



# Legal Services Act 2007

## 2007 CHAPTER 29

### PART 4

#### REGULATION OF APPROVED REGULATORS

##### *Functions of approved regulators etc*

#### **69 Modification of the functions of approved regulators etc**

- (1) The Lord Chancellor may by order modify, or make other provision relating to, the functions of an approved regulator or any other body (other than the Board).
- (2) The Lord Chancellor may make an order under subsection (1) only if—
  - (a) the Board has made a recommendation under this section,
  - (b) a draft order was annexed to the recommendation, and
  - (c) the order is in the same form as, or a form not materially different from, that draft order.
- (3) The Board may make a recommendation under this section only with a view to an order being made which enables the body to which it relates to do one or more of the following—
  - (a) to become designated by an order under Part 2 of Schedule 4 as an approved regulator, or designated by an order under Part 1 of Schedule 10 as a licensing authority, in relation to one or more reserved legal activities;
  - (b) to authorise persons or any category of persons (whether corporate or unincorporate) to carry on one or more activities which are reserved legal activities in relation to which the body is (at the time the authorisation has effect) designated as an approved regulator, or to make regulatory arrangements;
  - (c) to carry out its role as an approved regulator (including its role, if any, as a licensing authority) more effectively or efficiently;
  - (d) to become a qualifying regulator under Part 1 of Schedule 18;

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*Status: This is the original version (as it was originally enacted).*

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- (e) if it is a designated qualifying regulator under section 86A of the Immigration and Asylum Act 1999 (c. 33), to authorise persons to provide any additional advice or services the provision of which amounts to the provision of immigration advice or immigration services.
- (4) Subsections (2) (other than paragraph (a)), (3) and (4) of section 64 apply in relation to an order under this section as they apply in relation to an order under section 62(1)(b) in relation to the Board.
- (5) An order under this section also may make provision in relation to—
  - (a) the provision of immigration advice or immigration services, and
  - (b) persons authorised to provide such advice and services by the body to which the order relates,
 corresponding to the provision which may be made by virtue of section 64(2) to (4) in relation to reserved legal activities and persons authorised to carry on those activities.
- (6) An order under this section may modify provisions made by or under any enactment (including this Act or any Act passed after this Act), prerogative instrument or other instrument or document.
- (7) Any provision made by an order under this section may be expressed to be conditional upon—
  - (a) the body to which the order relates being designated by an order under Part 2 of Schedule 4 as an approved regulator, or by an order under Part 1 of Schedule 10 as a licensing authority, in relation to one or more reserved legal activities specified in the proposed draft order, or
  - (b) the body to which the order relates becoming a designated qualifying regulator under section 86A of the Immigration and Asylum Act 1999 (c. 33).
- (8) The powers to make an order conferred by this section are without prejudice to any powers (statutory or non-statutory) which an approved regulator or other body may have apart from this section.

## **70 Procedural requirements relating to recommendations under section 69**

- (1) A recommendation may be made under section 69 only with the consent of the approved regulator or other body to which the recommendation relates.
- (2) Before making a recommendation under that section, the Board must publish a draft of—
  - (a) the proposed recommendation, and
  - (b) the proposed draft order.
- (3) The draft must be accompanied by a notice which states that representations about the proposals may be made to the Board within a specified period.
- (4) Before making the recommendation, the Board must have regard to any representations duly made.
- (5) If the draft order to be annexed to the recommendation differs from the draft published under subsection (2)(b) in a way which is, in the opinion of the Board, material, the Board must, before making the recommendation, publish the draft order along with a statement detailing the changes made and the reasons for those changes.