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

SCHEDULES

SCHEDULE 13

OWNERSHIP OF LICENSED BODIES

PART 3

APPROVAL OF RESTRICTED INTERESTS AFTER LICENCE IS ISSUED

POWERS OF LICENSING AUTHORITY IN RELATION TO CHANGE OF INTERESTS

Conditional approval of notifiable interest

- 28 (1) If the licensing authority is not satisfied that the approval requirements are met in relation to the investor's holding of the notifiable interest, it may approve the investor's holding of that interest subject to conditions.
- (2) It may do so only if it considers that, if the conditions are complied with, it will be appropriate for the investor to hold the notifiable interest without the approval requirements being met.
- (3) If the licensing authority proposes to approve the investor's holding of the notifiable interest subject to conditions it must give the investor and the licensed body a warning notice.
- (4) But the licensing authority may approve the investor's holding of the notifiable interest subject to conditions without giving a warning notice if it considers it necessary or desirable to do so for the purpose of protecting any of the regulatory objectives.
- (5) The warning notice must—
- (a) specify the nature of the conditions proposed and the reasons for their imposition, and
 - (b) state that representations may be made to the licensing authority within the prescribed period.
- (6) The licensing authority must consider any representations made within the prescribed period.
- (7) If the licensing authority approves the investor's holding of the notifiable interest subject to conditions, it must notify the investor and the licensed body of its approval as soon as reasonably practicable.
- (8) The notice must—
- (a) specify the reasons for the imposition of the conditions and (if the investor already holds the notifiable interest) the time from which they have effect, and

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(b) explain the effect of Part 5 of this Schedule.

Commencement Information

- I1** Sch. 13 para. 28 partly in force; Sch. 13 para. 28 not in force at Royal Assent see s. 211; Sch. 13 para. 28(5)(b)(6) in force for certain purposes at 1.1.2009 by [S.I. 2008/3149](#), **art. 2(d)(iv)**
- I2** Sch. 13 para. 28(1)-(4)(5)(a)(7)(8) in force at 1.10.2011 by [S.I. 2011/2196](#), **art. 2(1)(d)**
- I3** Sch. 13 para. 28(5)(b)(6) in force at 1.10.2011 in so far as not already in force by [S.I. 2011/2196](#), **art. 2(1)(d)**

- 29 (1) The investor and the licensed body may before the end of the prescribed period appeal to the relevant appellate body against the imposition of any or all the conditions.
- (2) The relevant appellate body may dismiss the appeal, or allow the appeal and—
- (a) order the licensing authority to approve the investor's holding of the notifiable interest without conditions, or subject to such conditions as may be specified in the order, or
 - (b) remit the matter to the licensing authority.
- (3) A party to the appeal may before the end of the prescribed period appeal to the High Court on a point of law arising from the decision of the relevant appellate body, but only with the permission of the High Court.
- (4) The High Court may make such order as it thinks fit.
- (5) If the investor's holding of the notifiable interest is subject to conditions as a result of an order made on an appeal under this paragraph, for the purposes of this Schedule the conditions are to be treated as having been imposed under paragraph 28.

Modifications etc. (not altering text)

- C1** Sch. 13 para. 29 modified (with effect in accordance with art. 2 of the amending S.I.) by [Legal Services Act 2007 \(Appeals from Licensing Authority Decisions\) Order 2011 \(S.I. 2011/1712\)](#), arts. 2(1), 5, **Sch. para. 2(4)**
- C2** Sch. 13 para. 29 modified (18.7.2014) by [The Legal Services Act 2007 \(Appeals from Licensing Authority Decisions\) \(Institute of Chartered Accountants in England and Wales\) Order 2014 \(S.I. 2014/1898\)](#), art. 2, Sch. para. 2(1)(4)
- C3** Sch. 13 para. 29 modified (18.7.2014) by [The Legal Services Act 2007 \(Appeals from Licensing Authority Decisions\) \(Chartered Institute of Patent Attorneys and Institute of Trade Mark Attorneys\) Order 2014 \(S.I. 2014/1897\)](#), art. 2(1), Sch. para. 2(1)(4) (with art. 2(2))
- C4** Sch. 13 para. 29 modified (1.10.2018) by [The Legal Services Act 2007 \(Appeals from Licensing Authority Decisions\) \(General Council of the Bar\) Order 2018 \(S.I. 2018/457\)](#), art. 1, **Sch. para. 2(4)**
- C5** Sch. 13 para. 29 modified (6.4.2020) by [The Legal Services Act 2007 \(Chartered Institute of Legal Executives\) \(Appeals from Licensing Authority Decisions\) Order 2020 \(S.I. 2020/301\)](#), art. 1, **Sch. para. 2(4)**

Commencement Information

- I4** Sch. 13 para. 29 partly in force; Sch. 13 para. 29 not in force at Royal Assent see s. 211; Sch. 13 para. 29(1)(3) in force for certain purposes at 1.1.2009 by [S.I. 2008/3149](#), **art. 2(d)(iv)**
- I5** Sch. 13 para. 29(1)(3) in force at 1.10.2011 in so far as not already in force by [S.I. 2011/2196](#), **art. 2(1)(d)**
- I6** Sch. 13 para. 29(2)(4)(5) in force at 1.10.2011 by [S.I. 2011/2196](#), **art. 2(1)(d)**

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