
DRAFT STATUTORY INSTRUMENTS

2014 No.

The Legal Services Act 2007 (the Chartered Institute of Patent Attorneys and the Institute of Trade Mark Attorneys) (Modification of Functions) Order 2014

PART 2

Functions of CIPA

CIPA acting as a licensing authority

Power to require payment of investigation costs

7.—(1) In this article—

“disciplinary measure”, in relation to a relevant person, includes an arrangement where—

- (a) the relevant person gives to CIPA an undertaking to do or not to do (or to cease doing) anything specified in the undertaking; and
- (b) any breach of that undertaking is liable to result in the imposition by CIPA of one or more other disciplinary measures on that relevant person;

“relevant person” means—

- (a) a licensed body; or
- (b) any manager or employee of a licensed body.

(2) Where—

- (a) CIPA imposes a disciplinary measure on a relevant person, and
- (b) the measure is imposed following an investigation conducted by CIPA,

CIPA may, in accordance with licensing rules, also require that relevant person to pay an amount to CIPA in respect of the whole or any part of the costs incurred by CIPA in conducting the investigation.

(3) For the purpose of giving effect to paragraph (2), CIPA must make licensing rules which make provision—

- (a) as to the criteria and procedure to be applied by CIPA in determining—
 - (i) whether to require a relevant person to make a payment under paragraph (2); and
 - (ii) the amount of any such payment;
- (b) as to arrangements for payment, including the time within which the payment is to be made; and
- (c) for appeals to be made to the First-tier Tribunal or the High Court against any decision made by CIPA under this article.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The Legal Services Act 2007 (the Chartered Institute of Patent Attorneys and the Institute of Trade Mark Attorneys) (Modification of Functions) Order 2014 No. 3238

(4) If the whole or part of any payment required under paragraph (2) is unpaid at the time by which it is required to be paid, CIPA may recover the unpaid balance as a debt due to it from the relevant person.