



Legal Services Act 2007

2007 CHAPTER 29

PART 6 **E+W**

LEGAL COMPLAINTS

Jurisdiction and operation of the ombudsman scheme

128 **Parties** **E+W**

- (1) The respondent is within this section if, at the relevant time, the respondent was an authorised person in relation to an activity which was a reserved legal activity (whether or not the act or omission relates to a reserved legal activity).
- (2) The complainant (“C”) is within this section if C—
 - (a) meets the first and second conditions, and
 - (b) is not excluded by subsection (5).
- (3) The first condition is that C is—
 - (a) an individual, or
 - (b) a person (other than an individual) of a description prescribed by order made by the Lord Chancellor in accordance with a recommendation made under section 130.
- (4) The second condition is that—
 - (a) the services to which the complaint relates were provided by the respondent to C;
 - (b) the services to which the complaint relates were provided by the respondent to an authorised person who procured them on C's behalf;
 - (c) the services to which the complaint relates were provided by the respondent—
 - (i) in the respondent's capacity as a personal representative or trustee, or
 - (ii) to a person acting as a personal representative or trustee,and C is a beneficiary of the estate or trust in question; or

Changes to legislation: There are currently no known outstanding effects for the Legal Services Act 2007, Section 128. (See end of Document for details)

- (d) C satisfies such other conditions, in relation to the services to which the complaint relates, as may be prescribed by order made by the Lord Chancellor in accordance with a recommendation made under section 130.
- (5) C is excluded if, at the relevant time—
- (a) C was an authorised person in relation to an activity which was a reserved legal activity and the services to which the complaint relates were procured by C on behalf of another person,
 - (b) C was a public body or was acting on behalf of such a body in relation to the services to which the complaint relates, or
 - (c) C was a person prescribed, or of a description prescribed, as excluded by order made by the Lord Chancellor in accordance with a recommendation made under section 130.
- (6) In subsection (4)(b) “authorised person” means an authorised person in relation to any activity which is a reserved legal activity.
- (7) In this section—
- “public body” means any government department, local authority or other body constituted for purposes of the public services, local government or the administration of justice;
- “relevant time”, in relation to a complaint, means the time when the act or omission to which the complaint relates took place.

Commencement Information

- I1** S. 128 partly in force; s. 128 not in force at Royal Assent see s. 211; s. 128(3)(b)(4)(d)(5)(c) in force at 1.1.2009 by [S.I. 2008/3149](#), [art. 2\(e\)\(i\)](#)
- I2** S. 128(1) (2) (3)(a) (4)(a)-(c) (5)(a) (b) (6) (7) in force at 6.10.2010 by [S.I. 2010/2089](#), [art. 2\(a\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Legal Services Act 2007, Section 128.