



# Legal Services Act 2007

## 2007 CHAPTER 29

### PART 5

#### ALTERNATIVE BUSINESS STRUCTURES

##### *Licensing authorities*

#### **79 Cancellation of designation: powers of entry etc**

- (1) This section applies where an approved regulator (“the former authority”) has its designation in relation to one or more reserved legal activities cancelled by virtue of section 75 or an order under section 76.
- (2) The Board may request the former authority to provide assistance to the new authority and the Board, for the purpose of continuing regulation.
- (3) On an application by a person appointed by the Board to act on its behalf, a judge of the High Court, Circuit judge or justice of the peace may issue a warrant authorising that person to—
  - (a) enter and search the premises of the former authority, and
  - (b) take possession of any written or electronic records found on the premises.
- (4) A person so authorised may, for the purpose of continuing regulation, take copies of written or electronic records found on a search carried out by virtue of the warrant.
- (5) The judge or justice of the peace may not issue the warrant unless satisfied that its issue is necessary or desirable for the purpose of continuing regulation.
- (6) The Lord Chancellor must make regulations—
  - (a) specifying further matters which a judge or justice of the peace must be satisfied of, or matters which a judge or justice of the peace must have regard to, before issuing a warrant, and
  - (b) regulating the exercise of a power conferred by a warrant issued under subsection (3) or by subsection (4) (whether by restricting the circumstances

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*Changes to legislation: There are currently no known outstanding effects for the Legal Services Act 2007, Section 79. (See end of Document for details)*

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in which a power may be exercised, by specifying conditions to be complied with in the exercise of a power, or otherwise).

- (7) Regulations under subsection (6)(b) must in particular make provision as to circumstances in which written or electronic records of which a person has taken possession by virtue of a warrant issued under subsection (3) may be copied or must be returned.
- (8) But the Lord Chancellor may not make regulations under subsection (6) unless—
- (a) they are made in accordance with a recommendation made by the Board, or
  - (b) the Lord Chancellor has consulted the Board about the making of the regulations.
- (9) The Board must make rules as to the persons it may appoint for the purposes of subsection (3).
- (10) For the purposes of this section—
- “authorised by the former authority”, “protected activity” and “new authority” have the same meaning as for the purposes of section 77;
- “the purpose of continuing regulation” means the purpose of enabling bodies authorised by the former authority to continue to be authorised and regulated in relation to the protected activity.

**Annotations:**

**Commencement Information**

- I1** S. 79 partly in force; s. 79 not in force at Royal Assent see s. 211; s. 79(6)-(10) in force at 1.1.2009 by [S.I. 2008/3149](#)
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- [art. 2\(d\)\(i\)](#)
- I2** S. 79(1)-(5) in force at 2.8.2010 by [S.I. 2010/1118](#)
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- [art. 2\(a\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Legal Services Act 2007, Section 79.