

2009 No. 500

LEGAL PROFESSION, ENGLAND AND WALES

The Solicitors' Recognised Bodies (Amendment) Order 2009

Made - - - - *5th March 2009*

Laid before Parliament *9th March 2009*

Coming into force in accordance with article 1

The Lord Chancellor makes the following Order in exercise of the powers conferred by section 9(7) of the Administration of Justice Act 1985(a) and section 208(2) of the Legal Services Act 2007(b).

Citation and commencement

1. This Order may be cited as the Solicitors' Recognised Bodies (Amendment) Order 2009 and comes into force—

- (a) as to article 2(3)(c), on 1st October 2009;
- (b) otherwise, on 31st March 2009 immediately after sections 9 and 9A(c) of the Administration of Justice Act 1985.

Amendments to the Solicitors' Incorporated Practices Order 1991

2.—(1) The Solicitors' Incorporated Practices Order 1991(d) is renamed the Solicitors' Recognised Bodies Order 1991 and is amended as follows.

(2) In article 1 (Citation and commencement) for “Solicitors' Incorporated Practices Order 1991” substitute “Solicitors' Recognised Bodies Order 1991”.

(3) In article 3—

- (a) omit “corporate” and “the Council of” from the definition of “recognised body”;
- (b) in the definition of “member” insert “or who is a partner” before “of a recognised body”;
and
- (c) in the definitions of “holding company” and “subsidiary” for “Section 786 of the Companies Act 1985” substitute “section 1159 of the Companies Act 2006(e)”.

(4) In Schedule 1—

(a) 1985 c. 61. Section 9(7) has been amended by the Legal Services Act 2007 (c. 29), see S.I. 2008/1436, article 2(d)(ii). Sections 9 and 9A are amended and substituted by paragraphs 81 and 82 of Schedule 16 to the Legal Services Act 2007 (as amended by S.I. 2008/3074).

(b) 2007 c. 29.

(c) As amended and substituted by paragraphs 81 and 82 of Schedule 16 to the Legal Services Act 2007 (section 9A was amended by S.I. 2008/3074).

(d) S.I. 1991/2684 as amended by S.I. 2001/645.

(e) 2006 c. 41.

- (a) omit the entries relating to the statutes and statutory instruments listed in Schedule 1 to this Order;
 - (b) in the entry relating to section 146(2) and (4) of the Consumer Credit Act 1974(a) substitute “1974” for “1947”; and
 - (c) insert the following entry at the end of the list of statutes which apply to recognised bodies—
- “1996 c. 52 Housing Act Sections 30(2) and 47(2)”.
- (5) In Schedule 2—
- (a) omit the entries listed in Schedule 2 to this Order; and
 - (b) insert the following entry at the end of the table of “Statutory Instruments Which Apply to Recognised Bodies With Additions, Omissions and Modifications”—

<i>“Reference</i>	<i>Title</i>	<i>Extent and modifications</i>
S.I. 1999/728	Prison Rules	Rule 2(1) – in the definition of “legal adviser”, in relation to visits to a prisoner, “solicitor” shall not include a recognised body but “a clerk acting on behalf of his solicitor” shall include a clerk acting on behalf of a recognised body. In relation to correspondence, “solicitor” shall include a recognised body.”.

Amendments consequential upon the Legal Services Act 2007

3. Omit the word “corporate” in the definition of “recognised body” in the following provisions—
- (a) article 2 of the Solicitors’ (Non-Contentious Business) Remuneration Order 1994(b); and
 - (b) article 7(3) of the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001(c).

Signed by authority of the Lord Chancellor

Bridget Prentice
Parliamentary Under Secretary of State
Ministry of Justice

5th March 2009

SCHEDULE 1

Article 2(4)(a)

Omission of Statutes and Statutory Instruments Which Apply to
Recognised Bodies

PART 1

Statutes

Chartered Companies Act 1837(d)

- (a) 1974 c. 39.
- (b) S.I. 1994/2616.
- (c) S.I. 2001/544.
- (d) 1837 c. 37.

Land Registry Act 1862**(a)**
Tithe Act 1891**(b)**
Section 23(1) and (3)(a), (b) and (c) only of the Trustee Act 1925**(c)**
Land Registration Act 1925**(d)**
Architects (Registration) Act 1931**(e)**
Benefices (Purchase of Rights of Patronage) Measure 1933 No. 1
Charities Act 1960**(f)**
Building Societies Act 1962**(g)**
Licensing Act 1964**(h)**
Administration of Justice Act 1970**(i)**
Social Security Act 1975**(j)**
Sex Discrimination Act 1975**(k)**
Race Relations Act 1976**(l)**
Incumbents (Variation of Benefices) Measure 1977
Justices of the Peace Act 1979**(m)**
Magistrates' Courts Act 1980**(n)**
Financial Services Act 1986**(o)**
Legal Aid Act 1988**(p)**
Employment Act 1988**(q)**
Section 107(3)(c) and (d) only of the Housing Act 1988**(r)**
Road Traffic Offenders Act 1988**(s)**

PART 2

Statutory Instruments

Light Railways (Costs) Rules 1898**(t)**

- (a)** 1862 c. 53.
- (b)** 1891 c. 8.
- (c)** 1925 c. 19.
- (d)** 1925 c. 73.
- (e)** 1931 c. 33.
- (f)** 1960 c. 58.
- (g)** 1962 c. 37.
- (h)** 1964 c. 26.
- (i)** 1970 c. 31.
- (j)** 1975 c. 14.
- (k)** 1975 c. 65.
- (l)** 1976 c. 74.
- (m)** 1979 c. 55.
- (n)** 1980 c. 43.
- (o)** 1986 c. 60.
- (p)** 1988 c. 34.
- (q)** 1988 c. 19.
- (r)** 1988 c. 50.
- (s)** 1988 c. 53.
- (t)** S.I. 1898/496.

Benefices Rules 1899**(a)**
Rules with Respect to Applications under The Railways (Electrical Power) Act 1903**(b)**
Land Registration Rules 1925**(c)**
Ministry of Transport (Light Railways Procedure) Rules 1927**(d)**
Non-Contentious Probate Rules 1954**(e)**
Rules of the Supreme Court (Non-Contentious Probate Costs) 1956**(f)**
Foreign Compensation Commission (Egyptian Claims) Rules 1959**(g)**
Prison Rules 1964**(h)**
Ecclesiastical Jurisdiction (Faculty Appeals) Rules 1965**(i)**
Industrial Tribunals (England and Wales) Regulations 1965**(j)**
County Court Funds Rules 1965**(k)**
Performing Right Tribunal Rules 1965**(l)**
Transport Tribunal Rules 1965**(m)**
Commons Registration (General) Regulations 1966**(n)**
Faculty Jurisdiction Rules 1967**(o)**
Industrial and Provident Societies Regulations 1967**(p)**
Foreign Compensation Commission (USSR) Rules Approval Instrument 1969**(q)**
Air Navigation (Investigation of Combined Military and Civil Air Accidents) Regulations 1969**(r)**
National Insurance (Industrial Injuries) (Colliery Workers Supplementary Scheme) Amendment and Consolidation Order 1970**(s)**
Restriction on Agreements (Estate Agents) Order 1970**(t)**
Solicitors' Remuneration Order 1972**(u)**
Isles of Scilly (Sale of Intoxicating Liquor) Order 1973**(v)**
National Health Service (Service Committees and Tribunal) Regulations 1974**(w)**

- (a)** S.I. 1899/141.
- (b)** S.I. 1904/256.
- (c)** S.I. 1925/1093.
- (d)** S.I. 1927/196.
- (e)** S.I. 1954/796.
- (f)** S.I. 1956/552.
- (g)** S.I. 1959/640.
- (h)** S.I. 1964/388.
- (i)** S.I. 1965/251.
- (j)** S.I. 1965/1101.
- (k)** S.I. 1965/1500.
- (l)** S.I. 1965/1506.
- (m)** S.I. 1965/1687.
- (n)** S.I. 1966/1471.
- (o)** S.I. 1967/1002.
- (p)** S.I. 1967/1310.
- (q)** S.I. 1969/842.
- (r)** S.I. 1969/1437.
- (s)** S.I. 1970/376.
- (t)** S.I. 1970/1696.
- (u)** S.I. 1972/1139.
- (v)** S.I. 1973/1958.
- (w)** S.I. 1974/455.

Legal Officers Fees Order 1974**(a)**
Lands Tribunal Rules 1975**(b)**
Supreme Court Funds Rules 1975**(c)**
Matrimonial Causes Rules 1977**(d)**
Police (Withdrawn, Anonymous, etc, Complaints) Regulations 1977**(e)**
Pharmaceutical Society (Statutory Committee) Order of Council 1978**(f)**
Matrimonial Causes (Costs) Rules 1979**(g)**
Industrial and Provident Societies (Credit Unions) Regulations 1979**(h)**
National Health Service (Vocational Training) Regulations 1979**(i)**
Supreme Court Fees Order 1980**(j)**
Foreign Compensation Commission (Czechoslovakia) Rules Approval Instrument 1982**(k)**
County Court Fees Order 1982**(l)**
Detention Centre Rules 1983**(m)**
Youth Custody Centre Rules 1983**(n)**
Licensed Dealers (Conduct of Business) Rules 1983**(o)**
Dealers in Securities (Licensing) Regulations 1983**(p)**
Goods Vehicles (Operators' Licences, Qualifications and Fees) Regulations 1984**(q)**
Court of Protection Rules 1984**(r)**
Police (Complaints) (General) Regulations 1985**(s)**
Register of County Court Judgements Regulations 1985**(t)**
Court of Protection (Enduring Powers of Attorney) Rules 1986**(u)**
Occupational Pension Schemes (Disclosure of Information) Regulations 1986**(v)**
Land Registration Fee Order 1986**(w)**

- (a)** S.I. 1974/1837.
- (b)** S.I. 1975/299.
- (c)** S.I. 1975/1803.
- (d)** S.I. 1977/344.
- (e)** S.I. 1977/577.
- (f)** S.I. 1978/20.
- (g)** S.I. 1979/399.
- (h)** S.I. 1979/937.
- (i)** S.I. 1979/1644.
- (j)** S.I. 1980/821.
- (k)** S.I. 1982/1110.
- (l)** S.I. 1982/1706.
- (m)** S.I. 1983/569.
- (n)** S.I. 1983/570.
- (o)** S.I. 1983/585.
- (p)** S.I. 1983/587.
- (q)** S.I. 1984/176.
- (r)** S.I. 1984/2035.
- (s)** S.I. 1985/520.
- (t)** S.I. 1985/1807.
- (u)** S.I. 1986/127.
- (v)** S.I. 1986/1046.
- (w)** S.I. 1986/1399.

Air Navigation (Investigation of Air Accidents involving Civil and Military Aircraft or Installations) Regulations 1986**(a)**

Police Regulations 1987**(b)**

Insurance Brokers Registration Council (Indemnity Insurance and Grants Scheme) Rules Approvals Order 1987**(c)**

Land Registration (Official Searches) Rules 1988**(d)**

Land Registration Fee Order 1988**(e)**

Magistrates' Courts (Children and Young Persons) Rules 1988**(f)**

Criminal Justice Act 1987 (Dismissal of Transferred Charges) Rules 1988**(g)**

Criminal Justice Act 1987 (Preparatory Hearings) Rules 1988**(h)**

Criminal Justice Act 1987 (Preparatory Hearings) (Interlocutory Appeals) Rules 1988**(i)**

Criminal Appeal (Reviews of Sentencing) Rules 1989**(j)**

Financial Services Act 1986 (Single Property Schemes) (Exemption) Regulations 1989**(k)**

Legal Advice and Assistance (Duty Solicitor) (Remuneration) Regulations 1989**(l)**

Legal Advice and Assistance at Police Stations (Remuneration) Regulations 1989**(m)**

Legal Aid in Criminal and Care Proceedings (Costs) Regulations 1989**(n)**

Legal Aid in Criminal and Care Proceedings (General) Regulations 1989**(o)**

Legal Advice and Assistance (Scope) Regulations 1989**(p)**

Magistrates' Courts (Extradition) Rules 1989**(q)**

Land Registration Fee Order 1990**(r)**

Land Registration Rules 1990**(s)**

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- (a)** S.I. 1986/1953.
 - (b)** S.I. 1987/851.
 - (c)** S.I. 1987/1496.
 - (d)** S.I. 1988/629.
 - (e)** S.I. 1988/665.
 - (f)** S.I. 1988/913.
 - (g)** S.I. 1988/1695.
 - (h)** S.I. 1988/1699.
 - (i)** S.I. 1988/1700.
 - (j)** S.I. 1989/19.
 - (k)** S.I. 1989/28.
 - (l)** S.I. 1989/341.
 - (m)** S.I. 1989/342.
 - (n)** S.I. 1989/343.
 - (o)** S.I. 1989/344.
 - (p)** S.I. 1989/550.
 - (q)** S.I. 1989/1597.
 - (r)** S.I. 1990/172.
 - (s)** S.I. 1990/314.

Omission of Statutes and Statutory Instruments Which Apply to Recognised Bodies With Additions, Omissions and Modifications

PART 1

Statutes

Juries Act 1974**(a)**;

Supreme Court Act 1981**(b)**;

Sections 10(5), 60(1) and 60(1)(d), (1)(e) and (1)(f) only of the County Courts Act 1984**(c)**.

PART 2

Statutory Instruments

Foreign Compensation Commission (Egyptian Claims) Rules 1959**(d)**;

Prison Rules 1964**(e)**;

Rules of the Supreme Court (Revision) 1965**(f)**;

Foreign Compensation Commission (USSR) Rules Approval Instrument 1969**(g)**;

General Medical Council Disciplinary Committee (Procedure) Rules Order of Council 1970**(h)**;

Hong Kong Supreme Court (Admiralty Procedure) Rules Order 1976**(i)**;

General Medical Council (Fraud or Error in relation to Registration) Rules Order of Council 1980**(j)**;

General Medical Council Health Committee (Procedure) Rules Order of Council 1987**(k)**; and

Banking Act 1987 (Exempt Transactions) Regulations 1988**(l)**.

(a) 1974 c. 23.
(b) 1981 c. 54.
(c) 1984 c. 28.
(d) S.I. 1959/640.
(e) S.I. 1964/388.
(f) S.I. 1965/1776.
(g) S.I. 1969/842.
(h) S.I. 1970/596.
(i) S.I. 1976/1777.
(j) S.I. 1980/860.
(k) S.I. 1987/2174.
(l) S.I. 1988/646.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Solicitors' Incorporated Practices Order 1991 (S.I. 1991/2684), which is renamed by this Order as the Solicitors' Recognised Bodies Order 1991, which provided for certain enactments which had effect in relation to solicitors to apply also to recognised bodies (entities recognised by the Law Society under section 9 of the Administration of Justice Act 1985 (c. 61) as suitable to carry on legal services).

Paragraphs 81 and 82 of Schedule 16 to the Legal Services Act 2007 (c. 29) amend section 9 and add a new section 9A to the Administration of Justice Act 1985. One of the effects of these changes is to allow the Law Society to regulate partnerships and unincorporated bodies (as well as bodies corporate, including LLPs, as previously) as recognised bodies.

This Order also removes references to enactments or instruments which are no longer effective.

An impact assessment ("IA") has not been prepared for this Order, but a full IA was prepared for the Legal Services Bill in November 2006, supplemented in 2007. Copies of those documents are annexed to the Explanatory Memorandum which is available alongside this instrument on the OPSI website.

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