



# Legal Services Act 2007

## 2007 CHAPTER 29

### PART 4

#### REGULATION OF APPROVED REGULATORS

##### *The Board as approved regulator*

#### **64 Modification of the Board's functions under section 62(1)(b)**

- (1) This section applies in relation to an order under section 62(1)(b) (an order modifying the functions of the Board).
- (2) The order may include (among other things) provision conferring on the Board powers to do any of the following—
  - (a) to authorise (otherwise than by the grant of a licence under Part 5) persons or any category of persons (whether corporate or unincorporate) to carry on one or more activities which are reserved legal activities in relation to which the Board is designated as an approved regulator;
  - (b) to make qualification regulations;
  - (c) to make provision as to the educational, training and other requirements to be met by regulated persons who are not relevant authorised persons;
  - (d) to make practice rules and conduct rules;
  - (e) to make disciplinary arrangements in relation to regulated persons (including discipline rules);
  - (f) to make rules requiring the payment of fees specified in or determined in accordance with the rules;
  - (g) to make indemnification arrangements;
  - (h) to make compensation arrangements;
  - (i) to make rules as to the treatment of money (including money held in trust) which is received, held or dealt with for clients, or other persons, by regulated persons, and as to the keeping by such persons of accounts in respect of such money;

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- (j) to take steps for the purpose of ascertaining whether or not the provisions of rules or regulations made, or any code or guidance issued, by the Board in its capacity as an approved regulator are being complied with, and to make rules requiring relevant authorised persons to produce documents and provide information for that purpose;
  - (k) to delegate any of the functions exercisable by the Board in its capacity as an approved regulator to such persons as it considers appropriate;
  - (l) to make regulations or rules providing for appeals to the High Court or another body against decisions made by the Board in its capacity as an approved regulator (including regulations or rules providing for a decision on such an appeal to be final and for orders as to payment of costs).
- (3) The order may—
- (a) provide for any provision of Schedule 14 (licensing authority's powers of intervention)—
    - (i) to apply in relation to the Board (in its capacity as an approved regulator) and regulated persons as it applies in relation to a licensing authority and licensed bodies (or managers or employees of such bodies), or
    - (ii) to so apply with such modifications as are prescribed by the order,
  - (b) make provision, in relation to the Board (in that capacity) and regulated persons, corresponding to any of the provisions made, in relation to licensing authorities and licensed bodies (or managers or employees of such bodies), by that Schedule.
- (4) For the purposes of giving effect to indemnification arrangements and compensation arrangements, the order may authorise the Board to make rules—
- (a) authorising or requiring the Board to establish and maintain a fund or funds;
  - (b) authorising or requiring the Board to take out and maintain insurance with authorised insurers;
  - (c) requiring relevant authorised persons or relevant authorised persons of any specific description to take out and maintain insurance with authorised insurers.
- (5) In this section—
- “authorised insurer” means a person within any of the following paragraphs—
- (a) a person who has permission under [F1Part 4A] of the Financial Services and Markets Act 2000 (c. 8) to effect or carry out contracts of insurance of a relevant class;
  - (b) F2 ...
  - (c) F2 ...
- “regulated person” has the meaning given by section 21;
- “relevant authorised person” means a person authorised by the Board (other than by the grant of a licence under Part 5) to carry on one or more activities which are reserved legal activities.
- (6) For the purposes of this section—
- (a) a contract of insurance is of a relevant class if it insures against a risk arising from accident, credit, legal expenses, general liability to third parties, sickness, suretyship or miscellaneous financial loss, and

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- (b) the definition of “authorised insurer” in subsection (5) must be read with section 22 of the Financial Services and Markets Act 2000, and any relevant order under that section, and with Schedule 2 to that Act.

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#### **Textual Amendments**

- F1** Words in s. 64(5) substituted (1.4.2013) by [Financial Services Act 2012 \(c. 21\), s. 122\(3\), Sch. 18 para. 125\(2\)](#) (with [Sch. 20](#)); [S.I. 2013/423, art. 3, Sch.](#)
- F2** Words in s. 64(5) omitted (31.12.2020) by virtue of [The EEA Passport Rights \(Amendment, etc., and Transitional Provisions\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1149\), reg. 1\(3\), Sch. para. 39](#) (with [reg. 4](#)); [2020 c. 1, Sch. 5 para. 1\(1\)](#)

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#### **Modifications etc. (not altering text)**

- C1** S. 64(1)(2)(4)(5)(6) amendment to earlier commencing [S.I. 2009/3250, art. 3\(2\) \(30.9.2011\)](#) by [The Legal Services Act 2007 \(Commencement No. 11, Transitory and Transitional Provisions and Related Amendments\) Order 2011 \(S.I. 2011/2196\), arts. 1\(2\), 5](#)

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#### **Commencement Information**

- I1** S. 64 partly in force; s. 64 not in force at Royal Assent see s. 211; s. 64(1)(2)(4)(5)(6) in force at 1.1.2010 by [S.I. 2009/3250, art. 2\(c\)\(i\)](#) (subject to [art. 3\(2\)](#) (as amended (30.9.2011) by [S.I. 2011/2196, arts. 1\(2\), 5](#)) and with [art. 9](#))
- I2** S. 64(3) in force at 1.10.2011 so far as not already in force by [S.I. 2011/2196, art. 2\(1\)\(b\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Legal Services Act 2007, Section 64.