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STATUTORY INSTRUMENTS

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**2009 No. 503 (C. 34)**

**LEGAL SERVICES, ENGLAND AND WALES**

**The Legal Services Act 2007 (Commencement No. 4, Transitory and Transitional Provisions and Appointed Day) Order 2009**

|                               |         |                        |
|-------------------------------|---------|------------------------|
| <i>Made</i>                   | - - - - | <i>5th March 2009</i>  |
| <i>Laid before Parliament</i> |         | <i>9th March 2009</i>  |
| <i>Coming into force</i>      | - -     | <i>31st March 2009</i> |

The Lord Chancellor makes the following Order in exercise of the powers conferred by sections 30(4), 204, 208(2) and (4) and 211(2) of the Legal Services Act 2007(1):

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Legal Services Act 2007 (Commencement No. 4, Transitory and Transitional Provisions and Appointed Day) Order 2009.

(2) This Order comes into force on 31st March 2009.

(3) In this Order —

- (a) “the 1974 Act” means the Solicitors Act 1974(2);
- (b) “the 1985 Act” means the Administration of Justice Act 1985(3);
- (c) “the 1990 Act” means the Courts and Legal Services Act 1990(4);
- (d) “the 2007 Act” means the Legal Services Act 2007; and
- (e) a reference to a section, Schedule or paragraph of a Schedule by number alone is a reference to that section, Schedule or paragraph in the 2007 Act.

**Commencement of provisions**

2. The following provisions of the 2007 Act come into force on 31st March 2009—

- (a) in Part 9 (General), section 199(3), (5) to the extent that it is not already in force, (6)(a) in so far as it relates to section 53 of the 1990 Act and (6)(b) to the extent that it is not already in force, the definition of “conveyancing services” in section 207 and section 208(1);

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(1) 2007 c. 29.  
(2) 1974 c. 47.  
(3) 1985 c. 61.  
(4) 1990 c. 41.

- (b) in Schedule 16 (The Law Society, solicitors, recognised bodies and foreign lawyers)—
- (i) in Part 1, paragraphs 31(2)(c) and (e), 32(1), (2)(a) and (c) to (e) and (3) to (7), 33, 35, 36, 37 subject to articles 4 and 5, 41(1) and (2), 42 subject to article 4, 43, 44 subject to article 4, 45 subject to article 4, 46 subject to article 4, 49(b), (d), (f) subject to article 4 and (h), 50(b) and (c), 54(6)(b) subject to article 4 and (7), 59(b)(iii), 62(d) and (e) subject to article 4, 70, 72(b), 74, 75(a) and (c) in so far as it omits the definition of “controlled trust”, 77 subject to article 4 and 79 subject to article 5;
  - (ii) in Part 2, paragraphs 81 to the extent that it is not already in force and subject to article 4, 82(5), 83, 84(1), (2) and (4), 85, 86 to the extent that it is not already in force, 87 to 93, 94 subject to article 5, 95 to 99, 101 subject to article 4, 102 subject to article 4, 103 subject to article 4, 104, 105(a), (b)(i) and (iii) and (c), 106(a), (b), (d) and (e) in so far as it omits paragraph 18(4) of Schedule 2, 107 subject to article 4, 108 to 110, 113(b)(iv) and (c), 114 and 116 to 123; and
  - (iii) in Part 3, paragraphs 125 to the extent that it is not already in force and subject to article 4, 127, 131, 132 subject to article 5, 133, 134 and 136;
- (c) in Schedule 17 (Licensed conveyancing)—
- (i) in Part 1, paragraphs 2(a), 4, 5(1), (2)(a) and (b) in so far as it inserts paragraph (ea) and (3)(a) and (b) in so far as it inserts paragraph (ea), 6, 7(1) and (2)(a) and (b) in so far as it inserts paragraph (ea), 8, 9, 12 to 19, 20 subject to article 4, 21, 22, 24 to 26, 28, 29, 30(1), (2)(b) and (3), 31 and 32(1) to (6)(f) subject to article 4, (6)(g) in so far as it omits sub-paragraph (4), and (7) to (18);
  - (ii) in Part 2, paragraphs 33, 34(1), (5) and (6) and 35(1), (5) and (7) to (11);
- (d) in Schedule 21 (Minor and consequential amendments), paragraphs 65, 67, 83, 87, 99, 100(b) to (d) and 101;
- (e) in Schedule 22 (Transitional and transitory provision), paragraphs 6 to 8, 11(1), 13, 14, 15 subject to article 4, 16 and 17; and
- (f) in Schedule 23 (Repeals)—
- (i) the entry relating to the “Authorised Conveyancing Practitioners Board.” in Schedule 2 to the Parliamentary Commissioner Act 1967(6);
  - (ii) the entries relating to the following provisions of the 1974 Act—
    - (aa) sections 32(1) in so far as it omits from “and the rules” to the end, (2), (4) and (6), 33(2), 34(7) and (8), 43(5), 47(2)(c), (4) and (5), 76 to 78, 80(2) and the definition of “controlled trust” in section 87(1);
    - (bb) paragraph 1(1)(h) and (2) of Schedule 1; and
    - (cc) Schedule 2;
  - (iii) the entry relating to Part 2 of Schedule 1 to the House of Commons Disqualification Act 1975(7);
  - (iv) the entry relating to Part 2 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975(8);
  - (v) the entries relating to the following provisions of the 1985 Act—
    - (aa) sections 2, 9, 10, 15(7) and (8), 24, 26(2)(g), (5) and (6), 29(1), 31, 32, 34(2) (c) to (e), 35(2) and 39(1);

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(5) The new section 9A to be inserted into the Administration of Justice Act 1985 (c. 61) by paragraph 82 of Schedule 16 was amended by S.I. 2008/3074.

(6) 1967 c. 13.

(7) 1975 c. 24.

(8) 1975 c. 25.

- (bb) paragraphs 1, 4(2), 11, 12, 16(1), 17(a) in so far as it omits “11(1), 15(2) or”, 18(2), 18(4), 20(2), 31, 32(2), 34(1) and 35 of Schedule 2;
- (cc) paragraphs 2(3) and 3 of Schedule 3;
- (dd) paragraph 3 of Schedule 4;
- (ee) paragraph 1(2) of Schedule 5;
- (ff) Schedule 6 with the exception of paragraphs 4(3) and (3A) and 9(2); and
- (gg) paragraph 2 of Schedule 9;
- (vi) the entries relating to the following provisions of the 1990 Act<sup>(9)</sup>—
  - (aa) sections 34 to 52, 53(9)(e) and 120(4) in so far as it omits 37(10) and 40(1);
  - (bb) Schedules 5 to 7;
  - (cc) paragraphs 11, 13 and 23 of Schedule 8;
  - (dd) paragraphs 1, 5 and 15 of Schedule 14; and
  - (ee) paragraph 1(1) and (2) of Schedule 18; and
- (vii) the entry relating to “The Authorised Conveyancing Practitioners Board.” in Part 6 of Schedule 1 to the Freedom of Information Act 2000<sup>(10)</sup>.

3. The provisions in the first column of the following table come into force on 31st March 2009 in so far as they define the term in the second column of the table for the purpose of the provisions in the third column—

| <i>Provision</i>             | <i>Defined Term</i>     | <i>Purpose</i>   |
|------------------------------|-------------------------|--|
| Section 12 and Schedule 2    | Reserved legal activity | Sections 9 (as amended by paragraph 81 of Schedule 16) and 32A (as inserted by paragraph 21 of Schedule 17) of the 1985 Act  |
| Section 72 and 109           | An interest in a body   | Sections 43 (as amended by paragraph 42 of Schedule 16), 44 (as amended by paragraph 43 of Schedule 16) and 44B (as substituted by paragraph 44 of Schedule 16) of the 1974 Act and sections 9 (as amended by paragraph 81 of Schedule 16) and 32A (as inserted by paragraph 21 of Schedule 17) of, and paragraphs 9 (as amended by paragraph 96 of Schedule 16), 10 (as amended by paragraph 97 of Schedule 16), 14 (as substituted by paragraph 101 of Schedule 16) and 18A (as inserted by paragraph 107 of Schedule 16) of Schedule 2 to, the 1985 Act |
| Section 72(6)                | Shares                  | Section 9A of the 1985 Act (as inserted by paragraph 82 of Schedule 16)  |
| Paragraph 7(4) of Schedule 5 | Legal partnership       | Paragraph 13 of Schedule 22  |

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<sup>(9)</sup> 1990 c. 41.

<sup>(10)</sup> 2000 c. 36.

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| <i>Provision</i>              | <i>Defined Term</i>  | <i>Purpose</i>                    |
|-------------------------------|--|-----------------------------------|
| Paragraph 12(4) of Schedule 5 | Duly certificated notary   | Paragraph 15(1)(h) of Schedule 22 |
| Paragraph 14(7) of Schedule 5 | Patent attorney body   | Paragraph 15(1)(k) of Schedule 22 |
| Paragraph 16(7) of Schedule 5 | Trade mark attorney body   | Paragraph 15(1)(m) of Schedule 22 |
| Paragraph 17(2) of Schedule 5 | Authorised member of the Association of Law Costs Draftsmen                                    | Paragraph 15(1)(n) of Schedule 22 |
| Paragraph 18(2) of Schedule 5 | Carries on an activity which is a reserved legal activity within paragraph 18(2) of Schedule 5 | Paragraph 15(1)(o) of Schedule 22 |

### Transitory provisions

- 4.—(1) Until paragraph 19 of Schedule 4 comes into force, the Law Society may make—
- (a) rules under paragraph 6B of Schedule 1 to the 1974 Act (as inserted by paragraph 77(6) of Schedule 16) only with the concurrence of the Lord Chancellor; and
  - (b) the following rules and regulations only with the concurrence of the Lord Chancellor and the Master of the Rolls—
    - (i) rules under sections 36 and 36A of the 1974 Act (as substituted by paragraph 37 of Schedule 16);
    - (ii) regulations under section 43(2A) of the 1974 Act (as substituted by paragraph 42 of Schedule 16);
    - (iii) regulations under section 44C of the 1974 Act (as substituted by paragraph 45 of Schedule 16);
    - (iv) rules under section 44D(7) of the 1974 Act (as inserted by paragraph 46 of Schedule 16);
    - (v) regulations under paragraph 14A of Schedule 2 to the 1985 Act (as substituted by paragraph 102 of Schedule 16); and
    - (vi) rules under paragraph 14B(7) of Schedule 2 to the 1985 Act (as inserted by paragraph 103 of Schedule 16).
- (2) Until section 21 comes into force—
- (a) section 36 of the 1974 Act (as substituted by paragraph 37 of Schedule 16) has effect as if subsection (7) were omitted; and
  - (b) section 89 of the 1990 Act (as amended by paragraph 125 of Schedule 16) has effect as if subsection (8A) were omitted.
- (3) Until paragraph 39 of Schedule 16 comes into force—
- (a) section 44B of the 1974 Act (as substituted by paragraph 44 of Schedule 16) has effect as if the following paragraph were inserted immediately after paragraph (b) of subsection (3)—

- “(ba) whether any professional services provided by a solicitor were not of the quality which it is reasonable to expect of him as a solicitor;” and
- (b) paragraph 14 of Schedule 2 to the 1985 Act (as substituted by paragraph 101 of Schedule 16) has effect as if the word “or” were omitted from the end of sub-paragraph (1) (a) and the following paragraph were inserted immediately after paragraph (a) of sub-paragraph (1)—
- “(aa) any professional services provided by a recognised body were not of the quality which it is reasonable to expect of it as a recognised body; or”.
- (4) Until paragraph 1 of Schedule 4 comes into force—
- (a) for section 47(2H)(a) and (b) of the 1974 Act (as inserted by paragraph 49(f) of Schedule 16) substitute—
- “(a) if the employee is regulated by a designated regulator (as defined by paragraph 2(2) and (3) of Schedule 22 to the Legal Services Act 2007), the relevant designated regulator in relation to that employee, and
- (b) if the employee is not regulated by a designated regulator, any body which regulates the carrying on of activities by that employee.”; and
- (b) for paragraph 18A(7)(a) and (b) of Schedule 2 to the 1985 Act (as inserted by paragraph 107 of Schedule 16) and paragraph 4(2C)(a) and (b) of Schedule 6 to the 1985 Act (as inserted by paragraph 32(6)(f) of Schedule 17) substitute—
- “(a) if the person is regulated by a designated regulator (as defined by paragraph 2(2) and (3) of Schedule 22 to the Legal Services Act 2007), the relevant designated regulator in relation to that person, and
- (b) if the person is not regulated by a designated regulator, any body which regulates the carrying on of activities by that person.”.
- (5) Until section 13 comes into force, the references to an “authorised person” in—
- (a) section 56(5)(d) of the 1974 Act (as inserted by paragraph 54(6)(b) of Schedule 16), and
- (b) section 66(b) of the 1974 Act (as inserted by paragraph 62(e) of Schedule 16),
- are to be read as if the definition in section 18 were in force.
- (6) Until paragraph 26 of Schedule 16 comes into force, paragraph 81 of Schedule 16 (which amends section 9 of the 1985 Act) has effect as if for sub-paragraph (7) there were substituted—
- “(7) In subsection (4) for “an officer” (in both places) substitute “a manager”.”.
- (7) Until paragraph 23 of Schedule 17 comes into force, paragraph 20 of Schedule 17 has effect as if sub-paragraph (4) which inserts new subsection (1)(ba) into section 32 of the 1985 Act were omitted.
- (8) Until Part 1 of Schedule 10 comes into force, paragraph 20(11) of Schedule 17 which inserts new subsections (8) and (9) into section 32 of the 1985 Act has effect as if the new subsection (9) of section 32 of the 1985 Act were omitted.
- (9) Until section 15 comes into force, paragraph 15(1)(i) and (o) of Schedule 22 has effect as if the reference to that section were omitted.

### **Transitional provision**

5. Notwithstanding their substitution or omission the following provisions will continue to have effect where the application for the grant of compensation was made before 31st March 2009—

- (a) section 36 of the 1974 Act (substituted by paragraph 37 of Schedule 16);
- (b) Schedule 2 to the 1974 Act (omitted by paragraph 79 of Schedule 16);

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- (c) paragraph 6 of Schedule 2 to the 1985 Act (substituted by paragraph 94 of Schedule 16);  
and
- (d) paragraph 6 of Schedule 14 to the 1990 Act (substituted by paragraph 132 of Schedule 16);

**Appointed day provision**

- 6.** The day appointed for the purposes of section 30 of the 2007 Act is 31st December 2009.

Signed by authority of the Lord Chancellor

5th March 2009

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

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

This Order is the fourth commencement order made under the Legal Services Act 2007 (c. 29) (“the 2007 Act”). This Order comes into force on 31st March 2009.

Article 2 brings into force various provisions of the 2007 Act. The following table shows the effect of those provisions:

| <i>Article of Order</i>    | <i>Provisions Commenced</i>  | <i>Effect</i>   |
|----------------------------|--|---|
| 2(a) (part)                | Section 199(3), (5) (now fully) and (6)(a) and (b) (partially)   | Adds statutory references to the list of protected functions of the Lord Chancellor in Schedule 7 to the Constitutional Reform Act 2005 (c. 4).   |
| 2(a) (part)                | Section 207 (partially)  | Commences the definition of “conveyancing services”.  |
| 2(a) (part)                | Section 208(1)   | Introduces Schedule 21 (minor and consequential amendments).  |
| 2(b) (part)                | Schedule 16, paragraph 31(2)(c) and (e)  | Amends section 31 of the Solicitors Act 1974 (c. 47) (“the 1974 Act”) to allow the Law Society to make rules about solicitors’ fitness to practise.   |
| 2(b) (part) and (f) (part) | Schedule 16, paragraph 32 (partially) and the reference to section 32(1)(b), (2), (4) and (6) of the 1974 Act in Schedule 23   | Amend section 32 of the 1974 Act to allow the Law Society to make rules about how client money is handled and managed (including trust money).  |
| 2(b) (part) and (f) (part) | Schedule 16, paragraphs 33 and 35 and the reference to sections 33(2) and 34(7) and (8) of the 1974 Act in Schedule 23   | Amend sections 33 and 34 of the 1974 Act to broaden the scope of the Law Society’s rule making powers in relation to solicitors’ accounts and to require accountants to report certain information to the Society.  |
| 2(b) (part) and (f) (part) | Schedule 16, paragraphs 36, 42, 43, 49(b), (d), (f) and (h), 54(6)(b), 59(b)(iii), 62(d) and (e) and the reference to sections 43(5), 47(2)(c), (4) and (5) of the 1974 Act in Schedule 23 | Insert new sections 34A and 34B into, and amend sections 43 and 44 of, the 1974 Act to give the Law Society regulatory control over the employees of solicitors and to make it an offence for any person in respect of whom a section 43 order is made to seek employment or remuneration from a solicitor or recognised body or to seek an interest in a recognised body. There are also minor consequential amendments. |
| 2(b) (part) and (f) (part) | Paragraphs 37 and 79 of Schedule 16 and the reference to Schedule 2 of the 1974 Act in Schedule 23   | Substitute new sections 36 and 36A of the 1974 Act to allow the Law Society to make rules about how its compensation arrangements (including the compensation fund) will work.  |

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| <i>Article of Order</i>    | <i>Provisions Commenced</i>  | <i>Effect</i>  |
|----------------------------|--|--|
| 2(b) (part)                | Schedule 16, paragraphs 44, 45 and 46  | Substitute new sections 44B, 44BA, 44BB, 44BC, 44C and 44D of the 1974 Act to extend the Law Society's and the Solicitors Disciplinary Tribunal's powers to regulate and investigate the involvement of non-solicitors in legal services bodies and to rebuke or impose fines for regulatory breaches.   |
| 2(b) (part)                | Schedule 16, paragraph 50(b) and (c)   | Makes minor consequential amendments to section 48 of the 1974 Act (orders of Tribunal)  |
| 2(b) (part) and (f) (part) | Schedule 16, paragraph 70 and the reference to sections 76 to 78 of the 1974 Act in Schedule 23  | Omit sections 76 to 78 of the 1974 Act which made provision for membership of the Law Society.   |
| 2(b) (part)                | Schedule 16, paragraph 72(b)   | Omits section 80(2) of the 1974 Act which deals with powers to act on behalf of the Law Society.   |
| 2(b) (part)                | Schedule 16, paragraph 74  | Inserts a new section 86A into the 1974 Act allowing the Law Society more flexible rule making powers.   |
| 2(b) (part)                | Schedule 16, paragraph 75(a) and (c)   | Makes consequential amendments to definitions in section 87(1) (interpretation) of the 1974 Act.   |
| 2(b) (part) and (f) (part) | Schedule 16, paragraph 77 and the reference to paragraph 1(1)(h) and (2) of Schedule 1 to the 1974 Act in Schedule 23  | Amend Schedule 1 to the 1974 Act to modify the powers of the Law Society to intervene in a solicitor's practice.   |
| 2(b) (part) and (f) (part) | Schedule 16, paragraphs 81 (now fully), 82, 83, 84(1), (2) and (4), 85, 86 (now fully), 87 to 99, 101 to 104, 105(a), (b)(i) and (iii), (c), 106(a), (b), (d) and (e)(partially), 107 to 110, 113(b)(iv) and (c), 114, 116 to 123; and the entries relating to section 9 of, and paragraphs 1, 4(2), 11, 12, 16, 18(3) and (4), 20(2), 31, 32(2), 34(1) and 35 of Schedule 2 to, the 1985 Act in Schedule 23 | Amend sections 9 and 10 of, and insert a new section 9A into, the Administration of Justice Act 1985 (c. 61) ("the 1985 Act") to extend the Law Society's power to recognise entities as suitable to provide legal services to include partnerships and unincorporated bodies; allow legal disciplinary practices (i.e. firms or companies that include solicitors, other legal practitioners or bodies that are "authorised persons" under the 2007 Act); and permit such practices to have up to 25% non-lawyer managers and owners. These provisions also include minor consequential amendments and transitional arrangements. |
| 2(b) (part)                | Schedule 16, paragraphs 125 (now fully), 127, 131 and 132 to 136   | Amend provisions in the 1990 Act related to registered foreign lawyers in order to achieve consistency with other legislation.   |



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| <i>Article of Order</i>             | <i>Provisions Commenced</i>   | <i>Effect</i>  |
|-------------------------------------|---|--|
| 2(c)<br>(part)                      | Schedule 17, paragraph 2(a)   | Amends section 11 of the 1985 Act to extend the reach of Part 2 of that Act (“Licensed Conveyancing”) to licence holders and registered bodies.  |
| 2(c)<br>(part)<br>and (f)<br>(part) | Schedule 17, paragraph 4 and the entry relating to section 15(7) and (8) of the 1985 Act and paragraph 23 of Schedule 8 of the 1990 Act in Schedule 23          | Amend section 15 of the 1985 Act to allow the Council for Licensed Conveyancers (“CLC”) discretion as to the duration of a conveyancing licence and 42 days (instead of the previous 21) in which to determine applications for licences. The distinction between “full” and “limited” licences is also removed.   |
| 2(c)<br>(part)                      | Schedule 17, paragraph 5(1), (2)(a) and (b) (for limited purpose), (3)(a) and (b) (for limited purpose), 6, 7(1) and (2)(a) and (b) (for limited purpose) and 8 | Amend the 1985 Act to alter the circumstances in which the CLC may impose, remove or vary conditions on the grant of a licensed conveyancer’s licence and to allow the CLC to impose an additional fee where an applicant for a licence submits an accountant’s report late.   |
| 2(c)<br>(part)                      | Schedule 17, paragraph 9  | Amends section 18 of the 1985 Act to provide for the immediate suspension of a licensed conveyancer’s licence in certain defined circumstances.  |
| 2(c)<br>(part)<br>and (f)<br>(part) | Schedule 17, paragraphs 12 to 19 and the entries relating to sections 24, 26(2)(g), (5) and (6), 29(1) and 31 of the 1985 Act in Schedule 23                    | Amend sections 24, 25, 26, 27, 28, 29 and 31 of, and insert a new section 24A into, the 1985 Act to alter the CLC’s current disciplinary arrangements. The amendments allow the Investigating Committee (which previously had only an investigatory role) to make a determination on minor infractions of the CLC’s rules and impose fines; allow the Investigating Committee and the Discipline and Appeals Committee to make orders for the payment of costs; and permit the CLC to make rules setting its own limit for fines (previously limited to £3,000). |
| 2(c)<br>(part)<br>and (f)<br>(part) | Schedule 17, paragraphs 20, 21, 24 to 26 and 28 and the entries relating to sections 32, 34(2)(c) to (e), 35(2) and 39(1) of the 1985 Act in Schedule 23        | Amend section 32 of, and insert new section 32A into, the 1985 Act to allow the CLC to regulate entities (including partnerships and unincorporated bodies and including bodies that carry out not just conveyancing services but also other legal services carried out by “authorised persons” under the 2007 Act) by recognising them as suitable to provide conveyancing services. The amendments also allow the CLC to make rules applicable to managers and employees of the bodies it recognises and make consequential amendments to related provisions.  |
| 2(c)<br>(part)                      | Schedule 17, paragraph 22 (for a limited purpose)   | Substitutes a new section 33 of the 1985 Act to ensure that the legal professional privilege of clients of recognised conveyancing services bodies reflects the provision in section 190 of the 2007 Act.  |
| 2(c)<br>(part)                      | Schedule 17, paragraphs 29 and 30(1), (2)(b) and (3); and   | Amend Schedule 3 to the 1985 Act to allow CLC members to be appointed as opposed to “elected   |

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| <i>Article of Order</i>    | <i>Provisions Commenced</i>   | <i>Effect</i>  |
|----------------------------|---|--|
| and (f) (part)             | the reference to paragraphs 2(3) and 3 of Schedule 3 and paragraph 3 of Schedule 4 to the 1985 Act in Schedule 23   | or nominated” and transfer approval of the new appointment scheme to the Legal Services Board. The amendment to Schedule 4 removes the requirement that the Discipline and Appeals Committee must be advised by an assessor of 10 years’ experience.   |
| 2(c) (part) and (f) (part) | Schedule 17, paragraph 31 and the reference to paragraph 1(2) of Schedule 5 to the 1985 Act in Schedule 23  | Amends Schedule 5 to the 1985 Act to allow the CLC similar intervention powers to the Law Society.   |
| 2(c) (part) and (f) (part) | Schedule 17, paragraph 32(1) to (6)(f), (6)(g) for limited purpose, (7) to (18) and the reference to Schedule 6 to the 1985 Act (with the exception of paragraph 4(3) and (3A)) in Schedule 23  | Amends paragraph 14 of Schedule 6 to the 1985 Act to allow the CLC to require the production of documents to a person appointed by the Investigating Committee. The provisions make other minor amendments.  |
| 2(c) (part) and (f) (part) | Schedule 17, paragraphs 33, 34(1), (5) and (6) and 35(1), (5) and (7) to (11) and the references to section 53(9) (e) of and paragraphs 11 and 13 of Schedule 8 to the 1990 Act in Schedule 23  | Amend the 1990 Act to update the CLC’s powers to reflect the new disciplinary powers conferred on the Investigating Committee and the Discipline and Appeals Committee.  |
| 2(d) and (f) (part)        | Schedule 21, paragraphs 65, 67, 83, 99, 87, 100(b) to (d) and 101 and the reference to the Parliamentary Commissioner Act 1967, House of Commons Disqualification Act 1975, Northern Ireland Assembly Disqualification Act 1975, sections 34 to 52 and 120 of, and Schedules 5 to 7 to, the 1990 Act and the Freedom of Information Act 2000 in Schedule 23 | Make minor amendments to the 1985 Act and amendments to the 1990 Act which are largely consequential upon changes to the regulation of conveyancing services. Repeal all references to the Authorised Conveyancing Practitioners Board, the Conveyancing Appeals Tribunal and the Conveyancing Ombudsman Scheme. |
| 2(e) (part)                | Schedule 22, paragraph 6  | Makes transitional provision to ensure that the CLC’s members “elected or nominated” under the present arrangements will continue to exercise the CLC’s functions until a new Council is appointed under the new arrangements.   |
| 2(e) (part)                | Schedule 22, paragraph 7  | Provides for endorsement of licences issued by the CLC to continue to have effect until the expiry of the  |

| <i>Article of Order</i> | <i>Provisions Commenced</i>           | <i>Effect</i>   |
|-------------------------|---------------------------------------|---|
|                         |                                       | licences in question, notwithstanding the repeal of the enabling provision.   |
| 2(e) (part)             | Schedule 22, paragraph 8              | Amends paragraphs 17 and 19 of Schedule 8 to the 1990 Act to insert a transitional power (which will end when the Office for Legal Complaints begins to handle complaints about inadequate professional services) for the CLC’s Discipline and Appeals Committee to make an order for costs in relation to proceedings taking place before it (currently only a licensed conveyancer can be required to pay costs). |
| 2(e) (part)             | Schedule 22, paragraph 11(1)          | Amends the definition of “solicitor” for the purpose of the 2007 Act until section 59(1) of the Constitutional Reform Act 2005 (c. 4) comes into force.   |
| 2(e) (part)             | Schedule 22, paragraph 13             | Applies section 44B of the 1974 Act to legal partnerships for a transitional period.  |
| 2(e) (part)             | Schedule 22, paragraph 14             | Amends section 69 of the 1974 Act to include a transitional provision for the signature of bills in actions to recover solicitors’ costs where those costs are due to a solicitors’ firm.   |
| 2(e) part               | Schedule 22, paragraphs 15, 16 and 17 | Define “authorised person” for a transitional period for the purpose of the recognition of legal services bodies and conveyancing services bodies. Apply legal professional privilege provisions to recognised legal services bodies for a transitional period.   |
| 2(f) (part)             | Schedule 23 (generally)               | Makes repeals which are consequential upon the changes described above.   |

Article 3 brings into force for limited purposes certain terms used in the 2007 Act to allow for the proper interpretation of those provisions pending the establishment of the new regulatory system.

Article 4(1) sets out the concurrence requirements for certain Law Society rules and regulations until such time as the Law Society’s regulatory arrangements can be approved by the Legal Services Board.

Article 4(2) omits references to “regulatory arrangements” until the introduction of that concept by section 21 of the 2007 Act.

Article 4(3)(a) alters the effect of the commencement of paragraph 44 of Schedule 16 to the 2007 Act so that, until the commencement of paragraph 39 of Schedule 16 to the 2007 Act (which omits section 37A from the Solicitors Act 1974), the Law Society will be able to exercise its “new” powers under sections 44B, 44BA, 44BB and 44BC of the Solicitors Act 1974 for the purpose of investigating complaints about professional services provided by a solicitor. Article 4(3)(b) makes similar provision in relation to professional services provided by a recognised body.

Article 4(4) and (5) provide for the interpretation of the terms “appropriate regulator” and “authorised person” which would otherwise have no effective meaning until the 2007 Act is more fully in force.

Article 4(6) extends the disapplication of sections 22(1) and 23(1) of the 1974 Act afforded by section 9(4) of the 1985 Act to managers, as well as officers and employees, of recognised bodies.

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Article 4(7) omits the power of the Council of Licensed Conveyancers in new section 32(1)(ba) of the 1985 Act (as inserted by paragraph 20(4) of Schedule 17) to make rules prescribing arrangements for authorising recognised bodies to carry on certain reserved legal activities.

Article 4(8) omits the reference in section 32 of the 1985 Act (as inserted by paragraph 20(11) of Schedule 17 to the 2007 Act) to the Council for Licensed Conveyancers being designated as a licensing authority until the commencement of the licensing regime in Schedule 10 to the 2007 Act.

Article 4(9) omits reference to section 15 of the 2007 Act in the description of “authorised person” for the purpose of the transitional provisions in Schedule 22 to the 2007 Act until the commencement of that section.

Article 5 makes transitional provision for the changes being introduced to the Law Society’s compensation arrangements, principally by new sections 36 and 36A of the 1974 Act (as substituted by paragraph 37 of Schedule 16 to the 2007 Act).

Article 6 appoints 31st December 2009 as the day before which the Legal Services Board must make rules relating to the exercise of regulatory functions for the purpose of section 30 of the 2007 Act.

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

#### NOTE AS TO EARLIER COMMENCEMENT ORDERS

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

The following provisions of the 2007 Act have been brought into force by commencement orders made before the date of this Order:

| <i>Provision</i>   | <i>Date of Commencement</i> | <i>S.I. No.</i>           |
|--|-----------------------------|---------------------------|
| Sections 1 subject to transitory provision, 2, 3, 5, 6 and 7   | 07.03.2008                  | <a href="#">2008/222</a>  |
| Sections 8 subject to modification, 9, 10, 11, 20(5), 24(3), 26(2), 27, 29, 30, 33, 37(4) and (5), 41(4) and (5), 42 (6) to (10), 44(2), 45(3)(b) and (c), (4) and (7), 48(6) to (9), 49, 50, 51(1), (3), (4) and (6) to (8) | 01.01.2009                  | <a href="#">2008/3149</a> |
| Sections 69 subject to modifications and 70 subject to modifications   | 07.03.2008                  | <a href="#">2008/222</a>  |
| Sections 74, 76(3)(b) and (c), (4) and (7), 79(6) to(10), 84(2) partially, 87(4) and (5), 89, 95(3) and (4), 96(1), 112(2) and (4),  | 01.01.2009                  | <a href="#">2008/3149</a> |
| Section 114  | 07.03.2008                  | <a href="#">2008/222</a>  |
| Sections 115 to 124, 126(3), 127, 128(3)(b), (4)(d) and (5)(c), 130, 132, 133, 136, 137(4), 140(6)(c), 141(5), (6) and (7), 144(1) and (3) to (7) subject to modifications, 145(2) and (3), 155, 156, 160, 162,              | 01.01.2009                  | <a href="#">2008/3149</a> |
| Section 172  | 07.03.2008                  | <a href="#">2008/222</a>  |

| <i>Provision</i>   | <i>Date of Commencement</i>  | <i>S.I. No.</i>   |
|--|------------------------------|---|
| Sections 173(1) and (3) to (11), 174(1), (3), (4), (6) and (7) subject to modification, 175(1)(c), (k), (m) and (n)  | 01.01.2009                   | <a href="#">2008/3149</a>                                 |
| Sections 177, 180 subject to modification, 182 and 187   | 07.03.2008                   | <a href="#">2008/222</a>                                  |
| Section 194(8) and (9) and (10) partially  | 30.06.2008                   | <a href="#">2008/1436</a>                                 |
| Section 194 (fully), 195 and 196   | 01.10.2008                   | <a href="#">2008/1436</a>                                 |
| Section 199(1) and (2)   | 07.03.2008                   | <a href="#">2008/222</a>                                  |
| Section 199(4), (5) partially and (6)(b) partially   | 30.06.2008                   | <a href="#">2008/1436</a>                                 |
| Section 200(1)   | 07.03.2008                   | <a href="#">2008/222</a>                                  |
| Sections 200(2) to (4), 201, 202 and 203   | 01.01.2009                   | <a href="#">2008/3149</a>                                 |
| Section 204(1), (3) and (4)(a)   | 07.03.2008                   | <a href="#">2008/222</a>                                  |
| Section 204 wholly and 205   | 01.01.2009                   | <a href="#">2008/3149</a>                                 |
| Sections 206, 209 and 210  | 07.03.2008                   | <a href="#">2008/222</a>                                  |
| Certain definitions in section 207   | 07.03.2008 and<br>30.06.2008 | <a href="#">2008/222</a> and<br><a href="#">2008/1436</a> |
| Schedule 1   | 07.03.2008                   | <a href="#">2008/222</a>                                  |
| Paragraphs 3(1), (3) and (4), 4(2), 11(3), 13, 20 and 23(3) of Schedule 4  | 01.01.2009                   | <a href="#">2008/3149</a>                                 |
| Paragraphs 12(1) to (3), 13 and 14 of Schedule 6   | 01.01.2009                   | <a href="#">2008/3149</a>                                 |
| Paragraphs 1, 2(5) and 10(3) of Schedule 7   | 01.01.2009                   | <a href="#">2008/3149</a>                                 |
| Paragraphs 1, 2(5), 10(5), 13(2)(a) and 21(5) of Schedule 8  | 01.01.2009                   | <a href="#">2008/3149</a>                                 |
| Paragraphs 1, 2(5) and 9(5) of Schedule 9  | 01.01.2009                   | <a href="#">2008/3149</a>                                 |
| Paragraphs 1(1), (4) and (5), 2(2), 9(3), 11, 17, 18(5) and 25(5) of Schedule 10   | 01.01.2009                   | <a href="#">2008/3149</a>                                 |
| Paragraphs 2(4) and (5) and 4 of Schedule 12   | 01.01.2009                   | <a href="#">2008/3149</a>                                 |
| Paragraph 8 and other paragraphs (for limited purposes only) of Schedule 13  | 01.01.2009                   | <a href="#">2008/3149</a>                                 |
| Paragraphs 1 to 12 of Schedule 15  | 07.03.2008                   | <a href="#">2008/222</a>                                  |
| Paragraphs 13 to 34 of Schedule 15   | 01.01.2009                   | <a href="#">2008/3149</a>                                 |
| Paragraphs 1, 2(b), 4(b), 7(b), 8(1) and (2), 21, 31(1) and (2)(a) and (d), 34(1), (2)(a) and (3), 38(a) in part, 38(b)(i) and (ii), 50(a)(ii), 53, 54(1) and (4)(b), 64(1), (3) and (4), 71 subject to transitory provision, 72(a) and 75(c) in part, 80, 115, 124, 126, 128(a) and (c)(i) and 130 of Schedule 16 | 07.03.2008                   | <a href="#">2008/222</a>                                  |

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| <i>Provision</i>  | <i>Date of Commencement</i>           | <i>S.I. No.</i>  |
|---|---------------------------------------|--|
| Paragraphs 38(b)(iii), 47, 48 subject to transitory provision, 54(2)(a) and (c), (3), (4)(a), (5), (6)(a) and (9)(b), 56(c), 81(1) and (9), 86(g) (partially), 111, 112(a), (c) and (d) and 113(b) (iii), 125(c), (d), (e), (f) and (g) and 128(c)(ii) of Schedule 16 | 30.06.2008                            | <a href="#">2008/1436</a>                              |
| Paragraphs 1 and 11 of Schedule 17  | 07.03.2008                            | <a href="#">2008/222</a>                               |
| Paragraphs 1, 5, 8 and 9 of Schedule 19   | 07.03.2008                            | <a href="#">2008/222</a>                               |
| Paragraphs 6(1) and (2) and 11(1) and (6) of Schedule 19  | 30.06.2008                            | <a href="#">2008/1436</a>                              |
| Schedule 20   | 01.10.2008                            | <a href="#">2008/1436</a>                              |
| Paragraphs 1 to 5 and paragraph 9 (for certain purposes) of Schedule 22   | 07.03.2008                            | <a href="#">2008/222</a>                               |
| Paragraph 18 of Schedule 22   | 30.06.2008                            | <a href="#">2008/1436</a>                              |
| Schedule 23 partially   | 07.03.2008, 30.06.2008 and 01.10.2008 | <a href="#">2008/222</a> and <a href="#">2008/1436</a> |