



Legal Services Act 2007

2007 CHAPTER 29

PART 7

FURTHER PROVISIONS RELATING TO THE BOARD AND THE OLC

The levy

173 The levy

- (1) The Board must make rules providing for the imposition of a levy on leviable bodies for the purpose of raising an amount corresponding to the aggregate of—
 - (a) the leviable Board expenditure,
 - (b) the leviable OLC expenditure, and
 - (c) the leviable Lord Chancellor expenditure.
- (2) A levy imposed under this section is payable to the Board.
- (3) Before making rules under this section, the Board must satisfy itself that the apportionment of the levy as between different leviable bodies will be in accordance with fair principles.
- (4) The Board may not make rules under this section except with the consent of the Lord Chancellor.
- (5) “Leviable body” means—
 - (a) an approved regulator,
 - ^{F1}(b)
 - (c) any other person prescribed by the Lord Chancellor by order.
- (6) The “leviable Board expenditure” means the difference between—
 - (a) the expenditure of the Board incurred under or for the purposes of this Act or any other enactment (including any expenditure incurred in connection with its establishment and any expenditure incurred by it in its capacity as an approved regulator or its capacity as a licensing authority), and

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- (b) the aggregate of the amounts which the Board pays into the Consolidated Fund under section 175(1)(a), (c) to (e) and (k) to (m) ^{F2}....
- (7) The “leviable OLC expenditure” means the difference between—
- (a) the expenditure of the OLC incurred under or for the purposes of this Act (including any expenditure incurred in connection with its establishment), and
- (b) the aggregate of the amounts which the OLC pays into the Consolidated Fund under section 175(1)(g), (h) or (n).
- (8) But subsection (7)(a) does not include such proportion of the expenditure of the OLC incurred under or for the purposes of this Act as may reasonably be attributed to the exercise of its functions under sections 164 to 166.
- (9) The “leviable Lord Chancellor expenditure” means any expenditure incurred by the Lord Chancellor in connection with the establishment of the Board or the OLC (including expenditure incurred under or for the purposes of paragraph 10 of Schedule 22 (Interim Chief Executive of the OLC)).
- (10) But the leviable Lord Chancellor expenditure does not include any expenditure under section 172 (funding of Board and OLC).
- (11) In subsection (5) the reference to “an approved regulator” does not include the Board where it is designated as an approved regulator under section 62.

Textual Amendments

- F1** S. 173(5)(b) omitted (29.11.2018 for specified purposes, 1.4.2019 in so far as not already in force) by virtue of [The Financial Services and Markets Act 2000 \(Claims Management Activity\) Order 2018 \(S.I. 2018/1253\)](#), arts. 1(2)(3), **95(5)(a)**
- F2** Words in s. 173(6)(b) omitted (29.11.2018 for specified purposes, 1.4.2019 in so far as not already in force) by virtue of [The Financial Services and Markets Act 2000 \(Claims Management Activity\) Order 2018 \(S.I. 2018/1253\)](#), arts. 1(2)(3), **95(5)(b)**

Commencement Information

- II** S. 173 wholly in force at 1.1.2010; s. 173 not in force at Royal Assent see s. 211; s. 173(1)(3)-(11) in force at 1.1.2009 by [S.I. 2008/3149](#), **art. 2(f)** (subject to [art. 3](#)); s. 173 in force otherwise at 1.1.2010 by [S.I. 2009/3250](#), **art. 2(e)** (with [art. 9](#))

174 The levy: supplementary provisions

- (1) In this section—
- “leviable body” has the meaning given by section 173;
- “the levy” means the levy payable by virtue of that section;
- “the levy rules” means the rules made in accordance with that section.
- (2) The levy is to be payable at such rate and at such times as may be specified in the levy rules.
- (3) The provision made in the levy rules for determining the amount of the levy payable in respect of a particular period—
- (a) may require account to be taken of estimated as well as actual expenditure and receipts, and

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- (b) must require the Board to obtain the Lord Chancellor's agreement to the amount payable in respect of a particular period.
- (4) The levy rules may provide for different parts of the levy to be payable at different rates.
- (5) Any amount which is owed to the Board in accordance with the levy rules may be recovered as a debt due to the Board.
- (6) The levy rules must require the Board—
 - (a) to calculate the amount of the levy payable by each leviable body,
 - (b) to notify each leviable body of its liability to pay an amount of levy and the time or times at which it becomes payable.
- (7) Without prejudice to subsections (2) to (6), the levy rules may—
 - (a) make provision about the collection and recovery of the levy;
 - (b) make provision about the circumstances in which any amount of the levy payable may be waived;
 - (c) provide that if the whole or any part of an amount of the levy payable under the levy rules is not paid by the time when it is required to be paid under the rules, the unpaid balance from time to time carries interest at the rate determined by or in accordance with the levy rules.

Commencement Information

- I2** S. 174 wholly in force at 1.1.2010; s. 174 not in force at Royal Assent see s. 211; s. 174(1)(3)(4)(6)(7) in force at 1.1.2009 by [S.I. 2008/3149](#), [art. 2\(f\)](#) (subject to [art. 3](#)); s. 174 in force otherwise at 1.1.2010 by [S.I. 2009/3250](#), [art. 2\(e\)](#) (with [art. 9](#))

Changes to legislation:

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