



# Legal Services Act 2007

## 2007 CHAPTER 29

### PART 8

#### MISCELLANEOUS PROVISIONS ABOUT LAWYERS ETC

##### *Solicitors, the Law Society and the Disciplinary Tribunal*

#### **177 The Law Society, solicitors, recognised bodies and foreign lawyers**

Schedule 16 contains amendments of—

- (a) the Solicitors Act 1974 (c. 47),
- (b) Part 1 of the Administration of Justice Act 1985 (c. 61) (recognised bodies), and
- (c) section 89 of, and Schedule 14 to, the Courts and Legal Services Act 1990 (c. 41) (foreign lawyers: partnerships and recognised bodies).

#### **178 The Solicitors Disciplinary Tribunal: approval of rules**

- (1) If the Solicitors Disciplinary Tribunal (“the Tribunal”) makes an alteration of its rules under section 46(9)(b) of the Solicitors Act 1974 (“the tribunal rules”), the alteration does not have effect unless it is approved for the purposes of this Act.
- (2) An alteration is approved for the purposes of this Act if—
  - (a) it is approved by the Board under Part 3 of Schedule 4 (alteration of approved regulator’s regulatory arrangements),
  - (b) it is an exempt alteration, or
  - (c) it is an alteration made in compliance with a direction under section 32 (given by virtue of section 179).
- (3) For the purposes of subsection (2)(a), paragraphs 20 to 27 of Schedule 4 (procedure for approval of alterations of regulatory arrangements) apply in relation to an application by the Tribunal for approval of an alteration or alterations of the tribunal rules as

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*Status: This is the original version (as it was originally enacted).*

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they apply in relation to an application by an approved regulator for approval of an alteration or alterations of its regulatory arrangements, but as if—

- (a) paragraph 23 of that Schedule applied in relation to the Law Society as well as the Tribunal,
  - (b) in paragraph 25(3) (grounds for refusal of application), paragraphs (d) and (e) were omitted, and
  - (c) in paragraph 27(3) the reference to section 32 were a reference to that section as applied (with modifications) by section 179.
- (4) For the purposes of subsection (2)(b), an exempt alteration is an alteration which the Board has directed is to be treated as exempt for the purposes of this section.
- (5) A direction under subsection (4) may be specific or general, and must be published by the Board.
- (6) In this section references to an “alteration” of the tribunal rules include the making of such rules and the modification of such rules.

### **179 Board’s power to give directions to the Tribunal**

Sections 32 to 34 and Schedule 7 (Board’s powers to give directions) apply in relation to the Tribunal as they apply in relation to an approved regulator, but as if—

- (a) in section 32(1)—
  - (i) paragraphs (a) and (c) were omitted, and
  - (ii) in paragraph (b) after “failed” there were inserted “to perform any of its functions to an adequate standard (or at all) or”,
- (b) in subsection (4)(b) of that section for “regulatory arrangements” there were substituted “rules under section 46(9)(b) of the Solicitors Act 1974”,
- (c) section 34(3) were omitted, and
- (d) paragraphs 2 and 10 of Schedule 7 applied in relation to the Law Society, as well as the Tribunal, where it is proposed to give the Tribunal a direction under section 32.

### **180 Functions of the Tribunal**

Sections 69 and 70 (modification of functions of approved regulators) apply in relation to the Tribunal as they apply in relation to an approved regulator, but as if—

- (a) for section 69(3) (purpose for which modifying order may be made) there were substituted—
  - “(3) The Board may make a recommendation under this section only with a view to an order being made which enables the Tribunal to carry out its role more effectively or efficiently.”, and
- (b) subsections (4), (5) and (7) of that section were omitted.