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STATUTORY INSTRUMENTS

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**2015 No. 401**

**The Legal Services Act 2007 (The Law Society)  
(Modification of Functions) Order 2015**

**Citation and commencement**

1.—(1) This Order may be cited as the Legal Services Act 2007 (The Law Society) (Modification of Functions) Order 2015.

(2) Save as provided by paragraph (3), this Order comes into force on 6th April 2015.

(3) Other than for the purpose of making rules, article 3 comes into force on 1st November 2015.

**Interpretation**

2. In this Order—

“the 1974 Act” means the Solicitors Act 1974(1);

“the 1985 Act” means the Administration of Justice Act 1985(2);

“the 2000 Regulations” means the European Communities (Lawyer’s Practice) Regulations 2000(3);

“sole solicitor” means a solicitor who is the sole principal in a practice; and

“sole solicitor endorsement” means an endorsement of the practising certificate of a solicitor by the Law Society authorising the solicitor to practise as a sole solicitor, made under section 1B(4) of the 1974 Act.

**Amendments**

3.—(1) The amendments to the 1974 Act and the 1985 Act set out in Schedule 1 shall have effect.

(2) The amendments to the 2000 Regulations set out in Schedule 2 shall have effect.

(3) In consequence of the amendments set out in Schedule 1, paragraphs 3, 15, 17(a), (b) and (d)(ii), 22, 30(2)(d), 49(a), (c) and (e), 75(b) and 81(2)(c) of Schedule 16 to the Legal Services Act 2007 are repealed.

**Transitional provisions: solicitors**

4.—(1) In any case where immediately before 1st November 2015 there is in force in relation to a sole solicitor a sole solicitor endorsement, then on and after that date the sole solicitor’s practice shall be treated as recognised by the Law Society under section 9 of the 1985 Act(5) as being suitable

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(1) 1974 c. 47.

(2) 1985 c. 61.

(3) S.I. 2000/1119.

(4) Section 1B was inserted by paragraphs 1 and 3 of Schedule 16 to the Legal Services Act 2007.

(5) Section 9 was amended by paragraph 54 of Schedule 18, and Schedule 20, to the Courts and Legal Services Act 1990, Part 2 of Schedule 15 to the Access to Justice Act 1999, paragraphs 80 and 81 of Schedule 16 to the Legal Services Act 2007 and S.I. 2000/1119, 2001/1090 and 2011/1716.

to undertake the provision of solicitor services and other relevant legal services (within the meaning of that section).

(2) The Law Society may direct in any case that recognition by virtue of paragraph (1) is to have effect subject to one or more conditions if—

- (a) the case is of a kind prescribed for the purposes of section 9(2F) of the 1985 Act (as amended by this Order) by rules made by the Law Society; and
- (b) the Law Society considers that it is in the public interest to do so.

(3) A direction by the Law Society in accordance with paragraph (2) only has effect if written notice of it is sent, with reasons, to the sole solicitor concerned—

- (a) at least 28 days before 1st November 2015; or
- (b) if the Law Society is satisfied on reasonable grounds that it is in the public interest to do so, such shorter period before that date as it may determine.

(4) A condition under paragraph (2) shall be treated as having been imposed under section 9(2F) of the 1985 Act (as amended by this Order).

(5) In any case where—

- (a) before 1st November 2015, the Law Society had received an application for a sole solicitor endorsement, and
- (b) immediately before that date, the Law Society had not yet granted (or refused) that application,

then, with effect from that date, that application shall be treated by the Law Society as an application for recognition of the sole solicitor's practice under section 9 of the 1985 Act (as amended by this Order).

#### **Transitional provisions: registered European lawyers**

5.—(1) Article 4 applies in relation to registered European lawyers as it applies in relation to a solicitor, subject to the following modifications—

- (a) a reference to a sole solicitor is to be read as a reference to a sole practitioner; and
- (b) a reference to a sole solicitor endorsement is to be read as a reference to a sole practitioner endorsement.

(2) In this article “registered European lawyer” has the meaning given by regulation 2 of the 2000 Regulations.

Signed by authority of the Lord Chancellor

24th February 2015

*Shailesh Vara*  
Parliamentary Under Secretary of State  
Ministry of Justice