
Changes to legislation: There are currently no known outstanding effects for the Legal Services Act 2007,
Cross Heading: Transitory power to modify the functions of bodies. (See end of Document for details)

SCHEDULES

SCHEDULE 22

TRANSITIONAL AND TRANSITORY PROVISION

Transitory power to modify the functions of bodies

- 1 (1) Paragraphs 2 to 4 have effect until such time as the Board is first constituted in accordance with paragraph 1 of Schedule 1.
- (2) Where an order under paragraph 2 has effect immediately before that time, it is to be treated from that time as if it were an order made by the Lord Chancellor under section 69 (and in accordance with that section and section 70).
- (3) Where that order is made by virtue of paragraph 4, the reference in sub-paragraph (2) to section 69 is a reference to that section as modified by section 180.
- 2 (1) The Lord Chancellor may by order modify, or make any other provision relating to, the functions of a designated regulator or any other body.
- (2) For this purpose “designated regulator” means—
- (a) The Law Society;
 - (b) The General Council of the Bar;
 - (c) The Master of the Faculties;
 - (d) The Institute of Legal Executives;
 - (e) The Council for Licensed Conveyancers;
 - (f) The Chartered Institute of Patent Attorneys;
 - (g) The Institute of Trade Mark Attorneys;
 - (h) The Association of Law Costs Draftsmen;
 - (i) any other body which is a body to which sub-paragraph (3) applies.
- (3) This sub-paragraph applies to—
- (a) a body designated as an authorised body for the purposes of section 27 or 28 of the Courts and Legal Services Act 1990 (c. 41) (rights of audience and rights to conduct litigation);
 - (b) a body approved under Schedule 9 to that Act (approval of body to grant exemption from prohibition on preparation of probate papers etc);
 - (c) a body prescribed by regulations under section 113 of that Act (administration of oaths and taking of affidavits).
- (4) The Lord Chancellor may make an order under sub-paragraph (1) only if—
- (a) the body to which the order relates has made a recommendation under this paragraph to which was annexed a draft order, and
 - (b) the body to which the order relates consents to the order which is made.
- (5) The Lord Chancellor may make an order under this paragraph only for the purpose of enabling the body to which it relates to do one or more of the following—

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- (a) to become a body within sub-paragraph (3);
 - (b) to grant its members rights for the purposes of section 27 or 28 of the Courts and Legal Services Act 1990, to exempt its members for the purposes of section 55 of that Act or to authorise its members for the purposes of section 113 of that Act;
 - (c) if it is or becomes a designated regulator, to regulate its members more effectively or efficiently;
 - (d) if it is or becomes a designated regulator, to expand the categories of persons who are eligible to be members of the body;
 - (e) to do any of the things mentioned in paragraphs (a) to (e) of section 69(3) at a time after paragraph 1 of Schedule 4 comes into force.
- (6) An order under this paragraph may make provision in relation to the body to which the order relates, and members of that body, corresponding to the provision which by virtue of subsection (4) or (5) of section 69 may be made by an order under that section in relation to an approved regulator and persons authorised by that regulator to carry on reserved legal activities or to provide immigration advice or immigration services.
- (7) Any provision made by an order under this paragraph may be expressed to be conditional upon—
- (a) the coming into force of paragraph 1 of Schedule 4;
 - (b) the body to which the order relates being designated by an order under Part 2 of that Schedule as an approved regulator, or by an order under Part 1 of Schedule 10 as a licensing authority, in relation to one or more reserved legal activities specified in the order;
 - (c) the body to which the order relates becoming a designated qualifying regulator under section 86A of the Immigration and Asylum Act 1999 (c. 33).
- (8) An order under this paragraph may modify provisions made by or under any enactment (including this Act or any Act passed after this Act), prerogative instrument or other instrument or document.
- (9) The powers to make an order conferred by this paragraph are without prejudice to any powers (statutory or non-statutory) which a designated regulator or other body may have apart from this section.
- (10) In this paragraph “member” in relation to a body includes any person who is not a member of the body but who may be subject to disciplinary sanctions for failure to comply with any of its rules.
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- (1) This paragraph applies where a body makes a recommendation under paragraph 2.
- (2) The Lord Chancellor must publish a document containing—
- (a) the recommendation, and
 - (b) the draft order annexed to it.
- (3) The document must be accompanied by a notice which states that representations about it may be made to the Lord Chancellor within a specified period.
- (4) The Lord Chancellor must give a copy of the document to the Office of Fair Trading and the Lord Chief Justice, and invite each of them to provide advice on it within that period.

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- (5) The Lord Chancellor may give a copy of the document to the Legal Services Consultative Panel or any other person, and invite them to provide advice on it within that period.
 - (6) The Lord Chancellor must have regard to any representations and advice duly given.
 - (7) If the order which the Lord Chancellor proposes to make differs from the draft order published under sub-paragraph (2), the Lord Chancellor must, before making the order, publish the revised draft order along with a statement detailing the changes made and the reasons for those changes.
- 4 Paragraphs 2 and 3 apply in relation to the Solicitors Disciplinary Tribunal as they apply in relation to a designated regulator, but as if in paragraph 2—
- (a) in sub-paragraph (4)(a) the reference to the body to which the order relates were a reference to the Solicitors Disciplinary Tribunal or the Law Society, and
 - (b) for sub-paragraph (5) of that paragraph there were substituted—
 - “(5) The Lord Chancellor may make an order under this paragraph only for the purpose of enabling the Solicitors Disciplinary Tribunal to carry out its role more effectively or efficiently.”, and
 - (c) sub-paragraphs (6) and (7) of that paragraph were omitted.

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