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## SCHEDULES

### SCHEDULE 21

#### MINOR AND CONSEQUENTIAL AMENDMENTS

##### *Courts and Legal Services Act 1990 (c. 41)*

- 83 The Courts and Legal Services Act 1990 is amended in accordance with paragraphs 84 to 101.
- 84 Omit the following provisions—
- (a) section 17 (the statutory objective and the general principle);
  - (b) section 18 (the statutory duty);
  - (c) section 18A (the Consultative Panel);
  - (d) section 27 (rights of audience);
  - (e) section 28 (rights to conduct litigation);
  - (f) section 29 (authorised bodies);
  - (g) section 31 (barristers and solicitors: rights of audience and rights to conduct litigation);
  - (h) section 31A (employed advocates).

#### Commencement Information

- II** [Sch. 21 para. 84](#) wholly in force at 1.1.2010, see [s. 211](#) and [S.I. 2009/3250](#), [art. 2\(h\)](#) (subject to [art. 6](#) and with [art. 9](#))

- 85 In section 31B (advocates and litigators employed by Legal Services Commission)
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- (a) for subsection (1) substitute—
    - “(1) This section applies where a person—
    - (a) is authorised by a relevant approved regulator (“the regulator”) to carry on an activity which constitutes the exercise of a right of audience or the conduct of litigation, and
    - (b) is employed by the Legal Services Commission, or by any body established and maintained by that Commission.
  - (1A) Any rules of the regulator which fall within subsection (2) shall not have effect in relation to that person.”,
  - (b) in subsection (2)—
    - (i) for “body” (in each place) substitute “regulator”, and
    - (ii) for “rules of conduct” substitute “conduct rules”,
  - (c) in subsection (3) for “body” substitute “regulator”, and
  - (d) after subsection (3) insert—

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“(4) For the purposes of this section “relevant approved regulator” is to be construed in accordance with section 20(3) of the Legal Services Act 2007.”

86 In section 31C (change of authorised body)—

(a) for subsection (1) substitute—

“(1) Where a person—

(a) has at any time been authorised by a relevant approved regulator to exercise a right of audience before a court in relation to proceedings of a particular description, and

(b) becomes authorised by another relevant approved regulator to exercise a right of audience before that court in relation to that description of proceedings,

any qualification regulations of the relevant approved regulator mentioned in paragraph (b) which relate to that right are not to have effect in relation to the person.”,

(b) in subsection (2) for “the body” substitute “ the relevant approved regulator ”,

(c) in subsection (3) for “body” (in each place) substitute “ relevant approved regulator ”, and

(d) after that subsection insert—

“(4) In this section “relevant approved regulator” is to be construed in accordance with section 20(3) of the Legal Services Act 2007.”

87 Omit sections 34 to 52 (extension of conveyancing services).

88 Omit sections 54 and 55 (preparation of probate papers etc).

#### Commencement Information

**I2** Sch. 21 para. 88 wholly in force at 1.1.2010, see s. 211 and S.I. 2009/3250, art. 2(h) (subject to art. 6 and with art. 9)

89 In section 60 (regulation of right of Scottish and Northern Ireland lawyers to practise in England and Wales)—

(a) in subsection (1) for “Secretary of State” substitute “ Lord Chancellor ”,

(b) in subsection (2) for “Secretary of State” substitute “ Lord Chancellor ”,

(c) after subsection (2) insert—

“(2A) Regulations may be made under this section only if—

(a) the Legal Services Board has made a recommendation under section 60A,

(b) draft regulations were annexed to the recommendation, and

(c) the regulations are in the same form as, or a form not materially different from, the draft regulations.”, and

(d) in subsection (4) for “Secretary of State” substitute “ Lord Chancellor ”.

90 After that section insert—

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**“60A Procedural requirements relating to recommendations for the purposes of section 60**

- (1) Before making a recommendation under this section, the Legal Services Board must publish a draft of—
  - (a) the proposed recommendation, and
  - (b) the proposed draft regulations.
- (2) The draft must be accompanied by a notice which states that representations about the proposals may be made to the Board within a specified period.
- (3) Before making the recommendation, the Board must have regard to any representations duly made.
- (4) If the draft regulations to be annexed to the recommendation differ from the draft regulations published under subsection (1)(b) in a way which is, in the opinion of the Board, material, the Board must, before making the recommendation, publish the draft recommendations along with a statement detailing the changes made and the reasons for the changes.”

91 Omit section 63 (legal professional privilege).

92 Omit section 69 (exemption from liability for damages etc).

93 Omit section 70 (offences).

94 In section 71 (qualification for judicial and certain other appointments)—

- (a) in subsection (4) for “granted by an authorised body” substitute “exercisable by virtue of an authorisation given by a relevant approved regulator”,
- (b) in subsection (6) for “the authorised body concerned” substitute “the relevant approved regulator”, and
- (c) after that subsection insert—

“(6A) In this section “relevant approved regulator” is to be construed in accordance with section 20(3) of the Legal Services Act 2007.”

95 In section 75 (judges etc barred from legal practice), after paragraph (b) insert—

“(ba) carry on any notarial activities (within the meaning of the Legal Services Act 2007);”.

96 Omit section 113 (administration of oaths and taking of affidavits).

**Commencement Information**

**I3** Sch. 21 para. 96 wholly in force at 1.1.2010 see s. 211 and S.I. 2009/3250, art. 2(h) (subject to art. 9)

97 (1) Section 119 (interpretation) is amended as follows.

(2) In subsection (1) omit the following definitions—

“authorised advocate”

“authorised body” and “appropriate authorised body”

“authorised litigator”

“authorised practitioner”

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“Consultative Panel”  
 “duly certificated notary public”  
 “the general principle”  
 “qualified person”  
 “the statutory objective”.

- (3) In that subsection, for the definition of “court” substitute—
- ““court” has the same meaning as in the Legal Services Act 2007 (see section 207 of that Act);”.
- (4) In that subsection, for the definition of “qualification regulations” and “rules of conduct” substitute—
- ““qualification regulations” and “conduct rules”, in relation to a body, have the same meaning as in the Legal Services Act 2007 (see section 21 of that Act);”.
- (5) In that subsection, in the definition of “right to conduct litigation”—
- (a) in paragraph (a) after “court” insert “ in England and Wales ”,
- (b) for “and” at the end of that paragraph substitute—
- “(aa) to commence, prosecute and defend such proceedings; and”.
- (6) In subsection (3) for from “(including” to the end substitute “ to conduct rules includes a reference to practice rules (within the meaning of the Legal Services Act 2007 (see section 21 of that Act)). ”
- 98 In section 120 (regulations and orders) omit—
- (a) in subsection (4) —
- (i) “26(1), 37(10), 40(1)”, and
- (ii) from “paragraph 24” to “Schedule 9”, and
- (b) subsection (5).
- 99 In section 125 (power to make provision consequential on provision made by Part 2 of Administration of Justice Act 1985 etc)—
- (a) in subsection (4) for “Secretary of State” substitute “ Lord Chancellor ”, and
- (b) for subsection (5) substitute—
- “(5) In subsection (4)—
- (a) “relevant enactments” means such enactments or instruments passed or made before or in the same Session as the Legal Services Act 2007 was passed as may be specified in the order, and
- (b) the reference to Part 2 is a reference to that Part as amended by that Act or any enactment or instruments passed or made before or in the same Session as that Act was passed.”
- 100 Omit the following provisions—
- (a) Schedule 4 (authorised bodies);
- (b) Schedule 5 (the Authorised Conveyancing Practitioners Board);

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- (c) Schedule 6 (the Conveyancing Appeals Tribunals);
- (d) Schedule 7 (the Conveyancing Ombudsman Scheme);
- (e) in Part 2 of Schedule 8 (amendments of provisions relating to powers of Conveyancing Licensing Council etc), paragraphs 14 to 20 and 21(1)(b);
- (f) Schedule 9 (probate).

**Commencement Information**

- I4** [Sch. 21 para. 100](#) wholly in force at 1.1.2010; [Sch. 21 para. 100](#) not in force at Royal Assent see [s. 211](#); [Sch. 21 para. 100\(b\)-\(d\)](#) in force at 31.3.2009 by [S.I. 2009/503](#), [art. 2\(d\)](#); [s. 100\(a\)\(e\)\(f\)](#) in force at 1.1.2010 by [S.I. 2009/3250](#), [art. 2\(h\)](#) (subject to [art. 6](#) and with [art. 9](#))
- I5** [Sch. 21 para. 100\(e\)](#) in force at 6.10.2010 in so far as not already in force by [S.I. 2010/2089](#), [art. 2\(d\)](#) (with [art. 6](#))

- 101 In paragraph 17 of Schedule 19 (revocation of appointment under section 1(1) of the Commissioners for Oaths Act 1889) for “Secretary of State” substitute “ Lord Chancellor ”.

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