
DRAFT STATUTORY INSTRUMENTS

2011 No.

**The Legal Services Act 2007 (The Law Society
and The Council for Licensed Conveyancers)
(Modification of Functions) Order 2011**

Functions of the Law Society

Power to charge periodical fees for recognised bodies

4. In section 9 of the 1985 Act (which makes provision as to the recognition and regulation of recognised bodies) (1), in subsection (2), after paragraph (aa), insert—

“(ab) requiring recognised bodies, or descriptions of recognised body, to pay periodical fees of such amount as the Society may from time to time determine;”.

Extension of the power to make compensation rules for a transitional period

5. The Schedule to this Order (which provides for compensation rules to extend to licensed bodies in respect of a transitional period) has effect.

Power to make licensing rules to require payment of certain costs

6.—(1) Licensing rules made by the Law Society may make provision requiring a relevant person to pay charges to the Law Society in respect of costs incurred by the Law Society in ascertaining whether—

- (a) the terms of a licensed body’s licence are being, or have been, complied with; or
- (b) the relevant person otherwise complies, or has complied, with any requirement imposed on the person by or under the 2007 Act or by licensing rules made by the Law Society.

(2) The provision which may be made under paragraph (1) includes provision as to the circumstances in which—

- (a) charges may be imposed on a relevant person;
- (b) the whole or part of any charge payable under the licensing rules is to be repaid.

(3) Any charge which a relevant person is required to pay under licensing rules made under paragraph (1) is recoverable by the Law Society as a debt due to the Law Society from the relevant person.

(4) In this article—

- (a) references to the Law Society are to the Law Society in its capacity as a licensing authority;
- (b) references to a licensed body are to a licensed body which holds a licence granted by the Law Society; and

(1) Section 9 was amended by paragraph 54 of Schedule 18, and Schedule 20, to the Courts and Legal Services Act 1990 (c.41), Part 2 of Schedule 15 to the Access to Justice Act 1999 (c.22) and paragraphs 80 and 81 of Schedule 16, and Schedule 23, to the Legal Services Act 2007; and by S.I. 2000/1119 and 2001/1090.

- (c) references to a relevant person, in relation to a licensed body, are to—
- (i) the licensed body;
 - (ii) any employee or manager (or former employee or manager) of the licensed body;
 - (iii) the Head of Legal Practice⁽²⁾ of the licensed body;
 - (iv) the Head of Finance and Administration⁽³⁾ of the licensed body;
 - (v) any person who has an interest or an indirect interest, or holds a material interest, in the licensed body.

(2) Section 91 of, and paragraphs 11 and 12 of Schedule 11 to, the Legal Services Act 2007 make provision for the Head of Legal Practice.

(3) Section 92 of, and paragraphs 13 and 14 of Schedule 11 to, the Legal Services Act 2007 make provision for the Head of Finance and Administration.