



# Legal Services Act 2007

## 2007 CHAPTER 29

### PART 6

#### LEGAL COMPLAINTS

##### *Determinations under the scheme*

#### **137 Determination of complaints**

- (1) A complaint is to be determined under the ombudsman scheme by reference to what is, in the opinion of the ombudsman making the determination, fair and reasonable in all the circumstances of the case.
- (2) The determination may contain one or more of the following—
  - (a) a direction that the respondent make an apology to the complainant;
  - (b) a direction that—
    - (i) the fees to which the respondent is entitled in respect of the services to which the complaint relates (“the fees”) are limited to such amount as may be specified in the direction, and
    - (ii) the respondent comply, or secure compliance, with such one or more of the permitted requirements as appear to the ombudsman to be necessary in order for effect to be given to the direction under subparagraph (i);
  - (c) a direction that the respondent pay compensation to the complainant of such an amount as is specified in the direction in respect of any loss which has been suffered by, or any inconvenience or distress which has been caused to, the complainant as a result of any matter connected with the complaint;
  - (d) a direction that the respondent secure the rectification, at the expense of the respondent, of any such error, omission or other deficiency arising in connection with the matter in question as the direction may specify;
  - (e) a direction that the respondent take, at the expense of the respondent, such other action in the interests of the complainant as the direction may specify.

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*Changes to legislation: There are currently no known outstanding effects for the Legal Services Act 2007, Section 137. (See end of Document for details)*

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- (3) For the purposes of subsection (2)(b) “the permitted requirements” are—
- (a) that the whole or part of any amount already paid by or on behalf of the complainant in respect of the fees be refunded;
  - (b) that the whole or part of the fees be remitted;
  - (c) that the right to recover the fees be waived, whether wholly or to any specified extent.
- (4) Where—
- (a) a direction is made under subsection (2)(b) which requires that the whole or part of any amount already paid by or on behalf of the complainant in respect of the fees be refunded, or
  - (b) a direction is made under subsection (2)(c),
- the direction may also provide for the amount payable under the direction to carry interest from a time specified in or determined in accordance with the direction, at the rate specified in or determined in accordance with scheme rules.
- (5) The power of the ombudsman to make a direction under subsection (2) is not confined to cases where the complainant may have a cause of action against the respondent for negligence.

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**Commencement Information**

- I1** S. 137 partly in force; s. 137 not in force at Royal Assent see s. 211; s. 137(4) in force at 1.1.2009 by [S.I. 2008/3149](#), [art. 2\(e\)\(i\)](#)
- I2** S. 137(1)-(3) (5) in force at 6.10.2010 by [S.I. 2010/2089](#), [art. 2\(a\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Legal Services Act 2007, Section 137.