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## SCHEDULES

### SCHEDULE 21

Section 208

#### MINOR AND CONSEQUENTIAL AMENDMENTS

##### *Public Notaries Act 1801 (c. 79)*

- 1 The Public Notaries Act 1801 is amended in accordance with paragraphs 2 and 3.
- 2 In section 1 (no person to be created to act as public notary, to do any notarial act etc unless duly admitted), omit “, or use and exercise the office of a notary, or do any notarial act.”.
- 3 In section 14 (Act not to extend to certain persons), omit from “proctor” to “any other”.

##### *Public Notaries Act 1843 (c. 90)*

- 4 The Public Notaries Act 1843 is amended in accordance with paragraphs 5 to 7.
- 5 After section 7 insert—

#### **“7A Effect of admission or grant of faculty**

- (1) Despite any provision made by the Public Notaries Acts, a person's entitlement to carry on an activity which is a notarial activity is to be determined in accordance with the Legal Services Act 2007.
  - (2) Nothing in the Public Notaries Acts is to be regarded, for the purposes of paragraph 5(2) of Schedule 3 to the Legal Services Act 2007 (exempt persons in relation to notarial activities) as authorising a person to carry on such an activity.
  - (3) For this purpose—
    - “the Public Notaries Acts” means this Act and the Public Notaries Act 1801;
    - “exempt person” and “notarial activity” have the same meaning as in the Legal Services Act 2007.”
- 6 In section 8 (Master of Faculties may issue commissions to take oaths)—
    - (a) the existing provision becomes subsection (1), and
    - (b) after that subsection insert—
      - “(2) For the purposes of the Legal Services Act 2007, the issue of a commission under subsection (1) is to be treated as an authorisation to carry on the relevant activities by virtue of another enactment (see paragraph 6(2) of Schedule 3 to that Act).

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(3) In subsection (2), “relevant activities” means the activities authorised by the commission.”

7 Omit section 10 (offence of practising as notary without authorisation).

*Bills of Exchange Act 1882 (c. 61)*

8 The Bills of Exchange Act 1882 is amended in accordance with paragraphs 9 and 10.

9 In section 51 (noting or protest of bill), after subsection (7) insert—

“(7A) In subsection (7) “notary” includes a person who, for the purposes of the Legal Services Act 2007, is an authorised person in relation to any activity which constitutes a notarial activity (within the meaning of that Act).”

10 In section 94 (protest when notary not accessible)—

- (a) the existing provision becomes subsection (1), and
- (b) after that subsection insert—

“(2) In subsection (1), “notary” includes a person who, for the purposes of the Legal Services Act 2007, is an authorised person in relation to any activity which constitutes a notarial activity (within the meaning of that Act).”

*Commissioners for Oaths Act 1889 (c. 10)*

11 The Commissioners for Oaths Act 1889 is amended in accordance with paragraphs 12 and 13.

12 In section 1(3) (powers of commissioners for oaths) omit from “in which” (in the first place) to “solicitor, or”.

13 In section 6 (powers as to oaths and notarial acts abroad), after subsection (1) insert—

“(1A) In subsection (1), “notary public” includes a person who, for the purposes of the Legal Services Act 2007, is an authorised person in relation to any activity which constitutes a notarial activity (within the meaning of that Act).”

*Benefices Act 1898 (c. 48)*

14 In section 3 of the Benefices Act 1898 (appeal against refusal of benefice)—

- (a) in subsection (2) for “counsel or a solicitor” substitute “ an authorised person ”, and
- (b) after that subsection insert—

“(2A) In subsection (2) “authorised person” means a person who, for the purposes of the Legal Services Act 2007, is an authorised person in relation to an activity which constitutes the exercise a right of audience (within the meaning of that Act).”

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*Children and Young Persons Act 1933 (c. 12)*

- 15 The Children and Young Persons Act 1933 is amended in accordance with paragraphs 16 to 20.
- 16 In section 37(1) (power to clear court while child or young person giving evidence), for “counsel or solicitors” substitute “ legal representatives ”.
- 17 In section 43 (admission of deposition in evidence), for “counsel or solicitor” substitute “ legal representative ”.
- 18 In section 47(2)(b) (procedure in youth courts), for “solicitors and counsel” substitute “ legal representatives ”.
- 19 In section 49(11) (restrictions on reports of proceedings), omit the definition of “legal representative”.
- 20 In section 107 (interpretation), after the definition of “legal guardian” insert—
- ““legal representative” means a person who, for the purposes of the Legal Services Act 2007, is an authorised person in relation to an activity which constitutes the exercise of a right of audience or the conduct of litigation (within the meaning of that Act);”.

*London Building Acts (Amendment) Act 1939 (c. xcvi)*

- 21 In section 115 of the London Building Acts (Amendment) Act 1939 (jurisdiction of tribunal of appeal)—
- (a) in subsection (2), for “counsel solicitor” substitute “ an authorised person ”, and
- (b) after that subsection insert—
- “(2A) In subsection (2) “authorised person” means a person who, for the purposes of the Legal Services Act 2007, is an authorised person in relation to an activity which constitutes the exercise of a right of audience (within the meaning of that Act).”

*Accommodation Agencies Act 1953 (c. 23)*

- 22 In section 1 of the Accommodation Agencies Act 1953 (illegal commissions and advertisements)—
- (a) in subsection (3), after “solicitor” insert “ or an authorised person ”, and
- (b) in subsection (6), after “say:—” insert—
- ““authorised person” means a person (other than a solicitor) who, for the purposes of the Legal Services Act 2007, is an authorised person in relation to an activity which is a reserved legal activity (within the meaning of that Act);”.

*Geneva Conventions Act 1957 (c. 52)*

- 23 In section 3 of the Geneva Conventions Act 1957 (legal representation of certain persons), after subsection (5) insert—
- “(6) In this section—

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“counsel” includes any person who, for the purposes of the Legal Services Act 2007, is an authorised person in relation to an activity which constitutes the exercise of a right of audience (within the meaning of that Act);

“solicitor” includes any person who, for the purposes of that Act, is an authorised person in relation to an activity which constitutes the conduct of litigation (within the meaning of that Act).”

*Horserace Betting Levy Act 1969 (c. 14)*

24 In section 4 of the Horserace Betting Levy Act 1969 (non-renewal of bookmaker's permit)—

- (a) in subsection (2), for “or a solicitor” substitute “ , a solicitor or an authorised person ”, and
- (b) after that subsection insert—

“(2A) In subsection (2), “authorised person” means a person (other than counsel or a solicitor) who, for the purposes of the Legal Services Act 2007, is an authorised person in relation to an activity which constitutes the exercise of a right of audience or the conduct of litigation (within the meaning of that Act).”

*Taxes Management Act 1970 (c. 9)*

25 In section 20B of the Taxes Management Act 1970 (restrictions on power to require documents)—

- (a) in subsection (3), for “barrister, advocate or solicitor” (in both places) substitute “ relevant lawyer ”,
- (b) in subsection (8), for “barrister, advocate or a solicitor” substitute “ relevant lawyer ”, and
- (c) after subsection (14) insert—

“(15) In this section “relevant lawyer” means a barrister, advocate, solicitor or other legal representative communications with whom may be the subject of a claim to professional privilege.”

*Powers of Attorney Act 1971 (c. 27)*

26 In section 3 of the Powers of Attorney Act 1971 (proof of instruments creating powers of attorney)—

- (a) in subsection (1)(b) for “duly certificated notary public” substitute “ , authorised person ”, and
- (b) in subsection (3) for from “ “duly” to “Act and” substitute “ “authorised person” means a person (other than a solicitor) who, for the purposes of the Legal Services Act 2007, is an authorised person in relation to any activity which constitutes a notarial activity (within the meaning of that Act) and ”.

*Poisons Act 1972 (c. 66)*

27 In section 9(7) of the Poisons Act 1972 (right to conduct proceedings), omit “notwithstanding that he is not of counsel or a solicitor”.

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*Local Government Act 1972 (c. 70)*

- 28 In section 223 of the Local Government Act 1972 (appearance of local authorities in legal proceedings), in subsection (1) for “, notwithstanding” to the end substitute “ to conduct any such proceedings. ”

*Matrimonial Causes Act 1973 (c. 18)*

- 29 In section 6 of the Matrimonial Causes Act 1973 (attempts at reconciliation of parties to marriage) in subsection (1) for “solicitor” substitute “ legal representative ”.

*Fair Trading Act 1973 (c. 41)*

- 30 In section 29 of the Fair Trading Act 1973 (powers of entry and seizure)—
- (a) in subsection (5), for “barrister, advocate or solicitor” substitute “ relevant lawyer ”, and
  - (b) after subsection (5) insert—
- “(6) “Relevant lawyer” means a barrister, advocate, solicitor, or other legal representative communications with whom may be the subject of a claim to privilege.”

*Consumer Credit Act 1974 (c. 39)*

- 31 In section 146 of the Consumer Credit Act 1974 (exceptions from section 145), after subsection (2) insert—
- “(2A) An authorised person (other than a barrister or solicitor) engaging in contentious business is not to be treated as doing so in the course of any ancillary credit business.
- (2B) In subsection (2A)—
- “authorised person” means a person who, for the purposes of the Legal Services Act 2007, is an authorised person in relation to an activity which constitutes the exercise of a right of audience or the conduct of litigation (within the meaning of that Act);
- “contentious business” means business done in or for the purposes of proceedings begun before a court or before an arbitrator, not being non-contentious or common form probate business (within the meaning of section 128 of the Supreme Court Act 1981).”

*Sex Discrimination Act 1975 (c. 65)*

- 32 In section 77 of the Sex Discrimination Act 1975 (validity and revision of contracts), in subsection (4BB)(a) for “a barrister” (in the first place) to the end substitute “ a person who, for the purposes of the Legal Services Act 2007, is an authorised person in relation to an activity which constitutes the exercise of a right of audience or the conduct of litigation (within the meaning of that Act), and ”.

*Bail Act 1976 (c. 63)*

- 33 The Bail Act 1976 is amended in accordance with paragraphs 34 and 35.

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- 34 In section 3 (general provisions), in subsection (6)(e) for “an authorised advocate” to the end substitute “ a person who, for the purposes of the Legal Services Act 2007, is an authorised person in relation to an activity which constitutes the exercise of a right of audience or the conduct of litigation (within the meaning of that Act); ”.
- 35 In section 5 (supplementary provisions about decisions on bail)—
- (a) in subsection (5), for “is represented by counsel or a solicitor unless his counsel or solicitor” substitute “ has legal representation unless his legal representative ”, and
  - (b) in subsection (6), for “is not represented by counsel or a solicitor” substitute “ does not have legal representation ”.

*Race Relations Act 1976 (c. 74)*

- 36 The Race Relations Act 1976 is amended in accordance with paragraphs 37 to 39.
- 37 In section 67A (national security: procedure), in subsection (3)(a) for “have a general” to the end substitute “ be a person who, for the purposes of the Legal Services Act 2007, is an authorised person in relation to an activity which constitutes the exercise of a right of audience or the conduct of litigation (within the meaning of that Act), and ”.
- 38 In section 72 (validity and revision of contracts), in subsection (4BB)(a) for “a barrister” (in the first place) to the end substitute “ a person who, for the purposes of the Legal Services Act 2007, is an authorised person in relation to an activity which constitutes the exercise of a right of audience or the conduct of litigation (within the meaning of that Act), and ”.
- 39 In Schedule 1A (bodies and other persons subject to general statutory duty), in Part 2, in the entry for the Chartered Institute of Patent Agents, for “Agents” substitute “ Attorneys ”.

*Patents Act 1977 (c. 37)*

- 40 In section 102 of the Patents Act 1977 (rights of audience etc in proceedings before the comptroller)—
- (a) after subsection (2) insert—
    - “(2A) For the purposes of subsection (2), as it has effect in relation to England and Wales, “the enactment relating to the preparation of documents by persons not qualified” means section 14 of the Legal Services Act 2007 (offence to carry on a reserved legal activity if not entitled) as it applies in relation to an activity which amounts to the carrying on of reserved instrument activities within the meaning of that Act.”, and
  - (b) for subsection (5) substitute—
    - “(5) Nothing in this section is to be taken to limit any entitlement to prepare deeds conferred on a registered patent attorney by virtue of the Legal Services Act 2007.”

*Estate Agents Act 1979 (c. 38)*

- 41 In section 11 of the Estate Agents Act 1979 (powers of entry and inspection)—

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- (a) in subsection (8), for “counsel or solicitor” substitute “ a relevant lawyer ”, and
- (b) after that subsection insert—

“(9) For the purposes of subsection (8) “relevant lawyer” means counsel, a solicitor or other legal representative communications with whom may be the subject of a claim to privilege.”

*Magistrates' Courts Act 1980 (c. 43)*

42 The Magistrates' Courts Act 1980 is amended in accordance with paragraphs 43 and 44.

43 In section 144 (rule committee and rules of procedure)—

- (a) in subsection (3)(c), for from “granted” to “right” substitute “ authorised by a relevant approved regulator ”, and
- (b) after subsection (3) insert—

“(3A) In this section “relevant approved regulator” is to be construed in accordance with section 20(3) of the Legal Services Act 2007.”

44 In section 150 (interpretation), in subsection (1), in the definition of “legal representative” for “an authorised advocate” to the end substitute “ a person who, for the purposes of the Legal Services Act 2007, is an authorised person in relation to an activity which constitutes the exercise of a right of audience or the conduct of litigation (within the meaning of that Act); ”.

*Supreme Court Act 1981 (c. 54)*

45 The Supreme Court Act 1981 is amended in accordance with paragraphs 46 and 47.

46 In section 86 (Crown Court Rule Committee)—

- (a) in subsection (1)(g), for from “granted” to “right” substitute “ authorised by a relevant approved regulator ”, and
- (b) after subsection (6) insert—

“(7) In this section “relevant approved regulator” is to be construed in accordance with section 20(3) of the Legal Services Act 2007.”

47 In section 90(3B) (conduct of proceedings by Official Solicitor) for “section 28(2) (a) of the Courts and Legal Services Act 1990” substitute “ the fact that he is a person who, for the purposes of the Legal Services Act 2007, is an authorised person in relation to an activity which constitutes the conduct of litigation (within the meaning of that Act) ”.

*Representation of the People Act 1983 (c. 2)*

48 The Representation of the People Act 1983 is amended in accordance with paragraphs 49 to 52.

49 In section 86 (authorised excuses for failures as to return and declarations)—

- (a) in subsection (1A), for “or solicitor” substitute “ , solicitor or authorised person ”, and
- (b) after that subsection insert—

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“(1B) In subsection (1A) “authorised person” means a person (other than a barrister or solicitor) who, for the purposes of the Legal Services Act 2007, is an authorised person in relation to an activity which constitutes the exercise of a right of audience (within the meaning of that Act).”

50 In section 156 (costs of trying election petition)—

- (a) in subsection (5), for “or solicitor” substitute “ , a solicitor or an authorised person ”, and
- (b) after that subsection insert—

“(5A) In subsection (5) “authorised person” means a person (other than counsel or a solicitor) who, for the purposes of the Legal Services Act 2007, is an authorised person in relation to an activity which constitutes the exercise of a right of audience (within the meaning of that Act).”

51 In section 162 (member of legal and certain other professions)—

- (a) the existing provision becomes subsection (1),
- (b) in that subsection—
  - (i) after “solicitor” insert “ , authorised person ”, and
  - (ii) for “or tribunal” (in both places) substitute “ , tribunal or other body ”, and
- (c) after that subsection insert—

“(2) In subsection (1) “authorised person” means a person (other than a barrister or solicitor) who, for the purposes of the Legal Services Act 2007, is an authorised person in relation to an activity which constitutes a reserved legal activity (within the meaning of that Act).”

52 In section 181 (Director of Public Prosecutions)—

- (a) in subsection (3), for “or solicitor” substitute “ , solicitor or authorised person ”, and
- (b) after that subsection insert—

“(3A) In subsection (3) “authorised person” means a person (other than a barrister or solicitor) who, for the purposes of the Legal Services Act 2007, is an authorised person in relation to an activity which constitutes the exercise of a right of audience (within the meaning of that Act).”

*Mental Health Act 1983 (c. 20)*

53 The Mental Health Act 1983 is amended in accordance with paragraphs 54 to 60.

54 In section 35 (remand to hospital for report on accused's mental condition), in subsection (6) for “counsel or a solicitor and his counsel or solicitor” substitute “ an authorised person who ”.

55 In section 36 (removal of accused person to hospital for treatment), in subsection (5) for “counsel or a solicitor and his counsel or solicitor” substitute “ an authorised person who ”.



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- 56 In section 38 (interim hospital orders), in subsection (2) for “counsel or a solicitor and his counsel or solicitor” substitute “ an authorised person who ”.
- 57 In section 52 (further provisions as to persons remanded by magistrates' courts), in subsection (7)(b) for “counsel or a solicitor” substitute “ an authorised person ”.
- 58 In section 54 (requirements as to medical evidence), in subsection (3)(a)—
- (a) for “counsel or a solicitor” substitute “ an authorised person ”, and
  - (b) for “his counsel or solicitor” substitute “ that authorised person ”.
- 59 In section 55 (interpretation of Part 3), in subsection (1) before the definitions of “child” and “young person” insert—
- ““authorised person” means a person who, for the purposes of the Legal Services Act 2007, is an authorised person in relation to an activity which constitutes the exercise of a right of audience (within the meaning of that Act);”.
- 60 In section 78 (procedure of Mental Health Review Tribunals), in subsection (7) for “counsel or a solicitor” substitute “ an authorised person (within the meaning of Part 3) ”.

*County Courts Act 1984 (c. 28)*

- 61 In section 147 of the County Courts Act 1984 (interpretation), in subsection (1), in the definition of “legal representative” for “an authorised advocate” to the end substitute “ a person who, for the purposes of the Legal Services Act 2007, is an authorised person in relation to an activity which constitutes the exercise of a right of audience or the conduct of litigation (within the meaning of that Act); ”.

*Inheritance Tax Act 1984 (c. 51)*

- 62 In section 219 of the Inheritance Tax Act 1984 (power to require information)—
- (a) in subsection (3) for “barrister or solicitor” substitute “ relevant lawyer ”,
  - (b) in subsection (4) for “solicitor” (in both places) substitute “ relevant lawyer ”, and
  - (c) after that subsection insert—
- “(5) In this section “relevant lawyer” means a barrister, advocate, solicitor or other legal representative communications with whom may be the subject of a claim to professional privilege.”

*Companies Act 1985 (c. 6)*

- 63 In Schedule 15D of the Companies Act 1985 (disclosures)—
- (a) the existing paragraph 46 becomes sub-paragraph (1) of that paragraph,
  - (b) in that sub-paragraph for “solicitor, barrister” substitute “ relevant lawyer ”, and
  - (c) after that sub-paragraph insert—
- “(2) “Relevant lawyer” means—
- (a) a person who, for the purposes of the Legal Services Act 2007, is an authorised person in relation to an activity

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- which constitutes a reserved legal activity (within the meaning of that Act),
- (b) a solicitor or barrister in Northern Ireland, or
- (c) a solicitor or advocate in Scotland.”

*Prosecution of Offences Act 1985 (c. 23)*

- 64 In section 15 of the Prosecution of Offences Act 1985 (interpretation), in subsection (1), in the definition of “legal representative” for “an authorised advocate” to the end substitute “ a person who, for the purposes of the Legal Services Act 2007, is an authorised person in relation to an activity which constitutes the exercise of a right of audience or the conduct of litigation (within the meaning of that Act); ”.

*Administration of Justice Act 1985 (c. 61)*

- 65 The Administration of Justice Act 1985 is amended in accordance with paragraphs 66 and 67.
- 66 In section 41 (application of disciplinary provisions to legal aid complaints against barristers), in subsection (2) after “those provisions” insert “ and despite section 157 of the Legal Services Act 2007 (approved regulators not to make provision for redress) ”.
- 67 In section 69(2) (commencement) for “Secretary of State” substitute “ Lord Chancellor ”.

*Social Security Act 1986 (c. 50)*

- 68 In section 56 of the Social Security Act 1986 (legal proceedings), in subsection (1) omit “although not a barrister or solicitor”.

*Building Societies Act 1986 (c. 53)*

- 69 The Building Societies Act 1986 is amended in accordance with paragraphs 70 to 72.
- 70 In section 52 (powers to obtain information and documents etc)—
- (a) in subsection (8) for “barrister, solicitor or advocate” substitute “ relevant lawyer ”, and
  - (b) in subsection (13) after the definition of “approved” insert—

““relevant lawyer” means a barrister, advocate, solicitor or other legal representative communications with whom may be the subject of a claim to professional privilege;”.

- 71 In section 67 (directors, etc, not to accept commission in connection with loans), in subsection (7), in the definition of “solicitor” for “licensed conveyancer” substitute “ any person who, for the purposes of the Legal Services Act 2007, is an authorised person in relation to an activity which constitutes a reserved instrument activity (within the meaning of that Act) ”.
- 72 In section 69 (disclosure and record of income of related businesses), in subsection (17), in the definition of “solicitor” for “licensed conveyancer” to the end substitute “ any person who, for the purposes of the Legal Services Act 2007, is an

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authorised person in relation to an activity which constitutes a reserved instrument activity (within the meaning of that Act).”

*Ministry of Defence Police Act 1987 (c. 4)*

73 In section 4 of the Ministry of Defence Police Act 1987 (representation at disciplinary proceedings)—

- (a) in subsection (2) for “either by counsel or by a solicitor” substitute “ by a relevant lawyer ”,
- (b) in subsection (7) for “counsel or a solicitor” substitute “ a relevant lawyer ”, and
- (c) after that subsection insert—

“(8) In this section “relevant lawyer” means—

- (a) in relation to Scotland or Northern Ireland, counsel or a solicitor, and
- (b) in relation to England and Wales, a person who, for the purposes of the Legal Services Act 2007, is an authorised person in relation to an activity which constitutes the exercise of a right of audience (within the meaning of that Act).”

*Income and Corporation Taxes Act 1988 (c. 1)*

74 In the Income and Corporation Taxes Act 1988, in section 778 (power to obtain information)—

- (a) in subsection (3) for “solicitor” substitute “ relevant lawyer ”, and
- (b) after that subsection insert—

“(4) In subsection (3) “relevant lawyer” means a barrister, advocate, solicitor or other legal representative communications with whom may be the subject of a claim to professional privilege or, in Scotland, protected from disclosure in legal proceedings on the grounds of confidentiality of communication.”

*Copyright, Designs and Patents Act 1988 (c. 48)*

75 The Copyright, Designs and Patents Act 1988 is amended in accordance with paragraphs 76 to 80.

76 In section 276 (persons entitled to describe themselves as patent agents)—

- (a) in subsection (1) for “registered patent agent” substitute “ registered patent attorney ”, and
- (b) in subsection (4) for “agent” (in the second place) substitute “ attorney ”.

77 In section 280 (privilege for communications with patent agents)—

- (a) in subsection (1), after “to” (in the first place) insert “—
  - (a) “,”
- (b) at the end of that subsection insert “, and
  - (b) documents, material or information relating to any matter mentioned in paragraph (a).”,
- (c) for subsection (2) substitute—

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“(2) Where a patent attorney acts for a client in relation to a matter mentioned in subsection (1), any communication, document, material or information to which this section applies is privileged from disclosure in like manner as if the patent attorney had at all material times been acting as the client's solicitor.”,

(d) in subsection (3)—

(i) for “agent” (in each place) substitute “ attorney ”, and

(ii) for “agents” substitute “ attorneys ”, and

(e) omit subsection (4).

78 In section 281 (power of comptroller to refuse to deal with certain agents) in subsection (2) for “agents” (in both places) substitute “ attorneys ”.

79 In section 286 (interpretation)—

(a) for “agent” substitute “ attorney ”, and

(b) for “(1)” substitute “ (2) ”.

80 Omit section 292 (rights and duties of registered patent agents in relation to proceedings in patent county courts).

*Law of Property (Miscellaneous Provisions) Act 1989 (c. 34)*

81 In section 1 of the Law of Property (Miscellaneous Provisions) Act 1989 (deeds and their execution)—

(a) in subsection (5) for “a solicitor” (in the first place) to “conveyancer” (in the second place) substitute “ a relevant lawyer, or an agent or employee of a relevant lawyer ”, and

(b) in subsection (6) for the definition of “duly certificated notary public” substitute—

““relevant lawyer” means a person who, for the purposes of the Legal Services Act 2007, is an authorised person in relation to an activity which constitutes a reserved instrument activity (within the meaning of that Act).”

*Companies Act 1989 (c. 40)*

82 In section 87 of the Companies Act 1989 (exceptions from restrictions on disclosure)—

(a) in subsection (2), in paragraph (c)(i), for “solicitor” substitute “ relevant lawyer ”, and

(b) after that subsection insert—

“(2A) In subsection (2)(c)(i) “relevant lawyer” means—

(a) a person who, for the purposes of the Legal Services Act 2007, is an authorised person in relation to an activity which constitutes a reserved legal activity (within the meaning of that Act),

(b) a solicitor or barrister in Northern Ireland, or

(c) a solicitor or advocate in Scotland.”

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*Courts and Legal Services Act 1990 (c. 41)*

- 83 The Courts and Legal Services Act 1990 is amended in accordance with paragraphs 84 to 101.
- 84 Omit the following provisions—
- (a) section 17 (the statutory objective and the general principle);
  - (b) section 18 (the statutory duty);
  - (c) section 18A (the Consultative Panel);
  - (d) section 27 (rights of audience);
  - (e) section 28 (rights to conduct litigation);
  - (f) section 29 (authorised bodies);
  - (g) section 31 (barristers and solicitors: rights of audience and rights to conduct litigation);
  - (h) section 31A (employed advocates).

**Commencement Information**

- II** [Sch. 21 para. 84](#) wholly in force at 1.1.2010, see [s. 211](#) and [S.I. 2009/3250](#), **art. 2(h)** (subject to [art. 6](#) and with [art. 9](#))

- 85 In section 31B (advocates and litigators employed by Legal Services Commission)
- 
- (a) for subsection (1) substitute—
    - “(1) This section applies where a person—
      - (a) is authorised by a relevant approved regulator (“the regulator”) to carry on an activity which constitutes the exercise of a right of audience or the conduct of litigation, and
      - (b) is employed by the Legal Services Commission, or by any body established and maintained by that Commission.
    - (1A) Any rules of the regulator which fall within subsection (2) shall not have effect in relation to that person.”,
  - (b) in subsection (2)—
    - (i) for “body” (in each place) substitute “ regulator ”, and
    - (ii) for “rules of conduct” substitute “ conduct rules ”,
  - (c) in subsection (3) for “body” substitute “ regulator ”, and
  - (d) after subsection (3) insert—
    - “(4) For the purposes of this section “relevant approved regulator” is to be construed in accordance with section 20(3) of the Legal Services Act 2007.”
- 86 In section 31C (change of authorised body)—
- (a) for subsection (1) substitute—
    - “(1) Where a person—
      - (a) has at any time been authorised by a relevant approved regulator to exercise a right of audience before a court in relation to proceedings of a particular description, and

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- (b) becomes authorised by another relevant approved regulator to exercise a right of audience before that court in relation to that description of proceedings,  
 any qualification regulations of the relevant approved regulator mentioned in paragraph (b) which relate to that right are not to have effect in relation to the person.”,
- (b) in subsection (2) for “the body” substitute “ the relevant approved regulator ”,
- (c) in subsection (3) for “body” (in each place) substitute “ relevant approved regulator ”, and
- (d) after that subsection insert—
- “(4) In this section “relevant approved regulator” is to be construed in accordance with section 20(3) of the Legal Services Act 2007.”
- 87 Omit sections 34 to 52 (extension of conveyancing services).
- 88 Omit sections 54 and 55 (preparation of probate papers etc).

#### Commencement Information

- I2** Sch. 21 para. 88 wholly in force at 1.1.2010, see s. 211 and S.I. 2009/3250, art. 2(h) (subject to art. 6 and with art. 9)

- 89 In section 60 (regulation of right of Scottish and Northern Ireland lawyers to practise in England and Wales)—
- (a) in subsection (1) for “Secretary of State” substitute “ Lord Chancellor ”,
- (b) in subsection (2) for “Secretary of State” substitute “ Lord Chancellor ”,
- (c) after subsection (2) insert—
- “(2A) Regulations may be made under this section only if—
- (a) the Legal Services Board has made a recommendation under section 60A,
- (b) draft regulations were annexed to the recommendation, and
- (c) the regulations are in the same form as, or a form not materially different from, the draft regulations.”, and
- (d) in subsection (4) for “Secretary of State” substitute “ Lord Chancellor ”.
- 90 After that section insert—

#### “60A Procedural requirements relating to recommendations for the purposes of section 60

- (1) Before making a recommendation under this section, the Legal Services Board must publish a draft of—
- (a) the proposed recommendation, and
- (b) the proposed draft regulations.
- (2) The draft must be accompanied by a notice which states that representations about the proposals may be made to the Board within a specified period.

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- (3) Before making the recommendation, the Board must have regard to any representations duly made.
- (4) If the draft regulations to be annexed to the recommendation differ from the draft regulations published under subsection (1)(b) in a way which is, in the opinion of the Board, material, the Board must, before making the recommendation, publish the draft recommendations along with a statement detailing the changes made and the reasons for the changes.”
- 91 Omit section 63 (legal professional privilege).
- 92 Omit section 69 (exemption from liability for damages etc).
- 93 Omit section 70 (offences).
- 94 In section 71 (qualification for judicial and certain other appointments)—
- (a) in subsection (4) for “granted by an authorised body” substitute “exercisable by virtue of an authorisation given by a relevant approved regulator”,
- (b) in subsection (6) for “the authorised body concerned” substitute “the relevant approved regulator”, and
- (c) after that subsection insert—
- “(6A) In this section “relevant approved regulator” is to be construed in accordance with section 20(3) of the Legal Services Act 2007.”
- 95 In section 75 (judges etc barred from legal practice), after paragraph (b) insert—
- “(ba) carry on any notarial activities (within the meaning of the Legal Services Act 2007);”.
- 96 Omit section 113 (administration of oaths and taking of affidavits).

#### Commencement Information

**I3** Sch. 21 para. 96 wholly in force at 1.1.2010 see s. 211 and S.I. 2009/3250, art. 2(h) (subject to art. 9)

- 97 (1) Section 119 (interpretation) is amended as follows.
- (2) In subsection (1) omit the following definitions—
- “authorised advocate”
- “authorised body” and “appropriate authorised body”
- “authorised litigator”
- “authorised practitioner”
- “Consultative Panel”
- “duly certificated notary public”
- “the general principle”
- “qualified person”
- “the statutory objective”.
- (3) In that subsection, for the definition of “court” substitute—
- ““court” has the same meaning as in the Legal Services Act 2007 (see section 207 of that Act);”.

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- (4) In that subsection, for the definition of “qualification regulations” and “rules of conduct” substitute—
- ““qualification regulations” and “conduct rules”, in relation to a body, have the same meaning as in the Legal Services Act 2007 (see section 21 of that Act);”.
- (5) In that subsection, in the definition of “right to conduct litigation”—
- (a) in paragraph (a) after “court” insert “ in England and Wales ”,
- (b) for “and” at the end of that paragraph substitute—
- “(aa) to commence, prosecute and defend such proceedings; and”.
- (6) In subsection (3) for from “(including” to the end substitute “ to conduct rules includes a reference to practice rules (within the meaning of the Legal Services Act 2007 (see section 21 of that Act)). ”
- 98 In section 120 (regulations and orders) omit—
- (a) in subsection (4) —
- (i) “26(1), 37(10), 40(1)”, and
- (ii) from “paragraph 24” to “Schedule 9”, and
- (b) subsection (5).
- 99 In section 125 (power to make provision consequential on provision made by Part 2 of Administration of Justice Act 1985 etc)—
- (a) in subsection (4) for “Secretary of State” substitute “ Lord Chancellor ”, and
- (b) for subsection (5) substitute—
- “(5) In subsection (4)—
- (a) “relevant enactments” means such enactments or instruments passed or made before or in the same Session as the Legal Services Act 2007 was passed as may be specified in the order, and
- (b) the reference to Part 2 is a reference to that Part as amended by that Act or any enactment or instruments passed or made before or in the same Session as that Act was passed.”
- 100 Omit the following provisions—
- (a) Schedule 4 (authorised bodies);
- (b) Schedule 5 (the Authorised Conveyancing Practitioners Board);
- (c) Schedule 6 (the Conveyancing Appeals Tribunals);
- (d) Schedule 7 (the Conveyancing Ombudsman Scheme);
- (e) in Part 2 of Schedule 8 (amendments of provisions relating to powers of Conveyancing Licensing Council etc), paragraphs 14 to 20 and 21(1)(b);
- (f) Schedule 9 (probate).



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#### Commencement Information

- I4** Sch. 21 para. 100 wholly in force at 1.1.2010; Sch. 21 para. 100 not in force at Royal Assent see s. 211; Sch. 21 para. 100(b)-(d) in force at 31.3.2009 by S.I. 2009/503, art. 2(d); s. 100(a)(e)(f) in force at 1.1.2010 by S.I. 2009/3250, art. 2(h) (subject to art. 6 and with art. 9)

- 101 In paragraph 17 of Schedule 19 (revocation of appointment under section 1(1) of the Commissioners for Oaths Act 1889) for “Secretary of State” substitute “ Lord Chancellor ”.

#### *Environmental Protection Act 1990 (c. 43)*

- 102 In section 114 (appointment etc of inspectors), in subsection (4) omit “, although not of counsel or a solicitor.”.

#### *Friendly Societies Act 1992 (c. 40)*

- 103 In section 62 of the Friendly Societies Act 1992 (powers to obtain information and documents etc)—

- (a) in subsection (7), for paragraphs (a) and (b) substitute—

“(a) by a relevant lawyer of a document or material contained in a privileged communication or, in Scotland, a communication which is protected from disclosure on the ground of confidentiality, made by or to the relevant lawyer in that capacity or the furnishing of information contained in such communication so made;”, and

- (b) in subsection (12), at the end insert “; and

“relevant lawyer” means a barrister, advocate, solicitor or other legal representative communications with whom may be the subject of a claim to professional privilege or, in Scotland, be protected from disclosure in legal proceedings on grounds of confidentiality of communication.”

#### *Trade Union and Labour Relations Consolidation Act 1992 (c. 52)*

- 104 The Trade Union and Labour Relations Consolidation Act 1992 is amended in accordance with paragraphs 105 to 107.

- 105 In section 194 (offence of failure to notify), in subsection (2) omit “, although not of counsel or a solicitor.”.

- 106 In section 216 (constitution and proceedings of court of inquiry)—

- (a) in subsection (6) for “counsel or solicitor” (in both places) substitute “ a relevant lawyer ”, and

- (b) after subsection (6) insert—

“(7) In subsection (6) “relevant lawyer” means—

- (a) a person who, for the purposes of the Legal Services Act 2007, is an authorised person in relation to an activity which constitutes the exercise of a right of audience or the conduct of litigation within the meaning of that Act, or

- (b) an advocate or solicitor in Scotland.”

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- 107 In section 288 (restriction on contracting out), in subsection (4B)(a) for “a barrister” (in the first place) to the end substitute “a person who, for the purposes of the Legal Services Act 2007, is an authorised person in relation to an activity which constitutes the exercise of a right of audience or the conduct of litigation (within the meaning of that Act), and ”.

*Finance Act 1993 (c. 34)*

- 108 In Schedule 21 of the Finance Act 1993 (oil taxation)—
- (a) the existing paragraph 7 becomes sub-paragraph (1) of that paragraph,
  - (b) in that sub-paragraph for “barrister, advocate or a solicitor” substitute “relevant lawyer”, and
  - (c) after that sub-paragraph insert—
    - “(2) “Relevant lawyer” means a barrister, advocate, solicitor or other legal representative communications with whom may be the subject of a claim to professional privilege.”

*Trade Marks Act 1994 (c. 26)*

- 109 The Trade Marks Act 1994 is amended in accordance with paragraphs 110 to 115.
- 110 In section 52 (power to make provision in connection with Community trade mark regulation), in subsection (3)(b) for “trade mark agents and registered trade mark agents” substitute “trade mark attorneys and registered trade mark attorneys”.
- 111 In section 84 (unregistered persons not to be described as registered trade mark agents)—
- (a) in subsection (1)—
    - (i) for “agent” (in the first place) substitute “attorney”,
    - (ii) in paragraph (a) after “agent” insert “or registered trade mark attorney”, and
    - (iii) in paragraph (b) after “agent” insert “or a registered trade mark attorney”,
  - (b) in subsection (2)—
    - (i) in paragraph (a) after “agent” insert “or registered trade mark attorney”, and
    - (ii) in paragraph (b) after “agents” insert “or registered trade mark attorneys”, and
  - (c) in subsection (3)—
    - (i) in paragraph (a) after “agent” insert “or registered trade mark attorney”, and
    - (ii) in paragraph (b) after “agent” insert “or a registered trade mark attorney”.
- 112 In section 86 (use of the term “trade mark attorney”) in subsection (1) for “agent” substitute “attorney”.
- 113 In section 87 (privilege for communications with registered trade mark agents)—
- (a) in subsection (1), after “to” (in the first place) insert “—
  - (a) ”,

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- (b) at the end of that subsection insert “, and
  - (b) documents, material or information relating to any matter mentioned in paragraph (a).”;
- (c) for subsection (2) substitute—

“(2) Where a trade mark attorney acts for a client in relation to a matter mentioned in subsection (1), any communication, document, material or information to which this section applies is privileged from disclosure in like manner as if the trade mark attorney had at all material times been acting as the client's solicitor.”, and

- (d) in subsection (3)—
  - (i) for “agent” (in each place) substitute “ attorney ”, and
  - (ii) for “agents” substitute “ attorneys ”.

114 In section 88 (power of registrar to refuse to deal with certain agents)—

- (a) in paragraph (b) for “agents” substitute “ attorneys ”, and
- (b) in paragraph (c) for “agents” substitute “ attorneys ”.

115 In section 104 (index of defined expressions, in the entry for “registered trade mark agent”—

- (a) for “agent” substitute “ attorney ”, and
- (b) for “(1)” substitute “ (2) ”.

*Criminal Justice and Public Order Act 1994 (c. 33)*

116 In section 38 of the Criminal Justice and Public Order Act 1994 (interpretation and savings for sections 34 to 37 of that Act) in subsection (1), in the definition of “legal representative” for “an authorised advocate” to the end substitute “ a person who, for the purposes of the Legal Services Act 2007, is an authorised person in relation to an activity which constitutes the exercise of a right of audience or the conduct of litigation (within the meaning of that Act); and ”.

*Environment Act 1995 (c. 25)*

117 In section 54 of the Environment Act 1995 (appearance in legal proceedings), omit “although not of counsel or a solicitor”.

*Disability Discrimination Act 1995 (c. 50)*

118 In Part 1 of Schedule 3A to the Disability Discrimination Act 1995 (validity and revision of contracts), in paragraph 2(5)(a) for “a barrister” (in the first place) to the end substitute “ a person who, for the purposes of the Legal Services Act 2007, is an authorised person in relation to an activity which constitutes the exercise of a right of audience or the conduct of litigation (within the meaning of that Act); and ”.

PROSPECTIVE

*Police Act 1996 (c. 16)*

119

F1 .....

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### Textual Amendments

- F1** Sch. 21 para. 119 repealed (1.12.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 149, 153, [Sch. 28 Pt. 8](#); S.I. 2008/2993, [art. 2\(1\)\(k\)\(iii\)](#) (subject to [art. 3](#))

#### *Employment Rights Act 1996 (c. 18)*

- 120 In section 203 of the Employment Rights Act 1996 (restrictions on contracting out), in subsection (4)(a) for “a barrister” (in the first place) to the end substitute “ a person who, for the purposes of the Legal Services Act 2007, is an authorised person in relation to an activity which constitutes the exercise of a right of audience or the conduct of litigation (within the meaning of that Act), and ”.

#### *Family Law Act 1996 (c. 27)*

- 121 In Schedule 4 of the Family Law Act 1996—
- (a) for paragraph 1 substitute—
- “1 In this Schedule “legal representative” means a person who, for the purposes of the Legal Services Act 2007, is an authorised person in relation to an activity which constitutes a reserved instrument activity (within the meaning of that Act).”
- (b) in paragraph 3(3) for “solicitor” substitute “ legal representative ”, and
- (c) in paragraph 5(2)(a) for “solicitor” substitute “ legal representative ”.

#### *Civil Procedure Act 1997 (c. 12)*

- 122 In section 2 of the Civil Procedure Act 1997 (Civil Procedure Rule Committee)—
- (a) in subsection (2), in paragraph (f) for from “granted” to “right” substitute “ authorised by a relevant approved regulator ”, and
- (b) after that subsection insert—
- “(2A) In subsection (2)(f) “relevant approved regulator” is to be construed in accordance with section 20(3) of the Legal Services Act 2007.”

#### *Sexual Offences (Protected Material) Act 1997 (c. 39)*

- 123 In section 2 of the Sexual Offences (Protected Material) Act 1997 (meaning of other expressions), in subsection (1) in the definition of “legal representative” for “any authorised advocate” to “Act 1990)” substitute “ a person who, for the purposes of the Legal Services Act 2007, is an authorised person in relation to an activity which constitutes the exercise of a right of audience or the conduct of litigation (within the meaning of that Act) and who is ”.

#### *National Minimum Wage Act 1998 (c. 39)*

- 124 The National Minimum Wage Act 1998 is amended in accordance with paragraphs 125 and 126.
- 125 In section 33 (proceedings for offences)—

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- (a) in subsection (1) omit paragraph (a), and
- (b) after that subsection insert—

“(1A) The persons who may conduct proceedings for an offence under this Act in England and Wales, before a magistrates' court, shall include any person authorised for the purpose by the Secretary of State.”

126 In section 49 (restrictions on contracting out) for subsection (7)(a) substitute—

- “(a) as regards England and Wales, a person who, for the purposes of the Legal Services Act 2007, is an authorised person in relation to an activity which constitutes the exercise of a right of audience or the conduct of litigation (within the meaning of that Act);”.

*Access to Justice Act 1999 (c. 22)*

127 The Access to Justice Act 1999 is amended in accordance with paragraphs 128 to 131.

128 In section 16(4) (code of conduct) after “consult” insert “ the Legal Services Board,”.

129 In section 44 (barristers employed by solicitors)—

- (a) in subsection (1)—
  - (i) omit “is employed by”,
  - (ii) for paragraphs (a) and (b) substitute—
    - “(a) is employed by an authorised person, or
    - (b) is a manager of such a person,” and
  - (iii) for “his employer” substitute “ the authorised person of which the barrister is an employee or a manager ”,
- (b) in subsection (2) after “employees” insert “ or managers of an authorised person ”, and
- (c) after that subsection insert—

“(3) In this section—

“authorised person” means a person who, for the purposes of the Legal Services Act 2007, is an authorised person in relation to an activity which is a reserved legal activity (within the meaning of that Act), and

“manager” has the same meaning as in that Act (see section 207 of that Act).”

130 In section 45 (fees on application for appointment as Queen's Counsel), in subsections (1) and (2) for “Secretary of State” (in each place) substitute “ Lord Chancellor ”.

131 In section 46 (Bar practising certificates)—

- (a) omit subsection (2)(b) and the “but” immediately preceding it, and
- (b) omit subsections (3) to (6).

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*Youth Justice and Criminal Evidence Act 1999 (c. 23)*

- 132 In section 63 of the Youth Justice and Criminal Evidence Act 1999 (general interpretation etc of Part 2), in subsection (1), in the definition of “legal representative” for “any authorised advocate” to the end substitute “ a person who, for the purposes of the Legal Services Act 2007, is an authorised person in relation to an activity which constitutes the exercise of a right of audience or the conduct of litigation (within the meaning of that Act); ”.

*Criminal Justice and Court Services Act 2000 (c. 43)*

- 133 In section 15 of the Criminal Justice and Court Services Act 2000 (right to conduct litigation and right of audience)—
- (a) in subsection (2) for “section 28(2)(a) of the Courts and Legal Services Act 1990” substitute “ the fact that he is a person who, for the purposes of the Legal Services Act 2007, is an authorised person in relation to that activity ”, and
  - (b) in subsection (3) for “section 27(2)(a) of the Courts and Legal Services Act 1990” substitute “ the fact that he is a person who, for the purposes of the Legal Services Act 2007, is an authorised person in relation to that activity ”.

*Finance Act 2002 (c. 23)*

- 134 The Finance Act 2002 is amended in accordance with paragraphs 135 and 136.
- 135 In Schedule 34 (stamp duty: withdrawal of group relief: supplementary provisions), in paragraph 10—
- (a) in sub-paragraph (2) for “A barrister or solicitor” substitute “ A relevant lawyer ”, and
  - (b) after that sub-paragraph insert—
    - “(2A) “Relevant lawyer” means a barrister, advocate, solicitor or other legal representative communications with whom may be the subject of a claim to professional privilege.”
- 136 In Schedule 35 (stamp duty: withdrawal of relief for company acquisitions: supplementary provisions), in paragraph 11—
- (a) in sub-paragraph (2) for “A barrister or solicitor” substitute “ A relevant lawyer ”, and
  - (b) after that sub-paragraph insert—
    - “(2A) “Relevant lawyer” means a barrister, advocate, solicitor or other legal representative communications with whom may be the subject of a claim to professional privilege.”

*Income Tax (Earnings and Pensions) Act 2003 (c. 1)*

- 137 In section 343 of the Income Tax (Earnings and Pensions) Act 2003 (deduction for professional membership fees), in the table in subsection (2)—
- (a) for “patent agent” and “patent agents” (in each place) substitute “ patent attorney ” and “ patent attorneys ” respectively, and
  - (b) for “trade mark agent” and “trade mark agents” (in each place) substitute “ trade mark attorney ” and “ trade mark attorneys ” respectively.

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*Finance Act 2003 (c. 14)*

138 In Schedule 13 to the Finance Act 2003 (stamp duty land tax: information powers)

- (a) in paragraph 22, in sub-paragraphs (1) and (2), for “barrister, advocate or solicitor” substitute “relevant lawyer”,
- (b) after sub-paragraph (2) of that paragraph insert—

“(3) “Relevant lawyer” means a barrister, advocate, solicitor or other professional legal adviser communications with whom may be the subject of a claim to legal privilege.

(4) “Legal privilege” here has the same meaning as in paragraph 35 of this Schedule.”, and

- (c) in paragraph 25 for “barrister, advocate or solicitor” substitute “relevant lawyer (within the meaning of paragraph 22(3))”.

*Licensing Act 2003 (c. 17)*

139 The Licensing Act 2003 is amended in accordance with paragraphs 140 and 141.

140 In section 58 (meaning of “certified copy” in section 57 of that Act), after subsection (3) insert—

“(4) In this section “notary” means a person (other than a solicitor) who, for the purposes of the Legal Services Act 2007, is an authorised person in relation to any activity which constitutes a notarial activity (within the meaning of that Act).”

141 In section 95 (meaning of “certified copy” in section 94 of that Act), after subsection (3) insert—

“(4) In this section “notary” means a person (other than a solicitor) who, for the purposes of the Legal Services Act 2007, is an authorised person in relation to any activity which constitutes a notarial activity (within the meaning of that Act).”

*Courts Act 2003 (c. 39)*

142 The Courts Act 2003 is amended in accordance with paragraphs 143 and 144.

143 In section 70 (Criminal Procedure Rule Committee)—

- (a) in subsection (2), in paragraph (i)(i) for from “granted” to “right” substitute “authorised by a relevant approved regulator”, and
- (b) after that subsection insert—

“(2A) In subsection (2)(i)(i) “relevant approved regulator” is to be construed in accordance with section 20(3) of the Legal Services Act 2007.”

144 (1) Section 77 (Family Procedure Rule Committee) is amended as follows.

(2) In subsection (2)—

- (a) in paragraph (k) for from “granted” to “right” substitute “authorised by a relevant approved regulator”,
- (b) in paragraph (l) for “granted that right” substitute “authorised”, and

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(c) in paragraph (m) for “granted that right” substitute “ authorised ”.

(3) For subsection (5)(b) substitute—

“(b) is a relevant approved regulator in relation to the exercise of a right of audience or the conduct of litigation (or both).”

(4) After subsection (7) insert—

“(8) In this section “relevant approved regulator” is to be construed in accordance with section 20(3) of the Legal Services Act 2007.”

*Criminal Justice Act 2003 (c. 44)*

145 The Criminal Justice Act 2003 is amended in accordance with paragraphs 146 to 148.

146 In section 56 (interpretation of Part 8), in subsection (1), in the definition of “legal representative”, for “an authorised advocate” to the end substitute “ a person who, for the purposes of the Legal Services Act 2007, is an authorised person in relation to an activity which constitutes the exercise of a right of audience or the conduct of litigation (within the meaning of that Act), ”.

147 In section 159 (disclosure of pre-sentence reports etc), in subsection (2)(a) for “counsel or solicitor” substitute “ legal representative ”.

148 In section 160 (other reports of local probation boards and members of youth offending teams) in subsection (2)(a) for “counsel or solicitor” substitute “ legal representative ”.

*Children Act 2004 (c. 31)*

149 In section 37 of the Children Act 2004 (Welsh family proceedings officers)—

(a) in subsection (2) for “section 28(2)(a) of the Courts and Legal Services Act 1990 (c 41)” substitute “ the fact that he is a person who, for the purposes of the Legal Services Act 2007, is an authorised person in relation to that activity ”, and

(b) in subsection (3) for “section 27(2)(a) of the Courts and Legal Services Act 1990” substitute “ the fact that he is a person who, for the purposes of the Legal Services Act 2007, is an authorised person in relation to that activity ”.

*Civil Partnership Act 2004 (c. 33)*

150 In section 42 of the Civil Partnership Act 2004 (attempts at reconciliation of civil partners) in subsection (2) for “solicitor” substitute “ legal representative ”.

*Public Services Ombudsman (Wales) Act 2005 (c. 10)*

151 In section 13 of the Public Services Ombudsman (Wales) Act 2005 (investigations by Ombudsman)—

(a) in subsection (4)(b), for “counsel, solicitor” substitute “ an authorised person ”, and

(b) after subsection (4) insert—



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“(4A) In subsection (4) “authorised person” means a person who, for the purposes of the Legal Services Act 2007, is an authorised person in relation to an activity which constitutes the exercise of a right of audience or the conduct of litigation (within the meaning of that Act).”

*Equality Act 2006 (c. 3)*

152 In Schedule 2 to the Equality Act 2006 (representations to Commission in relation to inquiry etc.), in paragraph 8—

- (a) in sub-paragraph (2)(b), for “a barrister, an advocate or a solicitor” substitute “a relevant lawyer”, and
- (b) after sub-paragraph (2) insert—

“(2A) “Relevant lawyer” means—

- (a) an advocate or solicitor in Scotland, or
- (b) a person who, for the purposes of the Legal Services Act 2007, is an authorised person in relation to an activity which constitutes the exercise of a right of audience or the conduct of litigation (within the meaning of that Act).”

*Natural Environment and Rural Communities Act 2006 (c. 16)*

153 In section 12(2) of the Natural Environment and Rural Communities Act 2006 (power to bring criminal proceedings) omit “even though he is not a barrister or solicitor”.

*National Health Service Act 2006 (c. 41)*

154 In section 194(4) of the National Health Service Act 2006 (conduct of proceedings under section 194) omit “, although he is not a barrister or solicitor,”.

*National Health Service (Wales) Act 2006 (c. 42)*

155 In section 142(4) of the National Health Service (Wales) Act 2006 (conduct of proceedings under section 142) omit “, although he is not a barrister or solicitor,”.

*Companies Act 2006 (c. 46)*

156 In Schedule 2 to the Companies Act 2006 (exceptions from restrictions on disclosure), in paragraph 67—

- (a) for “solicitor, barrister, advocate” substitute “relevant lawyer”, and
- (b) for ““Foreign lawyer”” to the end substitute—

“In this paragraph—

“foreign lawyer” means a person (other than a relevant lawyer) who is a foreign lawyer within the meaning of section 89(9) of the Courts and Legal Services Act 1990;

“relevant lawyer” means—

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- (a) a person who, for the purposes of the Legal Services Act 2007, is an authorised person in relation to an activity which constitutes a reserved legal activity (within the meaning of that Act),
- (b) a solicitor or barrister in Northern Ireland, or
- (c) a solicitor or advocate in Scotland.”

*Income Tax Act 2007 (c. 3)*

- 157 The Income Tax Act 2007 is amended in accordance with paragraphs 158 to 161.
- 158 In section 748 (power to obtain information)—
- (a) in subsection (4) for “solicitor” substitute “ relevant lawyer ”,
  - (b) after that subsection insert—
    - “(4A) In this section “relevant lawyer” means a barrister, advocate, solicitor or other legal representative communications with whom may be the subject of a claim to professional privilege or, in Scotland, protected from disclosure in legal proceedings on grounds of confidentiality of communication.”, and
  - (c) in subsection (5) for “solicitors” substitute “ relevant lawyers ”.
- 159 In section 749 (restrictions on particulars to be provided by solicitors)—
- (a) in the heading for “solicitors” substitute “ relevant lawyers ”,
  - (b) for “solicitor” (in each place) substitute “ relevant lawyer ”, and
  - (c) for subsection (7) substitute—
    - “(7) In this section—
      - “relevant lawyer” means a barrister, advocate, solicitor or other legal representative communications with whom may be the subject of a claim to professional privilege or, in Scotland, protected from disclosure in legal proceedings on grounds of confidentiality of communication;
      - “settlement” and “settlor” have the meanings given by section 620 of ITTOIA 2005.”
- 160 In section 771 (power to obtain information)—
- (a) in subsections (5) and (6) for “solicitor” (in each place) substitute “ relevant lawyer ”, and
  - (b) after subsection (6) insert—
    - “(7) In this section “relevant lawyer” means a barrister, advocate, solicitor or other legal representative communications with whom may be the subject of a claim to professional privilege or, in Scotland, protected from disclosure in legal proceedings on grounds of confidentiality of communication.”

PROSPECTIVE

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### Textual Amendments

**F2** Sch. 21 para. 161 omitted (13.8.2009) by virtue of The Finance Act 2009, Schedule 47 (Consequential Amendments) Order 2009 (S.I. 2009/2035), art. 2, {Sch. para. 60(o)}

### *Tribunals, Courts and Enforcement Act 2007 (c. 15)*

- 162 (1) Section 51 of the Tribunals, Courts and Enforcement Act 2007 (meaning of “relevant qualification”) is amended as follows.
- (2) In subsection (2), for from “awarded” to the end substitute “ awarded by a body which, for the purposes of the Legal Services Act 2007, is an approved regulator in relation to the exercise of a right of audience or the conduct of litigation (within the meaning of that Act). ”
- (3) In subsection (4)—
- (a) in paragraph (b), for “(2)(b)” substitute “ (2) ”,
  - (b) in paragraph (c), for from “the body” to “of that Act” substitute “, for the purposes of the Legal Services Act 2007, the body—
    - (i) is not an approved regulator in relation to the exercise of a right of audience (within the meaning of that Act), and
    - (ii) is not an approved regulator in relation to the conduct of litigation (within the meaning of that Act),” and
  - (c) for from “paragraph 33(1)” to the end substitute “ section 46 of the Legal Services Act 2007 (transitional etc. provision in consequence of cancellation of designation as approved regulator). ”

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