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STATUTORY INSTRUMENTS

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**2008 No. 3074**

**The Legal Services Act 2007 (Functions  
of a Designated Regulator) Order 2008**

**Amendment of section 9A of the Administration of Justice Act 1985**

2.—(1) In paragraph 82 of Schedule 16 to the Legal Services Act 2007, the new section 9A to be inserted into the Administration of Justice Act 1985(1) (legal services bodies) is amended as follows.

(2) In subsection (5)(a)—

- (a) for “would be” substitute “is”, and
- (b) omit from “if the references” to the end.

(3) At the end of subsection (6)(e) insert—

- “(f) a legal partnership which—
  - (i) was in existence immediately before the commencement of this paragraph,
  - (ii) since that time has continued to be a partnership of the kind mentioned in rule 12.01(1)(b), 12.02(1)(b) or 12.04(1)(c)(i) of the pre-commencement conduct rules (framework of practice), and
  - (iii) has not, since that time, had a body corporate (other than a body within paragraph (g)) as a member;
- (g) a body corporate which—
  - (i) was recognised under section 9 immediately before the commencement of this paragraph, and
  - (ii) has since that time continued to satisfy the requirements of rule 14.03(1) and 14.04(1) to (3) or the requirements of rule 14.05(1) to (3) of the pre-commencement conduct rules (restrictions on directors, owners etc. of incorporated practices);
- (h) a body which—
  - (i) is an authorised person and satisfies the services condition, or
  - (ii) provides professional services such as are provided by individuals who are authorised persons or lawyers of other jurisdictions,and which satisfies the requirements of rules under subsection (6C).

(6A) For the purposes of subsection (6)(f), a partnership is to be treated as the same partnership despite a change in membership, if any person who was a member before the change remains a member.

(6B) For the purposes of subsection (6)(f) and (g), the references in the pre-commencement conduct rules to a recognised body are to be construed as references to a body which was recognised under section 9 immediately before the commencement of subsection (6)(f) and (g).

(6C) The Society must make rules for the purposes of paragraph (h) of subsection (6) prescribing the requirements relating to management and control which must be satisfied by or in relation to a body for it to fall within that paragraph.”.

(4) In subsection (8)—

(a) after the definition of “the Directive” insert—

““legal partnership” means a partnership in which a solicitor, a registered European lawyer or a recognised body is permitted to practise by virtue of rules made under section 31 of the Solicitors Act 1974 (c. 47)(2), as those rules had effect immediately before the commencement of subsection (6)(f);”,

(b) after the definition of “manager” insert—

““pre-commencement conduct rules” means rules under Part 2 of the Solicitors Act 1974 or section 9 of this Act(3), known as the Solicitors’ Code of Conduct 2007, as those rules had effect immediately before the commencement of subsection (6) (f) and (g)(4);”,

(c) in the definition of “recognised body” after “section 9” insert “(subject to subsection (6B) above)”, and

(d) after the definition of “shares” insert—

““the Society” has the meaning given by section 87(1) of the Solicitors Act 1974;”.

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(2) Section 31 was amended by paragraphs 1 and 3 of Schedule 6 and paragraph 1 of Schedule 7 to the [Access to Justice Act 1999 \(c. 22\)](#); paragraph 10 of Schedule 17 to the [Courts and Legal Services Act 1990 \(c. 41\)](#) and S.I. 2003/1887. There are other amendments but none is relevant.

(3) Section 9 of the [Administration of Justice Act 1985 \(c. 61\)](#) was amended by paragraph 15(1), (2)(a) and (3)(b) of Schedule 4 to S.I. 2000/1119. There are other amendments but none is relevant.

(4) A copy of the relevant pre-commencement conduct rules is available on the Solicitors Regulation Authority web-site.