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

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## SCHEDULES

### SCHEDULE 3

#### EXEMPT PERSONS

##### *Reserved instrument activities*

- 3 (1) This paragraph applies to determine whether a person is an exempt person for the purpose of carrying on any activity which constitutes reserved instrument activities (subject to paragraph 7).
- (2) The person is exempt if the person prepares the instruments or applications in the course of the person's duty as a public officer.
- (3) The person (“E”) is exempt if—
- (a) E is an individual,
  - (b) E carries on the activity at the direction and under the supervision of another individual (“P”),
  - (c) when E does so, P and E are connected, and
  - (d) P is entitled to carry on the activity, otherwise than by virtue of sub-paragraph (10).
- (4) For the purposes of sub-paragraph (3), P and E are connected if—
- (a) P is E's employer,
  - (b) P is a fellow employee of E,
  - (c) P is a manager or employee of a body which is an authorised person in relation to the activity, and E is also a manager or employee of that body.
- (5) If the person is an accredited person, the person is exempt to the extent that the activity consists of the preparation of any instrument—
- (a) which creates, or which the person believes on reasonable grounds will create, a farm business tenancy (within the meaning of the Agricultural Tenancies Act 1995 (c. 8)), or
  - (b) which relates to an existing tenancy which is, or which the person believes on reasonable grounds to be, such a tenancy.
- (6) In sub-paragraph (5) “accredited person” means a person who is—
- (a) a Fellow of the Central Association of Agricultural Valuers, or
  - (b) a Member or Fellow of the Royal Institution of Chartered Surveyors.
- (7) The person is exempt to the extent that the activity carried on by the person is also a reserved legal activity within sub-paragraph (8) and the person is—
- (a) authorised to carry on that activity (other than under Part 5) by a relevant approved regulator in relation to the activity,
  - (b) authorised to carry on that activity by a licence under Part 5, or

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- (c) an exempt person in relation to that activity by virtue of paragraph 1 or 2 of this Schedule.
- (8) The activities are—
  - (a) the exercise of a right of audience;
  - (b) the conduct of litigation.
- (9) The person is exempt if the person is employed merely to engross the instrument or application.
- (10) The person is exempt if the person is an individual who carries on the activity otherwise than for, or in expectation of, any fee, gain or reward.
- (11) The person is exempt if—
  - (a) the person is a person qualified to practise as a solicitor in Scotland in accordance with section 4 of the Solicitors (Scotland) Act 1980 (c. 46), and
  - (b) the reserved instrument activities fall within paragraph 5(1)(c) of Schedule 2 (preparation of certain instruments relating to real or personal property or legal proceedings).

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