
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 1

General

Citation and interpretation

1.—(1) This Order may be cited as the Legal Services Act 2007 (the Chartered Institute of Patent Attorneys and the Institute of Trade Mark Attorneys) (Modification of Functions) Order 2014.

(2) In this Order—

“the 1988 Act” means the Copyright, Designs and Patents Act 1988(1);

“the 1994 Act” means the Trade Marks Act 1994(2);

“the 2007 Act” means the Legal Services Act 2007;

“CIPA” means the Chartered Institute of Patent Attorneys;

“CIPA-registered body” means a body (corporate or unincorporate) which is entered on the register kept by CIPA under section 275 of the 1988 Act and in relation to which CIPA is a relevant approved regulator within the meaning of section 20(4) of the 2007 Act;

“ITMA” means the Institute of Trade Mark Attorneys;

“ITMA-registered body” means a body (corporate or unincorporate) which is entered on the register kept by ITMA under section 83 of the 1994 Act and in relation to which ITMA is a relevant approved regulator within the meaning of section 20(4) of the 2007 Act.

Commencement

2.—(1) Except as provided by paragraphs (2) to (4), this Order comes into force on the day after the day on which it is made.

(2) Articles 6 to 8 and paragraph 10 of Schedule 2—

- (a) do not come into force unless a relevant designation order is made in relation to CIPA; and
- (b) where such an order is made, come into force at the same time as that order.

(3) Articles 13 to 15 and paragraph 10 of Schedule 4—

- (a) do not have effect unless a relevant designation order is made in relation to ITMA; and
- (b) where such an order is made, come into force at the same time as that order.

(4) Paragraph 11(1)(b) and (c) of Schedule 2 and paragraph 11(1)(b) and (c) of Schedule 4 (“the relevant provisions”) do not have effect unless each of CIPA and ITMA is designated by a relevant designation order in relation to at least one activity which is the same reserved legal activity and—

- (a) if each is designated by the same order in relation to that activity, the relevant provisions come into force at the same time as that order; and
- (b) if each is designated by a separate order in relation to that activity, the relevant provisions come into force at the same time as whichever is the later of those orders.

(5) In paragraphs (2) to (4), any reference to a relevant designation order, in relation to CIPA or ITMA, is to an order designating CIPA or ITMA (as the case be) as a licensing authority under Part 1 of Schedule 10 to the 2007 Act in relation to one or more reserved legal activities.