



Legal Services Act 2007

2007 CHAPTER 29

PART 3

RESERVED LEGAL ACTIVITIES

Interpretation

18 Authorised persons

- (1) For the purposes of this Act “authorised person”, in relation to an activity (“the relevant activity”) which is a reserved legal activity, means —
 - (a) a person who is authorised to carry on the relevant activity by a relevant approved regulator in relation to the relevant activity (other than by virtue of a licence under Part 5), or
 - (b) a licensable body which, by virtue of such a licence, is authorised to carry on the relevant activity by a licensing authority in relation to the reserved legal activity.
- (2) A licensable body may not be authorised to carry on the relevant activity as mentioned in subsection (1)(a).
- (3) But where a body (“A”) which is authorised as mentioned in subsection (1)(a) becomes a licensable body, the body is deemed by virtue of this subsection to continue to be so authorised from that time until the earliest of the following events—
 - (a) the end of the period of 90 days beginning with the day on which that time falls;
 - (b) the time from which the relevant approved regulator determines this subsection is to cease to apply to A;
 - (c) the time when A ceases to be a licensable body.
- (4) Subsection (2) is subject to Part 2 of Schedule 5 (by virtue of which licensable bodies may be deemed to be authorised as mentioned in subsection (1)(a) in relation to certain activities during a transitional period).

Status: This is the original version (as it was originally enacted).

- (5) A person other than a licensable body may not be authorised to carry on the relevant activity as mentioned in subsection (1)(b).
- (6) But where a body (“L”) which is authorised as mentioned in subsection (1)(b) ceases to be a licensable body, the body is deemed by virtue of this subsection to continue to be so authorised from that time until the earliest of the following events—
 - (a) the end of the period of 90 days beginning with the day on which that time falls;
 - (b) the time from which the relevant licensing authority determines this subsection is to cease to apply to L;
 - (c) the time when L becomes a licensable body.

19 Exempt persons

In this Act, “exempt person”, in relation to an activity (“the relevant activity”) which is a reserved legal activity, means a person who, for the purposes of carrying on the relevant activity, is an exempt person by virtue of—

- (a) Schedule 3 (exempt persons), or
- (b) paragraph 13 or 18 of Schedule 5 (additional categories of exempt persons during transitional period).

20 Approved regulators and relevant approved regulators

- (1) In this Act, the following expressions have the meaning given by this section—
 - “approved regulator”;
 - “relevant approved regulator”.
- (2) “Approved regulator” means—
 - (a) a body which is designated as an approved regulator by Part 1 of Schedule 4 or under Part 2 of that Schedule (or both) and whose regulatory arrangements are approved for the purposes of this Act, and
 - (b) if an order under section 62(1)(a) has effect, the Board.
- (3) An approved regulator is a “relevant approved regulator” in relation to an activity which is a reserved legal activity if—
 - (a) the approved regulator is designated by Part 1, or under Part 2, of Schedule 4 in relation to that reserved legal activity, or
 - (b) where the approved regulator is the Board, it is designated in relation to that reserved legal activity by an order under section 62(1)(a).
- (4) An approved regulator is a “relevant approved regulator” in relation to a person if the person is authorised by the approved regulator to carry on an activity which is a reserved legal activity.
- (5) Schedule 4 makes provision with respect to approved regulators other than the Board.

In that Schedule—

- (a) Part 1 designates certain bodies as approved regulators in relation to certain reserved legal activities,
- (b) Part 2 makes provision for bodies to be designated by order as approved regulators in relation to one or more reserved legal activities, and

- (c) Part 3 makes provision relating to the approval of changes to an approved regulator’s regulatory arrangements.
- (6) An approved regulator may authorise persons to carry on any activity which is a reserved legal activity in respect of which it is a relevant approved regulator.

21 Regulatory arrangements

- (1) In this Act references to the “regulatory arrangements” of a body are to—
 - (a) its arrangements for authorising persons to carry on reserved legal activities,
 - (b) its arrangements (if any) for authorising persons to provide immigration advice or immigration services,
 - (c) its practice rules,
 - (d) its conduct rules,
 - (e) its disciplinary arrangements in relation to regulated persons (including its discipline rules),
 - (f) its qualification regulations,
 - (g) its indemnification arrangements,
 - (h) its compensation arrangements,
 - (i) any of its other rules or regulations (however they may be described), and any other arrangements, which apply to or in relation to regulated persons, other than those made for the purposes of any function the body has to represent or promote the interests of persons regulated by it, and
 - (j) its licensing rules (if any), so far as not within paragraphs (a) to (i),(whether or not those arrangements, rules or regulations are contained in, or made under, an enactment).

- (2) In this Act—

“compensation arrangements”, in relation to a body, means arrangements to provide for grants or other payments for the purposes of relieving or mitigating losses or hardship suffered by persons in consequence of—

- (a) negligence or fraud or other dishonesty on the part of any persons whom the body has authorised to carry on activities which constitute a reserved legal activity, or of employees of theirs, in connection with their activities as such authorised persons, and
- (b) failure, on the part of regulated persons, to account for money received by them in connection with their activities as such regulated persons;

“conduct rules”, in relation to a body, means any rules or regulations (however they may be described) as to the conduct required of regulated persons;

“discipline rules”, in relation to a body, means any rules or regulations (however they may be described) as to the disciplining of regulated persons;

“indemnification arrangements”, in relation to a body, means arrangements for the purpose of ensuring the indemnification of those who are or were regulated persons against losses arising from claims in relation to any description of civil liability incurred by them, or by employees or former employees of theirs, in connection with their activities as such regulated persons;

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“practice rules”, in relation to a body, means any rules or regulations (however they may be described) which govern the practice of regulated persons;

“qualification regulations”, in relation to a body, means—

- (a) any rules or regulations relating to—
 - (i) the education and training which persons must receive, or
 - (ii) any other requirements which must be met by or in respect of them,

(in order for them to be authorised by the body to carry on an activity which is a reserved legal activity,

- (b) any rules or regulations relating to—
 - (i) the education and training which persons must receive, or
 - (ii) any other requirements which must be met by or in respect of them,

(in order for them to be authorised by the body to provide immigration advice or immigration services, and

- (c) any other rules or regulations relating to the education and training which regulated persons must receive or any other requirements which must be met by or in respect of them,

(however they may be described).

(3) In this section “regulated persons”, in relation to a body, means any class of persons which consists of or includes—

- (a) persons who are authorised by the body to carry on an activity which is a reserved legal activity;
- (b) persons who are not so authorised, but are employees of a person who is so authorised.

(4) In relation to an authorised person other than an individual, references in subsection (2) and (3) to employees of the person include managers of the person.