

**2009 No. 3339**

**LEGAL SERVICES, ENGLAND AND WALES**

**The Legal Services Act 2007 (Functions of an Approved  
Regulator) Order 2009**

*Made* - - - - *15th December 2009*

*Coming into force in accordance with article 1*

This Order is made under section 69(1) and (6)(a) of the Legal Services Act 2007(b).

The Legal Services Board has made a recommendation under section 69(2)(a) to which, in accordance with section 69(2)(b) and (c), was annexed a draft order which was in a form not materially different from this Order.

That recommendation was, in accordance with section 69(3)(c), made with a view to an order being made which enables the body to which this Order relates, the Institute of Trade Mark Attorneys, to carry out its role as an approved regulator more effectively.

In accordance with section 70(1)(c), the recommendation was made with the consent of the Institute of Trade Mark Attorneys and, before making the recommendation, the Legal Services Board published a draft of the proposed recommendation and proposed draft order as required by section 70(2) to (4).

A draft of this instrument has been approved by a resolution of each House of Parliament pursuant to section 206(5) of the Legal Services Act 2007.

Accordingly the Lord Chancellor makes the following Order.

**Citation and commencement**

1. This Order may be cited as the Legal Services Act 2007 (Functions of an Approved Regulator) Order 2009 and comes into force on the day after the day on which it is made.

**Amendment of section 83A(7) of the Trade Marks Act 1994**

2. In section 184(3) of the Legal Services Act 2007, in the new section 83A(7) to be inserted into the Trade Marks Act 1994(d) (regulation of trade mark attorneys), in the definition of “trade mark agency work” after “United Kingdom” insert “or elsewhere”.

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(a) Section 69 was commenced by S.I. 2008/222 subject to the modifications set out in article 4 of that instrument.  
(b) 2007 c. 29.  
(c) Section 70 was commenced by S.I. 2008/222 subject to the modifications set out in article 5 of that instrument.  
(d) 1994 c. 26.

Signed by authority of the Lord Chancellor

15th December 2009

*Bridget Prentice*  
Parliamentary Under Secretary of State  
Ministry of Justice

### **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order amends section 83A(7) of the Trade Marks Act 1994 (c. 26) as inserted by section 184(3) of the Legal Services Act 2007 (c. 29).

Section 83A(7) of the Trade Marks Act 1994 defines “trade mark agency work” for the purposes of section 83A(1)(b) of that Act which gives the person who keeps the register under section 83 power to make regulations which regulate the carrying on of trade mark agency work by registered persons.

The amendment to section 83A(7) extends the power of the person keeping the register to make regulations which regulate work done in the course of carrying on the business of acting as agent for others for the purpose of applying for or obtaining the registration of trade marks outside the United Kingdom, in addition to that work carried out in the United Kingdom.

An impact assessment is annexed to the Explanatory Memorandum accompanying this instrument and is available alongside this instrument on the OPSI website.

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