
STATUTORY INSTRUMENTS

2009 No. 503

The Legal Services Act 2007 (Commencement No. 4, Transitory and Transitional Provisions and Appointed Day) Order 2009

Transitory provisions

- 4.—(1) Until paragraph 19 of Schedule 4 comes into force, the Law Society may make—
- (a) rules under paragraph 6B of Schedule 1 to the 1974 Act (as inserted by paragraph 77(6) of Schedule 16) only with the concurrence of the Lord Chancellor; and
 - (b) the following rules and regulations only with the concurrence of the Lord Chancellor and the Master of the Rolls—
 - (i) rules under sections 36 and 36A of the 1974 Act (as substituted by paragraph 37 of Schedule 16);
 - (ii) regulations under section 43(2A) of the 1974 Act (as substituted by paragraph 42 of Schedule 16);
 - (iii) regulations under section 44C of the 1974 Act (as substituted by paragraph 45 of Schedule 16);
 - (iv) rules under section 44D(7) of the 1974 Act (as inserted by paragraph 46 of Schedule 16);
 - (v) regulations under paragraph 14A of Schedule 2 to the 1985 Act (as substituted by paragraph 102 of Schedule 16); and
 - (vi) rules under paragraph 14B(7) of Schedule 2 to the 1985 Act (as inserted by paragraph 103 of Schedule 16).
- (2) Until section 21 comes into force—
- (a) section 36 of the 1974 Act (as substituted by paragraph 37 of Schedule 16) has effect as if subsection (7) were omitted; and
 - (b) section 89 of the 1990 Act (as amended by paragraph 125 of Schedule 16) has effect as if subsection (8A) were omitted.
- (3) Until paragraph 39 of Schedule 16 comes into force—
- (a) section 44B of the 1974 Act (as substituted by paragraph 44 of Schedule 16) has effect as if the following paragraph were inserted immediately after paragraph (b) of subsection (3)—
 - “(ba) whether any professional services provided by a solicitor were not of the quality which it is reasonable to expect of him as a solicitor;”;
 - (b) paragraph 14 of Schedule 2 to the 1985 Act (as substituted by paragraph 101 of Schedule 16) has effect as if the word “or” were omitted from the end of sub-paragraph (1) (a) and the following paragraph were inserted immediately after paragraph (a) of sub-paragraph (1)—
 - “(aa) any professional services provided by a recognised body were not of the quality which it is reasonable to expect of it as a recognised body; or”.
- (4) Until paragraph 1 of Schedule 4 comes into force—

- (a) for section 47(2H)(a) and (b) of the 1974 Act (as inserted by paragraph 49(f) of Schedule 16) substitute—
 - “(a) if the employee is regulated by a designated regulator (as defined by paragraph 2(2) and (3) of Schedule 22 to the Legal Services Act 2007), the relevant designated regulator in relation to that employee, and
 - (b) if the employee is not regulated by a designated regulator, any body which regulates the carrying on of activities by that employee.”; and
- (b) for paragraph 18A(7)(a) and (b) of Schedule 2 to the 1985 Act (as inserted by paragraph 107 of Schedule 16) and paragraph 4(2C)(a) and (b) of Schedule 6 to the 1985 Act (as inserted by paragraph 32(6)(f) of Schedule 17) substitute—
 - “(a) if the person is regulated by a designated regulator (as defined by paragraph 2(2) and (3) of Schedule 22 to the Legal Services Act 2007), the relevant designated regulator in relation to that person, and
 - (b) if the person is not regulated by a designated regulator, any body which regulates the carrying on of activities by that person.”.
- (5) Until section 13 comes into force, the references to an “authorised person” in—
 - (a) section 56(5)(d) of the 1974 Act (as inserted by paragraph 54(6)(b) of Schedule 16), and
 - (b) section 66(b) of the 1974 Act (as inserted by paragraph 62(e) of Schedule 16),are to be read as if the definition in section 18 were in force.
- (6) Until paragraph 26 of Schedule 16 comes into force, paragraph 81 of Schedule 16 (which amends section 9 of the 1985 Act) has effect as if for sub-paragraph (7) there were substituted—
 - “(7) In subsection (4) for “an officer” (in both places) substitute “a manager”.”.
- (7) Until paragraph 23 of Schedule 17 comes into force, paragraph 20 of Schedule 17 has effect as if sub-paragraph (4) which inserts new subsection (1)(ba) into section 32 of the 1985 Act were omitted.
- (8) Until Part 1 of Schedule 10 comes into force, paragraph 20(11) of Schedule 17 which inserts new subsections (8) and (9) into section 32 of the 1985 Act has effect as if the new subsection (9) of section 32 of the 1985 Act were omitted.
- (9) Until section 15 comes into force, paragraph 15(1)(i) and (o) of Schedule 22 has effect as if the reference to that section were omitted.