



Legal Services Act 2007

2007 CHAPTER 29

PART 4

REGULATION OF APPROVED REGULATORS

Cancellation of approval

46 Cancellation of designation: further provision

- (1) This section applies where a body (“the former regulator”) has its designation in relation to one or more reserved legal activities cancelled by an order under section 45.
- (2) The Lord Chancellor may by order make—
 - (a) such modifications of provisions made by or under any enactment (including this Act or any enactment passed after this Act), prerogative instrument or other instrument or document, and
 - (b) such transitional or consequential provision,as the Lord Chancellor considers necessary or expedient in consequence of the cancellation.
- (3) The Lord Chancellor may, by order, make transfer arrangements.
- (4) “Transfer arrangements” are arrangements in accordance with which each person authorised by the former regulator who consents to the arrangements is, from the time the cancellation takes effect, treated as being authorised to carry on each protected activity by either—
 - (a) a relevant approved regulator, in relation to the protected activity, who consents to the transfer arrangements, or
 - (b) the Board acting in its capacity as a relevant approved regulator in relation to the protected activity by virtue of an order made under section 62.
- (5) The transfer arrangements—
 - (a) must make such provision as is necessary to ensure that, where a person is treated under those arrangements as being authorised to carry on a

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- protected activity by the new regulator, that person is subject to the regulatory arrangements of the new regulator;
- (b) may make provision requiring amounts held by the former regulator which represent amounts paid to it by way of practising fees by the persons to whom the transfer arrangements apply (or a part of the amounts so held) to be paid to the new regulator and treated as if they were amounts paid by those persons by way of practising fees to the new regulator.
- (6) Subsection (5)(a) is subject to any transitional provision which may be made by the transfer arrangements, including provision modifying the regulatory arrangements of the new regulator as they apply to persons to whom the transfer arrangements apply.
- (7) The Lord Chancellor may make an order under this section only if—
- (a) the Board has made a recommendation in accordance with section 47, and
 - (b) the order is in the same form as, or in a form which is not materially different from, the draft order annexed to that recommendation.
- (8) For the purposes of this section—
- (a) a person is “authorised by the former regulator” if immediately before the time the cancellation takes effect the person is authorised by the former regulator (other than by virtue of a licence under Part 5) to carry on an activity which is a reserved legal activity to which the cancellation relates, and
 - (b) in relation to that person—
 - (i) the activity which that person is authorised to carry on as mentioned in paragraph (a) is a “protected activity”, and
 - (ii) “the new regulator” means the approved regulator within paragraph (a) or (b) of subsection (4).
- (9) In this section “practising fee”, in relation to an approved regulator, means a fee payable by a person under the approved regulator's regulatory arrangements in circumstances where the payment of the fee is a condition which must be satisfied for that person to be authorised by the approved regulator to carry on one or more activities which are reserved legal activities.
- (10) But for the purposes of this section “practising fee” does not include a fee payable by a licensed body to its licensing authority under licensing rules.

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