



Legal Services Act 2007

2007 CHAPTER 29

PART 4

REGULATION OF APPROVED REGULATORS

Intervention

41 Intervention directions

- (1) The Board may give an approved regulator an intervention direction in relation to any of the approved regulator's regulatory functions if the Board is satisfied—
 - (a) that an act or omission of an approved regulator (or a series of such acts or omissions) has had, or is likely to have, an adverse impact on one or more of the regulatory objectives, and
 - (b) that it is appropriate to give the intervention direction in all the circumstances of the case (including in particular the impact of giving the direction on the other regulatory objectives).
- (2) An intervention direction, in relation to a regulatory function of an approved regulator, is a direction—
 - (a) that the regulatory function is to be exercised by the Board or a person nominated by it, and
 - (b) that the approved regulator must comply with any instructions of the Board or its nominee in relation to the exercise of the function.
- (3) The Board may not determine that it is appropriate to give an intervention direction unless it is satisfied that the matter cannot be adequately addressed by the Board exercising the powers available to it under sections 31 to 40.
- (4) Part 1 of Schedule 8 makes provision about the procedure which must be complied with before an intervention direction is given and the manner in which such a direction is to be given.

Status: Point in time view as at 01/01/2009. This version of this cross heading contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Legal Services Act 2007, Cross Heading: Intervention. (See end of Document for details)

- (5) The Board must make rules as to the persons it may nominate for the purposes of subsection (2)(a).

Commencement Information

- II** S. 41 wholly in force at 1.1.2010; s. 41 not in force at Royal Assent see s. 211; s. 41(4)(5) in force at 1.1.2009 by S.I. 2008/3149, art. 2(c)(i); s. 41 in force otherwise at 1.1.2010 by S.I. 2009/3250, art. 2(c)(i) (with art. 9)

42 Intervention directions: further provision

- (1) This section applies where an intervention direction has effect in respect of a function of an approved regulator (“the relevant function”).
- (2) The approved regulator must give the specified person all such assistance, in connection with the proposed exercise of the relevant function by the specified person in pursuance of the direction, as the approved regulator is reasonably able to give.
- (3) On an application by the specified person (or a person appointed by the specified person to act on its behalf) a judge of the High Court, Circuit judge or justice of the peace may issue a warrant authorising that person to—
 - (a) enter and search the premises of the approved regulator, and
 - (b) take possession of any written or electronic records found on the premises.
- (4) The person so authorised may, for the purpose of the exercise by the specified person of the relevant function, take copies of written or electronic records found on a search carried out by virtue of the warrant.
- (5) The judge or justice of the peace may not issue the warrant unless satisfied that its issue is necessary or desirable for the exercise by the specified person of the relevant function.
- (6) The Lord Chancellor must make regulations—
 - (a) specifying further matters which a judge or justice of the peace must be satisfied of, or matters which a judge or justice of the peace must have regard to, before issuing a warrant, and
 - (b) regulating the exercise of a power conferred by a warrant issued under subsection (3) or by subsection (4) (whether by restricting the circumstances in which a power may be exercised, by specifying conditions to be complied with in the exercise of a power, or otherwise).
- (7) Regulations under subsection (6)(b) must in particular make provision as to the circumstances in which written or electronic records of which a person has taken possession by virtue of a warrant issued under subsection (3) may be copied or must be returned.
- (8) But the Lord Chancellor may not make regulations under subsection (6) unless—
 - (a) they are made in accordance with a recommendation made by the Board, or
 - (b) the Lord Chancellor has consulted the Board about the making of the regulations.
- (9) In this section “the specified person” means the Board or, where a person is nominated by it as mentioned in section 41(2), that person.

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- (10) The Board must make rules as to the persons a specified person may appoint for the purposes of subsection (3).

Commencement Information

- I2** S. 42 wholly in force at 1.1.2010; s. 42 not in force at Royal Assent see s. 211; s. 42(6)-(10) in force at 1.1.2009 by S.I. 2008/3149, art. 2(c)(i); s. 42 in force otherwise at 1.1.2010 by S.I. 2009/3250, art. 2(c)(i) (with art. 9)

VALID FROM 01/01/2010

43 Intervention directions: enforcement

- (1) If at any time it appears to the Board that an approved regulator has failed to comply with an obligation imposed on it by, or by virtue of, an intervention direction or section 42(2), the Board may make an application to the High Court under this section.
- (2) If, on an application under subsection (1), the High Court decides that the approved regulator has failed to comply with the obligation in question, it may order the approved regulator to take such steps as the High Court directs for securing that the obligation is complied with.
- (3) This section is without prejudice to any other powers conferred on the Board by this Part.

44 Revocation of intervention directions

- (1) An intervention direction has effect until such time as it is revoked by the Board (whether on the application of the approved regulator or otherwise).
- (2) Part 2 of Schedule 8 makes provision about the procedure which must be complied with before an intervention direction is revoked and the manner in which notice of the revocation is to be given.

Commencement Information

- I3** S. 44 wholly in force at 1.1.2010; s. 44 not in force at Royal Assent see s. 211; s. 44(2) in force at 1.1.2009 by S.I. 2008/3149, art. 2(c)(i); s. 44 in force otherwise at 1.1.2010 by S.I. 2009/3250, art. 2(c)(i) (with art. 9)

Status:

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Changes to legislation:

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