



Legal Services Act 2007

2007 CHAPTER 29

PART 4

REGULATION OF APPROVED REGULATORS

Regulatory conflict

52 Regulatory conflict with approved regulators

- (1) The regulatory arrangements of an approved regulator must make such provision as is reasonably practicable to prevent regulatory conflicts.
- (2) For the purposes of this section and section 53, a regulatory conflict is a conflict between—
 - (a) a requirement of the approved regulator's regulatory arrangements, and
 - (b) a requirement of the regulatory arrangements of another approved regulator.
- (3) Subsection (4) applies where a body is authorised by an approved regulator ("the entity regulator") to carry on an activity which is a reserved legal activity.
- (4) If a conflict arises between—
 - (a) a requirement of the regulatory arrangements of the entity regulator, in relation to the body authorised by the entity regulator or an employee or manager of the body ("an entity requirement"), and
 - (b) a requirement of the regulatory arrangements of another approved regulator in relation to an employee or manager of the body who is authorised by it to carry on a reserved legal activity ("an individual requirement"),the entity requirement prevails over the individual requirement.

53 Modification of provision made about regulatory conflict

- (1) An approved regulator ("the applicant regulator") may make an application under this section if it considers that the regulatory arrangements of another approved regulator

Status: This is the original version (as it was originally enacted).

(“the conflicting regulator”) do not make appropriate provision to prevent a regulatory conflict with the applicant regulator.

- (2) An application under this section is an application made to the Board for the Board to exercise its powers under section 32 to direct the conflicting regulator—
 - (a) to take steps to modify, in such manner as may be specified in the direction, the provision made by its regulatory arrangements to prevent a regulatory conflict with the applicant regulator, or
 - (b) if its regulatory arrangements do not make any such provision, to make such provision as may be specified in the direction to prevent such a conflict.
- (3) An approved regulator must consider any request made by an affected person—
 - (a) for the approved regulator to reconsider the provision made by its regulatory arrangements to prevent a regulatory conflict with another approved regulator, or
 - (b) for the approved regulator to make an application under this section.
- (4) An “affected person”, in relation to an approved regulator, means—
 - (a) a person authorised by the approved regulator to carry on a reserved legal activity;
 - (b) an employee or manager of such a person.
- (5) Where an application is made under this section, the Board—
 - (a) must give the applicant regulator and the conflicting regulator an opportunity to make representations, and
 - (b) may consult any persons it considers appropriate.
- (6) The Board must decide whether or not to give a warning notice in response to the application.
- (7) The Board must make that decision before the end of the period of 6 months beginning with the day on which the application is received by it.
- (8) The Board must give notice of its decision, and the reasons for it, to the applicant regulator and the conflicting regulator.
- (9) For the purposes of this section “warning notice” means a notice given under paragraph 2(1) of Schedule 7 (warning of proposed direction under section 32).

54 Regulatory conflict with other regulatory regimes

- (1) The regulatory arrangements of an approved regulator must make such provision as is reasonably practicable and, in all the circumstances, appropriate—
 - (a) to prevent external regulatory conflicts,
 - (b) to provide for the resolution of any external regulatory conflicts which arise, and
 - (c) to prevent unnecessary duplication of regulatory provisions made by an external regulatory body.
- (2) For the purposes of this section, an external regulatory conflict is a conflict between—
 - (a) a requirement of the regulatory arrangements of the approved regulator, and
 - (b) a requirement of any regulatory provision made by an external regulatory body.

- (3) For this purpose “external regulatory body” means a person (other than an approved regulator) who exercises regulatory functions in relation to a particular description of persons with a view to ensuring compliance with rules (whether statutory or non-statutory) by those persons.
- (4) Regulatory arrangements made for the purposes of subsection (1)(b) may, with the consent of the Board, provide for the Board to exercise functions in connection with the resolution of conflicts.