
Changes to legislation: There are currently no known outstanding effects for the Legal Services Act 2007, Paragraph 5. (See end of Document for details)

SCHEDULES

SCHEDULE 18 **E+W**

IMMIGRATION ADVICE AND IMMIGRATION SERVICES

PART 1 **E+W**

QUALIFYING REGULATORS

Determination of application

- 5 (1) The Board must make rules specifying how it will determine applications under paragraph 3.
- (2) Rules under sub-paragraph (1) must, in particular, provide that the Board may grant an application only if it is satisfied—
- (a) that, if a designation order were to be made in relation to the applicant, the applicant would have appropriate internal governance arrangements in place at the time the order takes effect,
 - (b) that, if such an order were made, the applicant would be competent to perform the role of designated qualifying regulator (within the meaning of section 86A of the Immigration and Asylum Act 1999 (c. 33)) at that time,
 - (c) that the arrangements made by the applicant for authorising persons to provide immigration advice or immigration services provide that persons may not be so authorised unless they are persons who are also authorised by the applicant to carry on activities which are reserved legal activities,
 - (d) that the applicant's proposed regulatory arrangements make appropriate provision, and
 - (e) that the applicant's proposed regulatory arrangements comply with the requirements imposed by sections 112 and 145 (requirements imposed in relation to the handling of complaints).
- (3) The rules made for the purposes of sub-paragraph (2)(a) must in particular require the Board to be satisfied—
- (a) that the exercise of the applicant's regulatory functions would not be prejudiced by any of its representative functions, and
 - (b) that decisions relating to the exercise of its regulatory functions would so far as reasonably practicable be taken independently from decisions relating to the exercise of its representative functions.
- (4) In subsection (2)(c) the reference to persons who are also authorised by the applicant to carry on activities which are reserved legal activities includes, in relation to any application by the Law Society, registered foreign lawyers (within the meaning of section 89 of the Courts and Legal Services Act 1990).

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Commencement Information

II Sch. 18 para. 5 in force at 1.4.2011 by S.I. 2011/720, art. 2(c)

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