
Changes to legislation: There are currently no known outstanding effects for the Legal Services Act 2007, Cross
Heading: Power to notify Board where share limit or voting limit breached. (See end of Document for details)

SCHEDULES

SCHEDULE 13

OWNERSHIP OF LICENSED BODIES

PART 5

ENFORCEMENT

RECORDS OF DECISIONS

Power to notify Board where share limit or voting limit breached

- 49 (1) This paragraph applies if the relevant licensing rules make the provision mentioned in paragraph 38(1)(a) or (b).
- (2) The licensing authority may, if it considers it appropriate to do so in all the circumstances of the case, notify the Board where a non-authorised person acquires—
- (a) a shareholding in a licensed body or parent undertaking of a licensed body which exceeds the share limit, or
 - (b) an entitlement to exercise, or control the exercise of, voting rights in a licensed body or parent undertaking of a licensed body which exceeds the voting limit.
- (3) If the licensing authority proposes to make a notification under sub-paragraph (2), it must give the person and the licensed body a warning notice.
- (4) The warning notice must—
- (a) specify the reasons for the proposed notification, and
 - (b) state that representations may be made to the licensing authority within the prescribed period.
- (5) The licensing authority must consider any representations made within the prescribed period.
- (6) If the licensing authority notifies the Board under sub-paragraph (2), it must give the person concerned and the licensed body a copy of the notification and a notice stating the reasons for the notification.
- (7) If the share limit or voting limit is breached in relation to a parent undertaking of a licensed body, references in sub-paragraphs (3) and (6) to the licensed body include the parent undertaking.

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Commencement Information

- I1** Sch. 13 para. 49 partly in force; Sch. 13 para. 49 not in force at Royal Assent see s. 211; Sch. 13 para. 49(4)(b)(5) in force for certain purposes at 1.1.2009 by [S.I. 2008/3149](#), [art. 2\(d\)\(iv\)](#)
- I2** Sch. 13 para. 49(1)-(3)(4)(a) (6) (7) in force at 1.10.2011 by [S.I. 2011/2196](#), [art. 2\(1\)\(d\)](#)
- I3** Sch. 13 para. 49(4)(b)(5) in force at 1.10.2011 in so far as not already in force by [S.I. 2011/2196](#), [art. 2\(1\)\(d\)](#)

- 50 (1) The person concerned and the licensed body may before the end of the prescribed period appeal to the relevant appellate body against the notification.
- (2) The relevant appellate body may—
- (a) dismiss the appeal, or
 - (b) allow the appeal and order the person's name to be removed from the list kept by the Board under paragraph 51.
- (3) A party to the appeal may before the end of the prescribed period appeal to the High Court on a point of law arising from the decision of the relevant appellant body, but only with the permission of the High Court.
- (4) The High Court may make such order as it thinks fit.
- (5) The licensing authority must notify the Board of the outcome of any appeal under this paragraph, and give the person concerned and the licensed body a copy of the notification.
- (6) If the share limit or voting limit is breached in relation to a parent undertaking of a licensed body, references in sub-paragraphs (1) and (5) to the licensed body include the parent undertaking.

Modifications etc. (not altering text)

- C1** Sch. 13 para. 50 modified (with effect in accordance with art. 2 of the amending S.I.) by [Legal Services Act 2007 \(Appeals from Licensing Authority Decisions\) Order 2011 \(S.I. 2011/1712\)](#), arts. 2(1), 5, [Sch. para. 2\(10\)](#)
- C2** Sch. 13 para. 50 modified (18.7.2014) by [The Legal Services Act 2007 \(Appeals from Licensing Authority Decisions\) \(Chartered Institute of Patent Attorneys and Institute of Trade Mark Attorneys\) Order 2014 \(S.I. 2014/1897\)](#), art. 2(1), [Sch. para. 2\(1\)\(10\)](#) (with art. 2(2))
- C3** Sch. 13 para. 50 modified (18.7.2014) by [The Legal Services Act 2007 \(Appeals from Licensing Authority Decisions\) \(Institute of Chartered Accountants in England and Wales\) Order 2014 \(S.I. 2014/1898\)](#), art. 2, [Sch. para. 2\(1\)\(10\)](#)
- C4** Sch. 13 para. 50 modified (1.10.2018) by [The Legal Services Act 2007 \(Appeals from Licensing Authority Decisions\) \(General Council of the Bar\) Order 2018 \(S.I. 2018/457\)](#), art. 1, [Sch. para. 2\(10\)](#)
- C5** Sch. 13 para. 50 modified (6.4.2020) by [The Legal Services Act 2007 \(Chartered Institute of Legal Executives\) \(Appeals from Licensing Authority Decisions\) Order 2020 \(S.I. 2020/301\)](#), art. 1, [Sch. para. 2\(10\)](#)

Commencement Information

- I4** Sch. 13 para. 50 partly in force; Sch. 13 para. 50 not in force at Royal Assent see s. 211; Sch. 13 para. 50(1)(3) in force for certain purposes at 1.1.2009 by [S.I. 2008/3149](#), [art. 2\(d\)\(iv\)](#)
- I5** Sch. 13 para. 50(1)(3) in force at 1.10.2011 in so far as not already in force by [S.I. 2011/2196](#), [art. 2\(1\)\(d\)](#)
- I6** Sch. 13 para. 50(2)(4) in force at 1.10.2011 by [S.I. 2011/2196](#), [art. 2\(1\)\(d\)](#)

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