



Legal Services Act 2007

2007 CHAPTER 29

PART 7

FURTHER PROVISIONS RELATING TO THE BOARD AND THE OLC

Voluntary arrangements

166 Operation of voluntary scheme

- (1) A complaint may be determined under the voluntary scheme only if—
 - (a) the complainant falls within a class of persons specified in voluntary scheme rules as qualified to make a complaint,
 - (b) the complainant wishes to have the complaint dealt with under the scheme,
 - (c) at the time of the act or omission to which the complaint relates, the respondent was participating in the scheme and voluntary scheme rules were in force in relation to the legal services in question, and
 - (d) at the time the complaint is made under the scheme the respondent has not withdrawn from the scheme in accordance with its provisions.
- (2) A person qualifies for participation in the voluntary scheme if the person falls within a class of persons specified as qualified in voluntary scheme rules.
- (3) In such circumstances as may be specified in voluntary scheme rules, a complaint may be dealt with under the voluntary scheme even though subsection (1)(c) would otherwise prevent that.
- (4) Subsection (3) applies only if the respondent participates in the voluntary scheme on the basis that complaints of that kind are to be dealt with under the scheme.
- (5) Complaints are to be dealt with and determined under the voluntary scheme on standard terms fixed by the OLC with the consent of the Board.
- (6) The OLC may modify standard terms only with the consent of the Board.
- (7) Section 204(3) applies to standard terms as it applies to rules made by the OLC.

Status: This is the original version (as it was originally enacted).

- (8) The standard terms may in particular make provision—
- (a) requiring the making of payments to the OLC by persons participating in the scheme of such amounts, at such times and in such circumstances, as may be determined by the OLC;
 - (b) as to the award of costs on the determination of a complaint (including provision for an award of costs in favour of the OLC for the purpose of providing a contribution to resources deployed in dealing with the complaint).
- (9) In this section “legal services”, “the voluntary scheme” and “voluntary scheme rules” have the same meaning as in section 164.