
STATUTORY INSTRUMENTS

2018 No. 448

The Legal Services Act 2007 (General Council of the Bar) (Modification of Functions) Order 2018

Power of intervention

4.—(1) Subject to the modifications in paragraphs (2) to (4), Schedule 14 to the Act (licensing authority's powers of intervention)(1) applies in relation to—

- (a) the General Council of the Bar in its capacity as an approved regulator (other than in its role as a licensing authority);
- (b) a relevant authorised person;
- (c) in the case of a relevant authorised person which is a body, a manager of the body, and
- (d) an employee of a relevant authorised person,

as it applies in relation to a licensing authority, a licensed body and a manager or employee of such a body.

(2) Schedule 14 to the Act is to be read as if each reference to—

- (a) a “licence” were a reference to an “authorisation”;
- (b) a “licensed body” were a reference to a “relevant authorised person”;
- (c) “the licensing authority” or “the relevant licensing authority” were a reference to “the General Council of the Bar”, and
- (d) a manager of a licensed body were a reference to, in the case of a relevant authorised person which is a body, a manager of the body.

(3) Paragraph 1 of Schedule 14 to the Act has effect as if—

(a) for sub-paragraph (3) there were substituted—

“(3) For the purposes of sub-paragraph (2) a relevant insolvency event occurs in relation to a relevant authorised person if—

- (a) in the case of a relevant authorised person who is an individual, the person has been made bankrupt or has made a composition or arrangement with the person's creditors in England or Wales;
- (b) in the case of a relevant authorised person which is a body, in England or Wales—
 - (i) a resolution for a voluntary winding-up of the body is passed without a declaration of solvency under section 89 of the Insolvency Act 1986 (statutory declaration of solvency)(2);
 - (ii) the body enters administration within the meaning of paragraph 1(2)(b) of Schedule B1 to that Act (administration)(3);

(1) Paragraph 1(3)(d) of Schedule 14 was amended by [S.I. 2017/540](#) and paragraph 11(9) of Schedule 14 was amended by section 91 of, and Schedule 12, Part 3, paragraph 189 to, the Postal Services Act 2011 (c. 5).

(2) [1986 c. 45](#).

(3) Schedule B1 was inserted by section 248(2) of, and Schedule 16 to, the Enterprise Act 2002 (c. 40).

- (iii) an administrative receiver within the meaning of section 251 of that Act (interpretation) is appointed;
- (iv) a winding up becomes a creditors' voluntary winding up under section 96 of that Act (conversion to creditors' voluntary winding up)(4);
- (v) an order for the winding up of the body is made, or
- (vi) a compromise or arrangement between the body and its creditors (or a class of them) is in force;
- (c) in the case of a relevant authorised person which is a body, established outside the jurisdiction of England and Wales, the body is—
 - (i) subject to an event in its country or, as the case may be, territory of incorporation that corresponds to an event as set out in sub-paragraphs (b) (i) to (v), or
 - (ii) subject to an event that corresponds to an event as set out in sub-paragraph (b)(vi).”, and
- (b) for sub-paragraphs (5) and (6) there were substituted—
 - “(5) Where this Schedule applies in relation to a relevant authorised person by virtue of sub-paragraph (1)(a) it continues to apply—
 - (a) in the case of a relevant authorised person who is an individual—
 - (i) after the individual's death (and for these purposes, the Schedule is to be treated as applying to a personal representative of the individual as it would apply to a relevant authorised person);
 - (ii) after the individual's authorisation has been revoked or the individual's authorisation has otherwise ceased to have effect;
 - (b) in the case of a relevant authorised person which is a body, after the body's authorisation has been revoked or the body's authorisation has otherwise ceased to have effect.
 - (6) For the purposes of this Schedule “relevant authorised person” includes—
 - (a) a person whose authorisation is suspended;
 - (b) a person to whom this Schedule continues to apply by virtue of sub-paragraph (5);
 - (c) except in this paragraph, a person whose authorisation has been revoked or whose authorisation has otherwise ceased to have effect.”.
- (4) Paragraph 18 of Schedule 14 to the Act has effect as if in sub-paragraph (2) there were inserted before paragraph (a)—
 - “(za) if the relevant authorised person is an individual who is or was a partner in a partnership, any of the individual's partners or former partners,”.

(4) Section 96 was substituted by section 126 of, and Schedule 9, paragraphs 1 and 20 to, the Small Business, Enterprise and Employment Act 2015 (c. 26).