

Status: Point in time view as at 12/11/2009.

Changes to legislation: There are currently no known outstanding effects for the Legal Services Act 2007, SCHEDULE 23. (See end of Document for details)

SCHEDULES

SCHEDULE 23

Section 210

REPEALS

Commencement Information

- II** Sch. 23 partly in force: Sch. 23 not in force at Royal Assent see s. 211; Sch. 23 in force for certain purposes at 7.3.2008 by S.I. 2008/222, art. 2(n); Sch. 23 in force for certain further purposes at 30.6.2008 and 1.10.2008 by S.I. 2008/1436, arts. 2(g), 3(c); Sch. 23 in force for certain further purposes at 31.3.2009 by S.I. 2009/503, art. 2(f); Sch. 23 in force for certain further purposes at 1.7.2009 by S.I. 2009/1365, art. 2(c); Sch. 23 in force for certain further purposes at 1.1.2010 by S.I. 2009/3250, art. 2(h) (subject to art. 6 and with art. 9)

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Public Notaries Act 1801 (c. 79)	In section 1, “, or use and exercise the office of a notary, or do any notarial act,”. In section 14, from “proctor” to “any other”.
Public Notaries Act 1843 (c. 90)	Section 10.
Commissioners for Oaths Act 1889 (c. 10)	In section 1(3), from “in which” (in the first place) to “solicitor, or”.
Children and Young Persons Act 1933 (c. 12)	In section 49(11), the definition of “legal representative”.
Public Records Act 1958 (c. 51)	In Schedule 1, “The Legal Services Ombudsman.”
Parliamentary Commissioner Act 1967 (c. 13)	In Schedule 2, “Authorised Conveyancing Practitioners Board.” and “The Legal Services Complaints Commissioner.”
Superannuation Act 1972 (c. 11)	In Schedule 1, “Employment by the Legal Services Ombudsman” and “The office of the Legal Services Ombudsman”.
Poisons Act 1972 (c. 66)	In section 9(7), “notwithstanding that he is not of counsel or a solicitor”.
Solicitors Act 1974 (c. 47)	In section 1A— (a) “or” at the end of paragraph (b), and (b) in paragraph (c) “by the Council of the Law Society”. In section 2— (a) in subsection (1), “, with the concurrence of the Secretary of State,

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the Lord Chief Justice and the Master of the Rolls,”

- (b) in subsection (3)(a)(i), “, whether by service under articles or otherwise,”
- (c) in subsection (3)(a)(v), “articles may be discharged or”, and
- (d) subsections (4) and (5).

Section 6(2) to (4).

Section 8(5).

Section 12.

Section 12A.

Section 14.

In section 17(1) and (2), “in the London Gazette”.

Section 19.

Sections 22 to 23.

In section 26, “, 22 or 23”.

Section 27.

In section 28—

- (a) in subsection (1), “, with the concurrence of the Secretary of State and the Lord Chief Justice,”
- (b) in subsection (1)(c), “and applications for them”,
- (c) subsections (2) and (3),
- (d) in subsection (3A), the “and” at the end of paragraph (b), and
- (e) subsections (4) and (5).

In section 31—

- (a) in subsection (1) “, with the concurrence of the Master of the Rolls,” and
- (b) subsections (3) and (4).

In section 32(1)—

- (a) “, with the concurrence of the Master of the Rolls,” and
- (b) from “and the rules” to the end.

Section 32(2).

In section 32(4) “or (2)”.

Section 32(6).

In section 33(2), “and the rules” to the end.

In section 33A(1) “, with the concurrence of the Master of the Rolls,”.

Section 34(7) and (8).

Section 37A.

Section 40.

Section 41(5).

In section 43(5)—

- (a) “by any solicitor”, and
- (b) from “but” to the end.

Section 46(6) to (8).

In section 46(9) “, with the concurrence of the Master of the Rolls,”.

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	<p>In section 47—</p> <ul style="list-style-type: none">(a) in subsection (2)(c), “not exceeding £5,000”, and(b) subsections (4) and (5). <p>In section 48(2)(b) “in the London Gazette”.</p> <p>In section 49(4) “and the Master of the Rolls”.</p> <p>Section 49(7).</p> <p>Section 70(11).</p> <p>Sections 76 to 78.</p> <p>Section 80(2).</p> <p>Sections 81 and 81A.</p> <p>In section 87(1) the definitions of—</p> <ul style="list-style-type: none">(a) “articles”,(b) “controlled trust”,(c) “duly certificated notary public”,(d) “employee”,(e) “indemnity conditions”,(f) “replacement date”, and(g) “training conditions”. <p>Section 89(7).</p> <p>In Schedule 1—</p> <ul style="list-style-type: none">(a) in paragraph 1(1)(h), “sole”, and(b) paragraph 1(2). <p>Schedule 1A.</p> <p>Schedule 2.</p> <p>In Schedule 3, paragraph 9.</p>
House of Commons Disqualification Act 1975 (c. 24)	<p>In Part 2 of Schedule 1, “The Authorised Conveyancing Practitioners Board.”</p> <p>In Part 3 of Schedule 1, “The Legal Services Complaints Commissioner.” and “The Legal Services Ombudsman.”</p>
Northern Ireland Assembly Disqualification Act 1975 (c. 25)	<p>In Part 2 of Schedule 1, “The Authorised Conveyancing Practitioners Board.”</p> <p>In Part 3 of Schedule 1, “The Legal Services Complaints Commissioner.” and “The Legal Services Ombudsman.”</p>
Race Relations Act 1976 (c. 74)	<p>In Schedule 1A, in Part 2, “The Legal Services Consultative Panel.”</p>
Patents Act 1977 (c. 37)	<p>Section 102A.</p>
Solicitors (Scotland) Act 1980 (c. 46)	<p>Section 3A(5)(a) and (ad).</p> <p>Section 15(2)(j).</p> <p>In section 20(2) “, 53A(2)(ba)”.</p> <p>Section 24C(2)(i).</p> <p>Section 34(4), (4C) and (4D).</p> <p>Sections 38, 39, 42A and 42B.</p> <p>In section 42C(1)—</p> <ul style="list-style-type: none">(a) paragraphs (a) and (c),(b) “to the solicitor or his firm or”, and(c) “or, where” to the end.

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	In section 42C(2)(a) and (b) “solicitor, firm or” (in each place).
	In section 42C(3)—
	(a) in paragraph (a) “the solicitor or his firm or, as the case may be,”, and
	(b) in paragraph (b) from “of which the solicitor” to “be.”.
	In section 42C(4) “38,” (in each place).
	Section 42C(5).
	In section 51(2)—
	(a) “a solicitor may have been guilty” to “Fund) or”, and
	(b) “or a solicitor” to “services”.
	Section 51(2A).
	In section 52(2)(aa) “42A(7) or”.
	Section 53(3), (10) and (11).
	Sections 53A, 53B and 53C.
	Section 54(1), (2B) and (2C).
	Section 55(8).
	Section 56A.
	In section 62A(1) and (2) “38,” (in each place).
	In section 65—
	(a) in subsection (1), the definition of “inadequate professional services”, and
	(b) subsection (5).
	In Schedule 3, in Part 2, in paragraph 5(1), (2) and (3) “38,” (in each place).
	In Schedule 4, in Part 2—
	(a) in paragraph 9(a) and (b) “or, as the case may be, of provision of inadequate professional services” (in each place),
	(b) paragraph 16(f) and (g), and
	(c) in paragraph 23 “, 42A(7)”.
	In the side-note to section 62A “38,”.
Mental Health Act 1983 (c. 20)	In Schedule 4, paragraph 38(a).
County Courts Act 1984 (c. 28)	In Schedule 2, paragraph 49.
Prosecution of Offences Act 1985 (c. 23)	Section 4(6).
Administration of Justice Act 1985 (c. 61)	Section 2.
	Section 4.
	Sections 6 and 7.
	In section 9—
	(a) in subsection (1)(c) “corporate”,
	(b) subsection (4),
	(c) in subsection (5) “corporate”,
	(d) in subsection (8) the definition of “officer”, and in the definition of “recognised body”, “corporate”, and
	(e) subsection (9).
	In section 10—

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(a) in subsection (1) “corporate” (in both places), and

(b) in subsection (2) “corporate”.

Section 11(4).

Section 12(2).

Section 15(7) and (8).

In section 20(1) “, in pursuance of its general duty referred to in section 12(2),”.

In section 22(3)(a) “qualified”.

In section 24—

(a) in subsection (1), paragraph (b) and the “or” immediately preceding it,

(b) in that subsection the words from “with a view” to the end,

(c) subsection (2),

(d) in subsection (3), “or (2)”, “or complaint” (in both places) and “or paragraph (b)”, and

(e) in subsection (5), “or complaint” (in both places).

Section 26(2)(g), (5) and (6).

In section 29(1), “or” at the end of paragraph (b).

In section 31—

(a) in subsection (2), “or complaint” (in each place) and “or paragraph (b)”, and

(b) in subsection (4), “or complaint”.

In section 32—

(a) in subsection (2) “corporate”,

(b) subsection (3)(d),

(c) in subsection (3)(e) “corporate”,

(d) subsections (4) and (5), and

(e) in subsection (6)(a) “corporate”.

Section 34(2)(c) to (e).

In section 35(2), “corporate”.

Section 38(1).

In section 39(1)—

(a) in the definition of “client”, in paragraph (a) “or his firm”,

(b) the definitions of “director” and “officer”, and

(c) in the definition of “recognised body”, “corporate”.

In Schedule 1 paragraphs 5, 8(3), 9 and 14.

In Schedule 2—

(a) in paragraph 1(1) “corporate”,

(b) in paragraph 1(2)—

(i) paragraph (b) and the “or” immediately preceding it,

(ii) “corporate”, and

(iii) “or application”,

(d) paragraph 1(3),

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- (e) in paragraph 1(4) from “, and for those purposes” to the end,
- (f) paragraph 4(2),
- (g) paragraphs 11, 12 and 13,
- (h) in paragraph 16(1), in paragraph (a) “in the United Kingdom”,
- (i) in paragraph 17(a) “11(1), 15(2) or” and “13(3) or”,
- (j) paragraph 18(1)(d) and the “or” immediately preceding it,
- (k) in paragraph 18(2) “not exceeding £3,000”,
- (l) paragraph 18(3) and (4),
- (m) paragraph 20(2),
- (n) in paragraph 31 “or (2)”,
- (o) paragraph 32(2),
- (p) in paragraph 34(1), “corporate” (in both places), and
- (q) in paragraph 35, in paragraph (a) “corporate” and the “and” at the end of paragraph (b).

In Schedule 3, paragraphs 2(3) and 3.

In Schedule 4, paragraphs 1(3) and (4) and 3.

In Schedule 5, paragraph 1(2).

In Schedule 6—

- (a) in paragraph 1 “corporate” (in both places), and in sub-paragraph (2) “or complaint” (in both places) and “or (b)”,
- (b) in paragraph 3(1), in paragraph (a)(i) “by any court in the United Kingdom”, paragraph (b), and from “with a view” to the end,
- (c) paragraph 3(2),
- (d) paragraph 4(2)(c),
- (e) paragraph 4(3), (3A) and (4),
- (f) in paragraph 7(1) and (2) “corporate”,
- (g) in paragraph 8(1), “corporate”,
- (h) paragraph 9(2),
- (i) paragraph 10(2),
- (j) in paragraph 12(1), “corporate” (in both places),
- (k) in paragraph 13, in paragraph (a) “corporate”, and the “and” at the end of paragraph (b),
- (l) paragraph 15.

In Schedule 9, paragraphs 2, 4 and 6.

Insolvency Act 1985 (c. 65)

In Schedule 8, paragraph 25.

Social Security Act 1986 (c. 50)

In section 56(1), “although not a barrister or solicitor”.

Building Societies Act 1986 (c. 53)

In Schedule 18, paragraph 11(2) and (3).

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Copyright, Designs and Patents Act 1988 (c. 48)	Section 279. In section 280— (a) in subsection (3) “or” at the end of paragraph (b), and (b) subsection (4). Section 292.
Law of Property (Miscellaneous Provisions) Act 1989 (c. 34)	In Schedule 1, paragraph 8.
Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (c. 40)	Section 33.
Courts and Legal Services Act 1990 (c. 41)	Sections 17, 18 and 18A. Sections 21 to 29. Sections 31 and 31A. Sections 34 to 52. In section 53— (a) subsection (5), and (b) subsection (9)(e). Sections 54 and 55. Section 63. Sections 68 to 70. Section 73(5)(d). Section 86 to 88. Section 90. Section 93. Section 94(1) and (2). Section 96. Section 113. In section 119(1), the definitions of— (a) “authorised advocate”, (b) “authorised body” and “appropriate authorised body”, (c) “authorised litigator”, (d) “authorised practitioner”, (e) “Consultative Panel”, (f) “duly certificated notary public”, (g) “the general principle”, (h) “qualified person”, and (i) “the statutory objective”. In section 120— (a) in subsection (4), “26(1), 37(10), 40(1)”, and from “paragraph 24” to “Schedule 9”, and (b) subsection (5). Schedules 3 to 7. In Schedule 8, paragraphs 7, 11, 13 to 20, 21(1)(b) and 23. Schedule 9. In Schedule 10, paragraph 64. In Schedule 14— (a) in paragraph 1, the definitions of “controlled trust” and “the Council”,

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	<ul style="list-style-type: none"> (b) paragraph 2(3) and (5), (c) in paragraph 5— <ul style="list-style-type: none"> (i) in sub-paragraph (3)(a) and (b), “by virtue of his being a member of that partnership”, and (ii) sub-paragraph (4), (c) paragraph 14(2), (d) in paragraph 14(3) “to him”, (e) in paragraph 15, in sub-paragraph (4) (c) “not exceeding £5,000”, and sub-paragraph (5), (f) in paragraph 17(2), “and the Master of the Rolls”, and (g) paragraph 17(4).
	Schedule 15.
	In Schedule 17, paragraphs 4, 8, 10 and 20.
	In Schedule 18—
	<ul style="list-style-type: none"> (a) in paragraph 1(1), ““The Authorised Conveyancing Practitioners Board”” and ““The Conveyancing Ombudsman””, (b) paragraph 1(2), and (c) paragraphs 9 to 12, 18, 20 and 56.
Environmental Protection Act 1990 (c. 43)	In section 114(4), “, although not of counsel or a solicitor.”.
Friendly Societies Act 1992 (c. 40)	In Schedule 21, paragraph 5.
Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52)	In section 194(2), “, although not of counsel or a solicitor.”.
Statute Law (Repeals) Act 1993 (c. 50)	In Schedule 2, paragraph 3.
Trade Marks Act 1994 (c. 26)	Section 85. In Schedule 4, paragraph 5.
Agricultural Tenancies Act 1995 (c. 8)	Section 35.
Environment Act 1995 (c. 25)	In section 54, “although not of counsel or a solicitor”.
Bank of England Act 1998 (c. 11)	Section 41(4). In Schedule 5, paragraph 67.
National Minimum Wage Act 1998 (c. 39)	Section 33(1)(a).
Access to Justice Act 1999 (c. 22)	Sections 35(2) to (4), 36, 37 and 40 to 42. In section 44(1), “is employed by”. In section 46— <ul style="list-style-type: none"> (a) subsection (2)(b) and the word “but” immediately preceding it, and (b) subsections (3) to (6). Section 47. Sections 49 to 52. In Schedule 4, paragraph 46. Schedule 5.

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	In Schedule 6, paragraphs 1 to 3, 5 to 8 and 11.
	In Schedule 7, paragraphs 7(2)(a) and 10 to 12.
	Schedule 8.
	In Schedule 14, paragraph 14.
Immigration and Asylum Act 1999 (c. 33)	In section 86— (a) subsections (1)(a), (d) and (e), (b) subsection (4)(b), (c) in subsection 5(a), “England and Wales or”, and (d) subsection (6)(a).
	In Schedule 5— (a) paragraph 3(6)(b), (b) paragraph 4(2)(b), (c) in paragraph 4(3)(a) “England and Wales or”, and (d) paragraph 4(4)(a).
Trustee Act 2000 (c. 29)	In Schedule 2, paragraph 37.
Freedom of Information Act 2000 (c. 36)	In Part 6 of Schedule 1— (a) “The Authorised Conveyancing Practitioners Board.”, (b) “The Legal Services Complaints Commissioner.”, (c) “The Legal Services Consultative Panel.”, and (d) “The Legal Services Ombudsman.”
Enterprise Act 2002 (c. 40)	In Schedule 25, paragraph 23(2) to (6) and (10).
Pensions Act 2004 (c. 35)	In Schedule 4, paragraph 21.
Constitutional Reform Act 2005 (c. 4)	In Schedule 4, paragraphs 92 and 202. In Schedule 11, paragraphs ^{F1} . . . 21(3) and 23(2) and (3).
Mental Capacity Act 2005 (c. 9)	In Schedule 6, paragraph 22(2).
Serious Organised Crime and Police Act 2005 (c. 15)	In Part 3 of Schedule 7, paragraph 42(2).
Natural Environment and Rural Communities Act 2006 (c. 16)	In section 12(2) “even though he is not a barrister or solicitor”.
Compensation Act 2006 (c. 29)	Section 5(3), (4)(c) and (5). Section 15(6).
National Health Service Act 2006 (c. 41)	In section 194(4), “, although he is not a barrister or solicitor.”.
National Health Service (Wales) Act 2006 (c. 42)	In section 142(4), “, although he is not a barrister or solicitor.”.
Legal Profession and Legal Aid (Scotland) Act 2007 (asp 5)	Section 77.

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Textual Amendments

- F1** Words in Sch. 23 repealed (12.11.2009) by Coroners and Justice Act 2009 (c. 25), ss. 177, 178, 182(1)(j)(v), Sch. 21 para. 97, **Sch. 23 Pt. 9**

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