



Legal Services Act 2007

2007 CHAPTER 29

PART 9

GENERAL

Orders, rules etc

204 Orders, regulations and rules

- (1) Any order or regulations made by the Lord Chancellor under this Act must be made by statutory instrument.
- (2) Any rules made by the Board under section 37(4), 95(3) or 173 must be made by statutory instrument, and the Statutory Instruments Act 1946 (c. 36) applies to the Board's powers to make rules under those sections as if the Board were a Minister of the Crown.
- (3) An instrument to which this subsection applies may—
 - (a) provide for a person to exercise a discretion in dealing with any matter;
 - (b) include incidental, supplementary and consequential provision;
 - (c) make transitory or transitional provision and savings;
 - (d) make provision generally or subject to exceptions or only in relation to specified cases;
 - (e) make different provision for different cases or circumstances or for different purposes.
- (4) Subsection (3) applies to—
 - (a) any order or regulations made by the Lord Chancellor,
 - (b) any rules or regulations made by the Board, and
 - (c) any rules made by the OLC,under or by virtue of this Act.

Changes to legislation: There are currently no known outstanding effects for the Legal Services Act 2007, Cross Heading: Orders, rules etc. (See end of Document for details)

Modifications etc. (not altering text)

- C1** S. 204 extended to S. and N.I. in accordance with the amending provision (28.6.2022) by [Judicial Review and Courts Act 2022 \(c. 35\)](#), [ss. 48\(5\)](#), [51\(3\)](#)

Commencement Information

- II** S. 204 partly in force; s. 204 not in force at Royal Assent see s. 211; s. 204(1)(3)(4)(a) in force at 7.3.2008 by [S.I. 2008/222](#), [art. 2\(g\)](#)

205 Consultation requirements for rules

- (1) This section applies in relation to—
 - (a) rules made by the Board under this Act, and
 - (b) rules made by the OLC under Part 6, other than excluded rules.
- (2) If the Board or the OLC (“the rule-making body”) proposes to make any rules, it must publish a draft of the proposed rules.
- (3) The draft must be accompanied by a notice which states that representations about the proposals may be made to the rule-making body within the period specified in the notice.
- (4) Before making the rules, the rule-making body must have regard to any representations duly made.
- (5) If the rules differ from the draft published under subsection (2) in a way which is, in the opinion of the rule-making body, material, it must publish details of the differences.
- (6) The rule-making body must publish any rules it makes, and rules may not take effect before the time they are published.
- (7) Subsection (6) does not apply to rules made by the Board under section 37(4), 95(3) or 173.
- (8) The rule-making body may make a reasonable charge for providing a person with a copy of—
 - (a) a draft published under subsection (2), or
 - (b) rules published under subsection (6).
- (9) In this section “excluded rules” means—
 - (a) rules of procedure made by the Board for the purposes of paragraph 21 of Schedule 1,
 - (b) rules made by the Board in its capacity as an approved regulator or a licensing authority, and
 - (c) rules of procedure made by the OLC for the purposes of paragraph 20 of Schedule 15;

and references to making rules include references to modifying the rules and, in relation to any modifications of rules, references to the proposed rules are to be read as references to the proposed modifications.
- (10) This section is subject to section 156(3) (which disapplies this section to OLC rules made in response to a Board direction under section 156(1)(b)).

206 Parliamentary control of orders and regulations

- (1) A statutory instrument containing an order or regulations made by the Lord Chancellor under this Act is subject to annulment in pursuance of a resolution of either House of Parliament.
- (2) Subsection (1) is subject to subsections (3) and (4).
- (3) Subsection (1) does not apply to an order if it contains only provision made under one or more of the following—
 - (a) section 23(3)(b) (day appointed as end of transitional period relating to non-commercial bodies);
 - (b) section 30(4) (appointed day before which first set of rules must be made under section 30);
 - (c) section 211 (commencement);
 - (d) paragraph 3(1)(b) of Schedule 5 (day appointed as end of transitional period during which rights conferred by virtue of Part 2 of that Schedule);
 - (e) paragraph 18(1)(b) of Schedule 18 (day appointed as end of transitional period during which rights conferred by virtue of Part 3 of that Schedule).
- (4) Subsection (1) does not apply to an order or regulations which contains (whether alone or together with other provision) provision made under any of the following—
 - (a) section 24(1) (orders adding to reserved legal activities);
 - (b) section 25(1) or (3) (provisional designation of approved regulators);
 - (c) section 42(6) (regulations relating to warrants under section 42);
 - (d) section 45(1) (cancellation of designation as approved regulator);
 - (e) section 46 (transitional arrangements following cancellation under section 45);
 - (f) section 48(6) (regulations relating to warrants under section 48);
 - (g) section 62(1) (power to designate Board as an approved regulator, modify its functions or cancel its designation);
 - (h) section 69(1) (modification of functions of approved regulators etc);
 - (i) section 76(1) (cancellation of designation as licensing authority);
 - (j) section 77 (transitional arrangements following cancellation under section 76);
 - (k) section 79(6) (regulations relating to warrants under section 79);
 - (l) section 80(1) (order establishing appellate body etc);
 - (m) section 106(1)(e) (power to prescribe bodies as bodies to which section 106 applies);
 - (n) section 109 (power to modify application of Part 5 to foreign bodies);
 - [^{F1}(na) section 111D (order to confer information powers on other approved regulators);]
 - (o) section 173(5)(c) (power to prescribe persons as liable bodies);
 - ^{F2}(oa)
 - (p) section 207(5) (power to modify definition of “manager” in its application to foreign bodies);
 - (q) section 208(3) (power to make consequential provision etc by amending enactments);
 - (r) paragraph 9(1) of Schedule 3 (modification of exempt persons);
 - (s) paragraph 17 of Schedule 4 (designation of approved regulators);

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- (t) paragraph 9 of Schedule 13 (power to modify definitions of “material interest” and “associates”);
 - (u) paragraph 2 of Schedule 22 (transitory power to modify functions of designated regulators etc).
- (5) An order or regulations within subsection (4) may not be made unless a draft of the order or regulations has been laid before, and approved by a resolution of, each House of Parliament.
- (6) A statutory instrument containing rules made by the Board under section 37(4), 95(3) or 173 is subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

- F1** S. 206(4)(na) inserted (26.10.2023 for specified purposes) by [Economic Crime and Corporate Transparency Act 2023 \(c. 56\)](#), **ss. 210(3)**, 219(1)(2)(b)
- F2** S. 206(4)(oa) omitted (29.11.2018 for specified purposes, 1.4.2019 in so far as not already in force) by virtue of [The Financial Services and Markets Act 2000 \(Claims Management Activity\) Order 2018 \(S.I. 2018/1253\)](#), arts. 1(2)(3), **95(8)**

Modifications etc. (not altering text)

- C2** S. 206 extended to S. and N.I. in accordance with the amending provision (28.6.2022) by [Judicial Review and Courts Act 2022 \(c. 35\)](#), **ss. 48(5)**, 51(3)

Changes to legislation:

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