

SCHEDULES

SCHEDULE 2

CIPA as an approved regulator: regulatory arrangements

Part 1

Disciplinary arrangements

Disciplinary arrangements: disqualification

3.—(1) CIPA may, in accordance with regulations made under sub-paragraph (6), make an order disqualifying a person from one or more of the activities mentioned in sub-paragraph (2) if—

- (a) the disqualification condition is satisfied in relation to that person; and
- (b) CIPA is satisfied that it is undesirable for that person to engage in that activity or those activities.

(2) The activities are—

- (a) acting as Head of Legal Practice of any CIPA-registered body;
- (b) acting as Head of Finance and Administration of any CIPA-registered body;
- (c) being a manager of any CIPA-registered body; and
- (d) being employed by any registered person.

(3) The disqualification condition is satisfied in relation to a person, if that person (intentionally or through neglect)—

- (a) breaches a relevant duty to which that person is subject;
- (b) causes, or substantially contributes to, a significant breach by the CIPA-registered body by which that person is employed of the requirements of patent attorney regulations or regulations made by CIPA by virtue of this Order; or
- (c) causes, or substantially contributes to, a significant breach by the regulated person by whom that person is employed.

(4) The relevant duties are—

- (a) the duties imposed on a Head of Legal Practice by virtue of paragraph 2(9) or (11) of Schedule 1;
- (b) the duties imposed on a Head of Finance and Administration by virtue of paragraph 5(8) of Schedule 1; and
- (c) the duties imposed by section 176(1) of the 2007 Act on registered persons and regulated persons.

(5) CIPA must keep a list of all persons disqualified under this paragraph.

(6) For the purpose of giving effect to sub-paragraph (1), CIPA must make regulations as to the criteria and procedure to be applied by CIPA in determining whether a person should be disqualified under this paragraph.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (7) Regulations made under sub-paragraph (6) must make provision—
- (a) for a review by CIPA of a determination by CIPA that a person should be disqualified;
 - (b) as to the criteria and procedure to be applied by CIPA in determining whether a person's disqualification should cease to be in force; and
 - (c) requiring CIPA to notify the Board of any determination by CIPA that a person should be disqualified, of the results of a review of that determination and of any decision by CIPA that a person's disqualification should cease to be in force.