



# Legal Services Act 2007

## 2007 CHAPTER 29

### PART 5

#### ALTERNATIVE BUSINESS STRUCTURES

##### *Special kinds of body*

PROSPECTIVE

#### **106 Power to modify application of licensing rules etc to special bodies**

- (1) This section applies to a licensed body (or an applicant for a licence) which is—
  - (a) an independent trade union,
  - (b) a not for profit body,
  - (c) a community interest company,
  - (d) a low-risk body (see section 108), or
  - (e) a body of such other description as may be prescribed by order made by the Lord Chancellor on the recommendation of the Board.
- (2) A body to which this section applies may apply to the relevant licensing authority, in accordance with its licensing rules, for the authority to make an order under this section.
- (3) The licensing authority may make one or both of the following orders—
  - (a) that the authority's licensing rules apply in relation to the body with such modifications as may be specified in the order;
  - (b) that Schedule 13 does not apply in relation to the body, or applies in relation to the body with such modifications as may be specified in the order.
- (4) On an application under subsection (2), the licensing authority may make any order which the authority—
  - (a) has power to make under subsection (3), and

*Status: This version of this provision is prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Legal Services Act 2007, Section 106. (See end of Document for details)*

- (b) considers appropriate in all the circumstances of the case, whether or not it is the order for which the applicant applied.
- (5) In deciding what order (if any) is appropriate in all the circumstances of the case, the licensing authority must in particular have regard to—
- (a) the reserved legal activities and non-reserved activities which the body carries on (or proposes to carry on),
  - (b) the nature of the persons to whom the body provides (or proposes to provide) services,
  - (c) any non-authorised persons who have an interest or an indirect interest in the licensed body or hold a material interest in the licensed body, or are managers of the body, and
  - (d) any other matter specified in the authority's licensing rules.
- (6) If the licensing authority makes an order under subsection (3), the authority's licensing rules or Schedule 13 or both (as the case may be) have effect in relation to that body in accordance with that order.
- (7) The licensing authority may not make an order under subsection (3)(a) in relation to provisions of its licensing rules made in accordance with the following paragraphs of Schedule 11—
- (a) paragraphs 2 and 3 (determination and review of applications for a licence);
  - (b) paragraphs 7 and 8 (applications under this section);
  - (c) paragraphs 9(3), 18 and 23 (disqualifications);
  - (d) paragraph 10(2) (management);
  - (e) paragraph 16 (carrying on of licensed activities);
  - (f) paragraph 24(1), (2), (3) and (8) (grounds for suspending and revoking licences);
  - (g) paragraph 24(10) and (11) (procedure for suspending or revoking licence);
  - (h) paragraph 26(2) (review of decision to suspend or revoke licence).
- (8) The licensing authority may not make an order under subsection (3)(a) which results in its licensing rules, as they apply in relation to the body to which the order relates, not making the provision required by—
- (a) section 83(5)(a) to (g);
  - (b) paragraph 1 of Schedule 11 (applications for licences);
  - (c) paragraph 4(3) of that Schedule (renewal of licences);
  - (d) paragraph 6 of that Schedule (modification of licence);
  - (e) paragraph 20 of that Schedule (accounts).
- (9) If the licensing authority's licensing rules, as they apply in relation to a body to which an order under subsection (3)(a) relates, make provision requiring the body to have—
- (a) a Head of Legal Practice approved by the licensing authority, or
  - (b) a Head of Finance and Administration approved by the licensing authority,
- they must also provide for a review by the licensing authority of any decision by it to refuse or withdraw that approval.

**Status:**

This version of this provision is prospective.

**Changes to legislation:**

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