



Legal Services Act 2007

2007 CHAPTER 29

PART 4

REGULATION OF APPROVED REGULATORS

Directions

32 Directions

- (1) This section applies if the Board is satisfied—
- (a) that an act or omission of an approved regulator (or a series of such acts or omissions) has had, or is likely to have, an adverse impact on one or more of the regulatory objectives,
 - (b) that an approved regulator has failed to comply with any requirement imposed on it by or under this Act (including this section) or any other enactment, or
 - (c) that an approved regulator—
 - (i) has failed to ensure that the exercise of its regulatory functions is not prejudiced by any of its representative functions, or
 - (ii) has failed to ensure that decisions relating to the exercise of its regulatory functions are, so far as reasonably practicable, taken independently from decisions relating to the exercise of its representative functions.
- (2) If, in all the circumstances of the case, the Board is satisfied that it is appropriate to do so, it may direct the approved regulator to take—
- (a) in a case within subsection (1)(a), such steps as the Board considers will counter the adverse impact, mitigate its effect or prevent its occurrence or recurrence;
 - (b) in a case within subsection (1)(b) or (c), such steps as the Board considers will remedy the failure, mitigate its effect or prevent its recurrence.

Status: Point in time view as at 01/01/2010.

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

- (3) In a case within subsection (1)(a), before giving a direction under subsection (2) the Board must in particular consider the impact of giving the direction on the other regulatory objectives.
- (4) A direction under subsection (2)—
 - (a) may only require an approved regulator to take steps which it has power to take;
 - (b) may require an approved regulator to take steps with a view to the modification of any part of its regulatory arrangements.
- (5) The Board may not exercise its powers under this section so as to give a direction requiring an approved regulator to take steps in respect of a specific disciplinary case or other specific regulatory proceedings (as opposed to all, or a specified class of, such cases or proceedings).
- (6) For the purposes of this section a direction to take steps includes a direction which requires an approved regulator to refrain from taking a particular course of action.
- (7) The power to give a direction under this section is subject to any provision made by or under any other enactment.
- (8) The Board may take such steps as it regards as appropriate to monitor the extent to which a direction under this section is being, or has been, complied with.
- (9) Where the Board revokes a direction under this section, it must—
 - (a) give the approved regulator to whom the direction was given notice of the revocation, and
 - (b) publish that notice.

33 Directions: procedure

Schedule 7 makes provision about the procedure which must be complied with before a direction is given under section 32.

34 Enforcement of directions

- (1) If at any time it appears to the Board that an approved regulator has failed to comply with a direction given under section 32, the Board may make an application to the High Court under this section.
- (2) If, on an application under this section, the High Court decides that the approved regulator has failed to comply with the direction in question, it may order the approved regulator to take such steps as the High Court directs for securing that the direction is complied with.
- (3) This section is without prejudice to any other powers conferred on the Board by this Part.

Status:

Point in time view as at 01/01/2010.

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