



Legal Services Act 2007

2007 CHAPTER 29

PART 6

LEGAL COMPLAINTS

Determinations under the scheme

140 Acceptance or rejection of determination

- (1) When an ombudsman has determined a complaint the ombudsman must prepare a written statement of the determination.
- (2) The statement must—
 - (a) give the ombudsman's reasons for the determination,
 - (b) be signed by the ombudsman, and
 - (c) require the complainant to notify the ombudsman, before a time specified in the statement ("the specified time"), whether the complainant accepts or rejects the determination.
- (3) The ombudsman must give a copy of the statement to—
 - (a) the complainant,
 - (b) the respondent, and
 - (c) any relevant authorising body in relation to the respondent.
- (4) If the complainant notifies the ombudsman that the determination is accepted by the complainant, it is binding on the respondent and the complainant and is final.
- (5) If, by the specified time, the complainant has not notified the ombudsman of the complainant's acceptance or rejection of the determination, the complainant is to be treated as having rejected it.
- (6) But if—
 - (a) the complainant notifies the ombudsman after the specified time that the determination is accepted by the complainant,

Status: This is the original version (as it was originally enacted).

- (b) the complainant has not previously notified the ombudsman of the complainant's rejection of the determination, and
 - (c) the ombudsman is satisfied that such conditions as may be prescribed by the scheme rules for the purposes of this subsection are satisfied,
- the determination is treated as if it had never been rejected by virtue of subsection (5).
- (7) The ombudsman must give notice of the outcome to—
 - (a) the complainant,
 - (b) the respondent, and
 - (c) any relevant authorising body in relation to the respondent.
 - (8) Where a determination is rejected by virtue of subsection (5), that notice must contain a general description of the effect of subsection (6).
 - (9) A copy of the determination on which appears a certificate signed by an ombudsman is evidence that the determination was made under the scheme.
 - (10) Such a certificate purporting to be signed by an ombudsman is to be taken to have been duly signed unless the contrary is shown.
 - (11) Neither the complainant nor the respondent, in relation to a complaint, may institute or continue legal proceedings in respect of a matter which was the subject of a complaint, after the time when a determination by an ombudsman of the complaint becomes binding and final in accordance with this section.