



Administration of Justice Act 1985

1985 CHAPTER 61

PART I

SOLICITORS

[^{F1}Legal services bodies and sole solicitors' practices]

[^{F1}9A Legal services bodies

- (1) For the purposes of section 9, a “legal services body” means a body (corporate or unincorporate) in respect of which —
 - (a) the management and control condition, and
 - (b) the relevant lawyer condition,are satisfied.
- (2) The management and control condition is satisfied if—
 - (a) at least 75% of the body's managers are legally qualified,
 - (b) the proportion of shares in the body held by persons who are legally qualified is at least 75%,
 - (c) the proportion of voting rights in the body which persons who are legally qualified are entitled to exercise, or control the exercise of, is at least 75%,
 - (d) all the persons with an interest in the body who are not legally qualified are managers of the body, and
 - (e) all the managers of the body who are not legally qualified are individuals approved by the Society as suitable to be managers of a recognised body.
- (3) The Society may by rules under section 9 provide that, in relation to specified kinds of bodies, subsection (2) applies as if the references to 75% were to such greater percentage as may be specified (and different percentages may be specified for different kinds of bodies).
- (4) The relevant lawyer condition is satisfied in relation to a body if at least one manager of the body is—

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- (a) a solicitor,
 - (b) a registered European lawyer, or
 - (c) a qualifying body.
- (5) For that purpose a qualifying body is a body in respect of which—
- (a) the management and control condition is satisfied
 - (b) the relevant lawyer condition is satisfied by virtue of subsection (4)(a) or (b), and
 - (c) the services condition is satisfied.
- (6) For the purposes of this section the following are legally qualified—
- (a) an authorised person who is an individual;
 - (b) a registered foreign lawyer (within the meaning of section 89 of the Courts and Legal Services Act 1990 (c. 41));
 - [^{F2}(c) an advocate or solicitor in Scotland;
 - (ca) a member of the Bar of Northern Ireland or a solicitor of the Court of Judicature of Northern Ireland;]
 - (d) an authorised person which is a body in respect of which—
 - (i) the services condition is satisfied, and
 - (ii) the management and control condition would be satisfied if the references in subsection (2) to persons who are legally qualified were to persons who are legally qualified by virtue of [^{F3}paragraphs (a) to (ca)];
 - (e) a body which provides professional services such as are provided by individuals who are authorised persons or lawyers of other jurisdictions, and in respect of which the management and control condition would be satisfied if the references in subsection (2) to persons who are legally qualified were to persons who are legally qualified by virtue of [^{F4}paragraphs (a) to (ca)].
 - (f) a legal partnership which—
 - (i) was in existence immediately before the commencement of this paragraph,
 - (ii) since that time has continued to be a partnership of the kind mentioned in rule 12.01(1)(b), 12.02(1)(b) or 12.04(1)(c)(i) of the pre-commencement conduct rules (framework of practice), and
 - (iii) has not, since that time, had a body corporate (other than a body within paragraph (g)) as a member;
 - (g) a body corporate which—
 - (i) was recognised under section 9 immediately before the commencement of this paragraph, and
 - (ii) has since that time continued to satisfy the requirements of rule 14.03(1) and 14.04(1) to (3) or the requirements of rule 14.05(1) to (3) of the pre-commencement conduct rules (restrictions on directors, owners etc. of incorporated practices);
 - (h) a body which—
 - (i) is an authorised person and satisfies the services condition, or
 - (ii) provides professional services such as are provided by individuals who are authorised persons or lawyers of other jurisdictions, and which satisfies the requirements of rules under subsection (6C).

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- (6A) For the purposes of subsection (6)(f), a partnership is to be treated as the same partnership despite a change in membership, if any person who was a member before the change remains a member.
- (6B) For the purposes of subsection (6)(f) and (g), the references in the pre-commencement conduct rules to a recognised body are to be construed as references to a body which was recognised under section 9 immediately before the commencement of subsection (6)(f) and (g).
- (6C) The Society must make rules for the purposes of paragraph (h) of subsection (6) prescribing the requirements relating to management and control which must be satisfied by or in relation to a body for it to fall within that paragraph.
- (7) For the purposes of this section, the services condition is satisfied in relation to a body if the body provides only services which may be provided by a recognised body (having regard to rules under section 9(1A) and (1C)).
- (8) For the purposes of this section—
- “authorised person” has the same meaning as in section 9;
 - ^{F5} ...
 - “legal partnership” means a partnership in which a solicitor, a registered European lawyer or a recognised body is permitted to practise by virtue of rules made under section 31 of the Solicitors Act 1974 (c. 47), as those rules had effect immediately before the commencement of subsection (6)(f);
 - “manager”, in relation to a body, has the meaning given by section 9;
 - “pre-commencement conduct rules” means rules under Part 2 of the Solicitors Act 1974 or section 9 of this Act, known as the Solicitors' Code of Conduct 2007, as those rules had effect immediately before the commencement of subsection (6)(f) and (g);
 - “recognised body” has the same meaning as in section 9(subject to subsection (6B) above);
 - “registered European lawyer” has the same meaning as in section 9;
 - “shares” has the same meaning as for the purposes of Part 5 of the Legal Services Act 2007 (see sections 72 and 109 of that Act);
 - “the Society” has the meaning given by section 87(1) of the Solicitors Act 1974;
 - “specified” means specified in rules made by the Society;
- and a person has an interest in a body if the person has an interest in the body for the purposes of section 9.]

Textual Amendments

- F1** S. 9A inserted (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 177, 211, **Sch. 16 para. 82** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(ii)** (subject to art. 4) (which amending Sch. 16 para. 82 was amended (27.11.2008) by [The Legal Services Act 2007 \(Functions of a Designated Regulator\) Order 2008 \(S.I. 2008/3074\)](#), arts. 1, 2)
- F2** S. 9A(6)(c)(ca) substituted for s. 9A(6)(c) (31.12.2020) by [The Services of Lawyers and Lawyer's Practice \(Revocation etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1342\)](#), reg. 1(1), **Sch. para. 7(3)(a)(i)** (with Sch. para. 13)

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- F3** Words in s. 9A(6)(d)(ii) substituted (31.12.2020) by The Services of Lawyers and Lawyer’s Practice (Revocation etc.) (EU Exit) Regulations 2020 (S.I. 2020/1342), reg. 1(1), **Sch. para. 7(3)(a)(ii)** (with Sch. para. 13)
- F4** Words in s. 9A(6)(e) substituted (31.12.2020) by The Services of Lawyers and Lawyer’s Practice (Revocation etc.) (EU Exit) Regulations 2020 (S.I. 2020/1342), reg. 1(1), **Sch. para. 7(3)(a)(iii)** (with Sch. para. 13)
- F5** Words in s. 9A(8) omitted (31.12.2020) by virtue of The Services of Lawyers and Lawyer’s Practice (Revocation etc.) (EU Exit) Regulations 2020 (S.I. 2020/1342), reg. 1(1), **Sch. para. 7(3)(b)** (with Sch. para. 13)

Modifications etc. (not altering text)

- C1** S. 9A modified (temp.) (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 209, 211, **Sch. 22 para. 15** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(e)** (subject to art. 4)

Changes to legislation:

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