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**Changes to legislation:** Courts and Legal Services Act 1990, Part IV is up to date with all changes known to be in force on or before 07 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

## SCHEDULES

### [<sup>F1</sup>SCHEDULE 4

#### AUTHORISED BODIES]

##### Textual Amendments

- F1** Sch. 4 substituted (1.1.2000) by 1999 c. 22, s. 41, Sch. 5 para. 2 (with Sch. 14 para. 7(2)); S.I. 1999/3344, art. 2(a) (subject to art. 4, Sch. 2 of that S.I.)

### <sup>F1</sup>PART IV

#### REVOCATION OF DESIGNATION

##### Textual Amendments

- F1** Sch. 4 substituted (1.1.2000) by 1999 c. 22, s. 41, Sch. 5 para. 2 (with Sch. 14 para. 7(2)); S.I. 1999/3344, art. 2(a) (subject to art. 4, Sch. 2 of that S.I.)

### <sup>F2</sup>Order in Council

##### Textual Amendments

- F2** Sch. 4 substituted (1.1.2000) by 1999 c. 22, s. 41, Sch. 5 para. 2 (with Sch. 14 para. 7(2)); S.I. 1999/3344, art. 2(a) (subject to art. 4, Sch. 2 of that S.I.)

- <sup>F3</sup>25 (1) Where an Order in Council has been made designating a body as an authorised body for the purposes of section 27, or for the purposes of section 28, the [<sup>F4</sup>Secretary of State] may recommend to Her Majesty that an Order in Council be made revoking that designation.
- (2) A recommendation may be made under sub-paragraph (1) only if—
- the authorised body has made a written request to the [<sup>F4</sup>Secretary of State] asking for it to be made;
  - the authorised body has agreed in writing to its being made; or
  - the [<sup>F4</sup>Secretary of State] is satisfied that the circumstances at the time when he is considering whether to make the recommendation are such that, had that body then been applying to become an authorised body, its application would have failed.

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#### Textual Amendments

- F3** Sch. 4 substituted (1.1.2000) by 1999 c.22, s. 41, **Sch. 5 para. 2** (with Sch. 14 para. 7(2)); S.I. 1999/3344, **art. 2(a)** (subject to art. 4, Sch. 2 of that S.I.)
- F4** Words in Schs. 3-6 substituted (19.8.2003) by The Secretary of State for Constitutional Affairs Order 2003 (S.I. 2003/1887), art. 9, **Sch. 2 para. 8(1)(d)** (with arts. 6, 8)

#### *F5 Requirement to seek advice*

#### Textual Amendments

- F5** Sch. 4 substituted (1.1.2000) by 1999 c. 22, s. 41, **Sch. 5 para. 2** (with Sch. 14 para. 7(2)); S.I. 1999/3344, **art. 2(a)** (subject to art. 4, Sch. 2 of that S.I.)

- <sup>F6</sup>26 Where the [<sup>F7</sup>Secretary of State] considers that it may be appropriate for him to make a recommendation in reliance on paragraph 25(2)(c), he shall seek the advice of the Consultative Panel and the [<sup>F8</sup>OFT].

#### Textual Amendments

- F6** Sch. 4 substituted (1.1.2000) by 1999 c.22, s. 41, **Sch. 5 para. 2** (with Sch. 14 para. 7(2)); S.I. 1999/3344, **art. 2(a)** (subject to art. 4, Sch. 2 of that S.I.)
- F7** Words in Schs. 3-6 substituted (19.8.2003) by The Secretary of State for Constitutional Affairs Order 2003 (S.I. 2003/1887), art. 9, **Sch. 2 para. 8(1)(d)** (with arts. 6, 8)
- F8** Sch. 4: "OFT" substituted (1.4.2003) in each place for "Director" by 2002 c. 40, ss. 278, 279, Sch. 25 para. 23(10)(a); S.I. 2003/766, **art. 2**, Sch. (with art. 3)

#### *F9 Advice of Consultative Panel*

#### Textual Amendments

- F9** Sch. 4 substituted (1.1.2000) by 1999 c. 22, s. 41, **Sch. 5 para. 2** (with Sch. 14 para. 7(2)); S.I. 1999/3344, **art. 2(a)** (subject to art. 4, Sch. 2 of that S.I.)

- <sup>F10</sup>27 (1) The Consultative Panel shall carry out such investigations with respect to the authorised body as it considers appropriate.
- (2) The [<sup>F11</sup>Secretary of State] and the authorised body shall provide the Consultative Panel with such additional information as it may reasonably require.
- (3) When the Consultative Panel has completed its investigations it shall—
- (a) advise the [<sup>F11</sup>Secretary of State] as to whether or not there appear to be grounds for making the recommendation; and

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- (b) if its advice is that there appear to be such grounds, advise the [F11Secretary of State] as to the transitional and incidental provision (if any) which it considers should be included in any Order made in pursuance of it.

- (4) The Consultative Panel shall publish any advice given by it under this paragraph.

#### Textual Amendments

- F10** Sch. 4 substituted (1.1.2000) by 1999 c.22, s. 41, **Sch. 5 para. 2** (with Sch. 14 para. 7(2)); S.I. 1999/3344, **art. 2(a)** (subject to art. 4, Sch. 2 of that S.I.)
- F11** Words in Schs. 3-6 substituted (19.8.2003) by The Secretary of State for Constitutional Affairs Order 2003 (S.I. 2003/1887), art. 9, **Sch. 2 para. 8(1)(d)** (with arts. 6, 8)

#### *F12 Advice of [F13Office of Fair Trading]*

#### Textual Amendments

- F12** Sch. 4 substituted (1.1.2000) by 1999 c. 22, s. 41, **Sch. 5 para. 2** (with Sch. 14 para. 7(2)); S.I. 1999/3344, **art. 2(a)** (subject to art. 4, Sch. 2 of that S.I.)
- F13** Words in the cross-heading before Sch. 4 para. 28 substituted (1.4.2003) by 2002 c. 40, ss. 278, 279, Sch. 25 para. 23(10)(e); S.I. 2003/766, **art. 2, Sch.** (with art. 3)

- <sup>F14</sup>28 (1) The [F15OFT] shall consider whether revoking the designation would have, or be likely to have, any significant effect on competition.
- (2) The [F16Secretary of State] and the authorised body shall provide the [F15OFT] with such additional information as [F17it] may reasonably require.
- (3) When the [F15OFT] has completed [F18its] consideration sh all give such advice to the [F16Secretary of State] as [F18it] thinks fit.
- (4) The [F15OFT] shall publish any advice given by [F19it] under this paragraph.
- (5) The [F15OFT] shall, so far as practicable, exclude from anything published under subparagraph (4) any matter which relates to the affairs of a particular person (other than the authorised body) the publication of which would, or might in [F20its] opinion, seriously and prejudicially affect the interests of that person.
- (6) Section 46 shall apply in relation to the investigation of any matter with a view to its consideration under this paragraph as it applies in relation to the investigation of any matter under section 45.

#### Textual Amendments

- F14** Sch. 4 substituted (1.1.2000) by 1999 c.22, s. 41, **Sch. 5 para. 2** (with Sch. 14 para. 7(2)); S.I. 1999/3344, **art. 2(a)** (subject to art. 4, Sch. 2 of that S.I.)
- F15** Sch. 4: "OFT" substituted (1.4.2003) in each place for "Director" by 2002 c. 40, ss. 278, 279, Sch. 25 para. 23(10)(a); S.I. 2003/766, **art. 2, Sch.** (with art. 3)
- F16** Words in Schs. 3-6 substituted (19.8.2003) by The Secretary of State for Constitutional Affairs Order 2003 (S.I. 2003/1887), art. 9, **Sch. 2 para. 8(1)(d)** (with arts. 6, 8)

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- F17** Word in Sch. 4 para. 28(2) substituted by 2002 c. 40, ss. 278, 279, Sch. 25 para. 23(10)(e)(i); S.I. 2003/766, **art. 2**, Sch. (with art. 3)
- F18** Word in Sch. 4 para. 28(3) substituted (1.4.2003) by 2002 c. 40, ss. 278, 279, Sch. 25 para. 23(10)(e)(ii); S.I. 2003/766, **art. 2**, Sch. (with art. 3)
- F19** Word in Sch. 4 para. 28(4) substituted (1.4.2003) by 2002 c. 40, ss. 278, 279, Sch. 25 para. 23(10)(e)(iii); S.I. 2003/766, **art. 2**, Sch. (with art. 3)
- F20** Words in Sch. 4 para. 28(5) substituted (1.4.2003) by 2002 c. 40, ss. 278, 279, Sch. 25 para. 23(10)(e)(iv); S.I. 2003/766, **art. 2**, Sch. (with art. 3)

### *F21* Notice to authorised body

#### Textual Amendments

- F21** Sch. 4 substituted (1.1.2000) by 1999 c. 22, s. 41, **Sch. 5 para. 2** (with Sch. 14 para. 7(2)); S.I. 1999/3344, **art. 2(a)** (subject to art. 4, Sch. 2 of that S.I.)

- F22** 29 (1) When the [**F23**Secretary of State] has received the advice of the Consultative Panel and the [**F24**OFT], he may give to the body a notice containing—
- (a) a copy of the advice; and
  - (b) a statement of the effect of an Order made in pursuance of the recommendation.
- (2) The notice shall invite the authorised body to make representations in writing to the [**F23**Secretary of State].
- (3) Any such representations must be made before the end of—
- (a) the period of three months beginning with the date on which the notice was given; or
  - (b) such other period as the authorised body and the [**F23**Secretary of State] may agree.

#### Textual Amendments

- F22** Sch. 4 substituted (1.1.2000) by 1999 c.22, s. 41, **Sch. 5 para. 2** (with Sch. 14 para. 7(2)); S.I. 1999/3344, **art. 2(a)** (subject to art. 4, Sch. 2 of that S.I.)
- F23** Words in Schs. 3-6 substituted (19.8.2003) by The Secretary of State for Constitutional Affairs Order 2003 (S.I. 2003/1887), art. 9, **Sch. 2 para. 8(1)(d)** (with arts. 6, 8)
- F24** Sch. 4: "OFT" substituted (1.4.2003) in each place for "Director" by 2002 c. 40, ss. 278, 279, Sch. 25 para. 23(10)(a); S.I. 2003/766, **art. 2**, Sch. (with art. 3)

### *F25* Notice to members of authorised body

#### Textual Amendments

- F25** Sch. 4 substituted (1.1.2000) by 1999 c. 22, s. 41, **Sch. 5 para. 2** (with Sch. 14 para. 7(2)); S.I. 1999/3344, **art. 2(a)** (subject to art. 4, Sch. 2 of that S.I.)

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- <sup>F26</sup>30 (1) Where the [<sup>F27</sup>Secretary of State]—
- (a) has given a notice to an authorised body under paragraph 29(1); or
  - (b) is proposing to make a recommendation in relation to an authorised body in reliance on paragraph 25(2)(a) or (b),
- he shall take such steps as are reasonably practicable to bring the matter to the attention of the members of the authorised body and of any other persons who, in his opinion, are likely to be affected by an Order made in pursuance of the recommendation.
- (2) Any such steps shall include inviting those members and other persons to make representations to the [<sup>F27</sup>Secretary of State].
- (3) Any such representations—
- (a) shall, except in such circumstances as the [<sup>F27</sup>Secretary of State] may specify, be in writing; and
  - (b) must be made before the end of the period of three months beginning with such date as may be specified by the [<sup>F27</sup>Secretary of State].

#### Textual Amendments

**F26** Sch. 4 substituted (1.1.2000) by 1999 c.22, s. 41, **Sch. 5 para. 2** (with Sch. 14 para. 7(2)); S.I. 1999/3344, **art. 2(a)** (subject to art. 4, Sch. 2 of that S.I.)

**F27** Words in Schs. 3-6 substituted (19.8.2003) by The Secretary of State for Constitutional Affairs Order 2003 (S.I. 2003/1887), art. 9, **Sch. 2 para. 8(1)(d)** (with arts. 6, 8)

#### <sup>F28</sup> Advice of designated judges

#### Textual Amendments

**F28** Sch. 4 substituted (1.1.2000) by 1999 c. 22, s. 41, **Sch. 5 para. 2** (with Sch. 14 para. 7(2)); S.I. 1999/3344, **art. 2(a)** (subject to art. 4, Sch. 2 of that S.I.)

- <sup>F29</sup>31 (1) The [<sup>F30</sup>Secretary of State] shall send to each of the designated judges—
- (a) a copy of any written representations made under paragraph 30 and a note of any oral representations made under that paragraph; and
  - (b) in a case where he is required to seek the advice of the Consultative Panel and the [<sup>F31</sup>OFT], a copy of the advice given to him by the Consultative Panel and the [<sup>F31</sup>OFT] and of any representations made under paragraph 29.
- (2) Each of the designated judges shall then consider whether the [<sup>F30</sup>Secretary of State] should make the recommendation.
- (3) The [<sup>F30</sup>Secretary of State] and the authorised body shall provide each of the designated judges with such additional information as he may reasonably require.
- (4) When each of the designated judges has completed his consideration he shall give such advice to the [<sup>F30</sup>Secretary of State] as he thinks fit.

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- F29** Sch. 4 substituted (1.1.2000) by 1999 c.22, s. 41, **Sch. 5 para. 2** (with Sch. 14 para. 7(2)); S.I. 1999/3344, **art. 2(a)** (subject to art. 4, Sch. 2 of that S.I.)
- F30** Words in Schs. 3-6 substituted (19.8.2003) by The Secretary of State for Constitutional Affairs Order 2003 (S.I. 2003/1887), art. 9, **Sch. 2 para. 8(1)(d)** (with arts. 6, 8)
- F31** Sch. 4: "OFT" substituted (1.4.2003) in each place for "Director" by 2002 c. 40, ss. 278, 279, Sch. 25 para. 23(10)(a); S.I. 2003/766, **art. 2**, Sch. (with art. 3)

<sup>F32</sup>Consideration by [<sup>F33</sup>Secretary of State]

#### Textual Amendments

- F32** Sch. 4 substituted (1.1.2000) by 1999 c. 22, s. 41, **Sch. 5 para. 2** (with Sch. 14 para. 7(2)); S.I. 1999/3344, **art. 2(a)** (subject to art. 4, Sch. 2 of that S.I.)
- F33** Words in Schs. 3-6 substituted (19.8.2003) by The Secretary of State for Constitutional Affairs Order 2003 (S.I. 2003/1887), art. 9, **Sch. 2 para. 8(1)(d)** (with arts. 6, 8)

- <sup>F34</sup>32 Before deciding whether to make the recommendation the [<sup>F35</sup>Secretary of State] shall consider—
- (a) any representations made under paragraph 30 and the advice given by each of the designated judges; and
  - (b) in a case where he is required to seek the advice of the Consultative Panel and the [<sup>F36</sup>OFT], the advice given to him by the Consultative Panel and the [<sup>F36</sup>OFT]and of any representations made under paragraph 29.

#### Textual Amendments

- F34** Sch. 4 substituted (1.1.2000) by 1999 c.22, s. 41, **Sch. 5 para. 2** (with Sch. 14 para. 7(2)); S.I. 1999/3344, **art. 2(a)** (subject to art. 4, Sch. 2 of that S.I.)
- F35** Words in Schs. 3-6 substituted (19.8.2003) by The Secretary of State for Constitutional Affairs Order 2003 (S.I. 2003/1887), art. 9, **Sch. 2 para. 8(1)(d)** (with arts. 6, 8)
- F36** Sch. 4: "OFT" substituted (1.4.2003) in each place for "Director" by 2002 c. 40, ss. 278, 279, Sch. 25 para. 23(10)(a); S.I. 2003/766, **art. 2**, Sch. (with art. 3)

<sup>F37</sup>The Order

#### Textual Amendments

- F37** Sch. 4 substituted (1.1.2000) by 1999 c. 22, s. 41, **Sch. 5 para. 2** (with Sch. 14 para. 7(2)); S.I. 1999/3344, **art. 2(a)** (subject to art. 4, Sch. 2 of that S.I.)

- <sup>F38</sup>33 (1) An Order made in pursuance of a recommendation under paragraph 25 may include any appropriate transitional and incidental provision.

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- (2) Where an Order is made in relation to a body in pursuance of such a recommendation, the grant of any rights of audience, or rights to conduct litigation, to any person by the body shall cease to have effect, subject to any transitional provision included in the Order.
- (3) Where such an Order is made, the [<sup>F39</sup>Secretary of State] shall—
- (a) give the body written notice of the making of the Order and of his reasons for recommending that it be made;
  - (b) take such steps as are reasonably practicable to bring the making of the Order to the attention of the members of that body; and
  - (c) publish notice of the making of the Order in such manner as he considers appropriate for bringing it to the attention of persons (other than those members) who, in his opinion, are likely to be affected by the Order.

#### Textual Amendments

- F38** Sch. 4 substituted (1.1.2000) by 1999 c.22, s. 41, **Sch. 5 para. 2** (with Sch. 14 para. 7(2)); S.I. 1999/3344, **art. 2(a)** (subject to art. 4, Sch. 2 of that S.I.)
- F39** Words in Schs. 3-6 substituted (19.8.2003) by [The Secretary of State for Constitutional Affairs Order 2003](#) (S.I. 2003/1887), art. 9, **Sch. 2 para. 8(1)(d)** (with arts. 6, 8)

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