

Status: Point in time view as at 01/10/2001.

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SCHEDULES

[^{F1}SCHEDULE 4

AUTHORISED BODIES]

Textual Amendments

- F1** Sch. 4 substituted (1.1.2000) by 1999 c. 22, s. 41, Sch. 5 para. 2 (with Sch. 14 para. 7(2)); S.I. 1999/3344, art. 2(a) (subject to art. 4, Sch. 2 of that S.I.)

^{F1}PART III

ALTERATION OF REGULATIONS AND RULES BY ORDER

Textual Amendments

- F1** Sch. 4 substituted (1.1.2000) by 1999 c. 22, s. 41, Sch. 5 para. 2 (with Sch. 14 para. 7(2)); S.I. 1999/3344, art. 2(a) (subject to art. 4, Sch. 2 of that S.I.)

^{F2}Notice to authorised body

Textual Amendments

- F2** Sch. 4 substituted (1.1.2000) by 1999 c. 22, s. 41, Sch. 5 para. 2 (with Sch. 14 para. 7(2)); S.I. 1999/3344, art. 2(a) (subject to art. 4, Sch. 2 of that S.I.)

- ^{F3}17 (1) If the Lord Chancellor considers—
- (a) that any of the qualification regulations of an authorised body may unduly restrict a right of audience or right to conduct litigation or the exercise of such a right, or
 - (b) that any of the rules of conduct of an authorised body may unduly restrict the exercise of such a right,
- he may give written notice to the body.
- (2) Before giving notice to an authorised body under sub-paragraph (1) the Lord Chancellor shall inform each of the designated judges that he intends to do so.

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Textual Amendments

- F3** Sch. 4 substituted (1.1.2000) by 1999 c.22, s. 41, **Sch. 5 para. 2** (with Sch. 14 para. 7(2)); S.I. 1999/3344, **art. 2(a)** (subject to art. 4, Sch. 2 of that S.I.)

^{F4}Representations by authorised body

Textual Amendments

- F4** Sch. 4 substituted (1.1.2000) by 1999 c. 22, s. 41, **Sch. 5 para. 2** (with Sch. 14 para. 7(2)); S.I. 1999/3344, **art. 2(a)** (subject to art. 4, Sch. 2 of that S.I.)

- ^{F5}18 (1) The notice shall invite the authorised body to make representations in writing to the Lord Chancellor.
- (2) Any such representations must be made before the end of—
- (a) the period of three months beginning with the date on which the notice was given; or
 - (b) such other period as the authorised body and the Lord Chancellor may agree.
- (3) When that period has expired the Lord Chancellor shall consider, in the light of any representations made under sub-paragraph (2), whether he proposes to make alterations of the qualification regulations or rules of conduct.
- (4) If the Lord Chancellor proposes to make alterations of the qualification regulations or rules of conduct he shall send a copy of—
- (a) the alterations which he proposes to make; and
 - (b) any representations made under sub-paragraph (2),
- to the Consultative Panel, the Director and each of the designated judges.

Textual Amendments

- F5** Sch. 4 substituted (1.1.2000) by 1999 c.22, s. 41, **Sch. 5 para. 2** (with Sch. 14 para. 7(2)); S.I. 1999/3344, **art. 2(a)** (subject to art. 4, Sch. 2 of that S.I.)

^{F6}Advice of Consultative Panel

Textual Amendments

- F6** Sch. 4 substituted (1.1.2000) by 1999 c. 22, s. 41, **Sch. 5 para. 2** (with Sch. 14 para. 7(2)); S.I. 1999/3344, **art. 2(a)** (subject to art. 4, Sch. 2 of that S.I.)

- ^{F7}19 (1) The Consultative Panel shall consider whether the alterations should be made.
- (2) The Lord Chancellor and the authorised body shall provide the Consultative Panel with such additional information as it may reasonably require.

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- (3) When the Consultative Panel has completed its consideration it shall give such advice to the Lord Chancellor as it thinks fit.
- (4) The Consultative Panel shall publish any advice given by it under this paragraph.

Textual Amendments

- F7** Sch. 4 substituted (1.1.2000) by 1999 c.22, s. 41, **Sch. 5 para. 2** (with Sch. 14 para. 7(2)); S.I. 1999/3344, **art. 2(a)** (subject to art. 4, Sch. 2 of that S.I.)

F⁸ Advice of Director General of Fair Trading

Textual Amendments

- F8** Sch. 4 substituted (1.1.2000) by 1999 c. 22, s. 41, **Sch. 5 para. 2** (with Sch. 14 para. 7(2)); S.I. 1999/3344, **art. 2(a)** (subject to art. 4, Sch. 2 of that S.I.)

- F⁹20** (1) The Director shall consider whether making the alterations would have, or be likely to have, any significant effect on competition.
- (2) The Lord Chancellor and the authorised body shall provide the Director with such additional information as he may reasonably require.
 - (3) When the Director has completed his consideration he shall give such advice to the Lord Chancellor as he thinks fit.
 - (4) The Director shall publish any advice given by him under this paragraph.
 - (5) The Director shall, so far as practicable, exclude from anything published under subparagraph (4) any matter which relates to the affairs of a particular person (other than the authorised body) the publication of which would, or might in the Director's opinion, seriously and prejudicially affect the interests of that person.
 - (6) Section 46 shall apply in relation to the investigation of any matter with a view to its consideration under this paragraph as it applies in relation to the investigation of any matter under section 45.

Textual Amendments

- F9** Sch. 4 substituted (1.1.2000) by 1999 c.22, s. 41, **Sch. 5 para. 2** (with Sch. 14 para. 7(2)); S.I. 1999/3344, **art. 2(a)** (subject to art. 4, Sch. 2 of that S.I.)

F¹⁰ Further representations by authorised body

Textual Amendments

- F10** Sch. 4 substituted (1.1.2000) by 1999 c. 22, s. 41, **Sch. 5 para. 2** (with Sch. 14 para. 7(2)); S.I. 1999/3344, **art. 2(a)** (subject to art. 4, Sch. 2 of that S.I.)

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- ^{F11}21 (1) When the Lord Chancellor has received the advice of the Consultative Panel and the Director, he shall send a copy of the advice to the authorised body.
- (2) The authorised body shall be allowed a period of 28 days, beginning with the day on which the copy is sent to him, or such other period as the authorised body and the Lord Chancellor may agree, to make representations about the advice to the Lord Chancellor.

Textual Amendments

- F11** Sch. 4 substituted (1.1.2000) by 1999 c. 22, s. 41, **Sch. 5 para. 2** (with Sch. 14 para. 7(2)); S.I. 1999/3344, **art. 2(a)** (subject to art. 4, Sch. 2 of that S.I.)

^{F12} Advice of designated judges

Textual Amendments

- F12** Sch. 4 substituted (1.1.2000) by 1999 c. 22, s. 41, **Sch. 5 para. 2** (with Sch. 14 para. 7(2)); S.I. 1999/3344, **art. 2(a)** (subject to art. 4, Sch. 2 of that S.I.)

- ^{F13}22 (1) The Lord Chancellor shall send to each of the designated judges a copy of—
- (a) the advice of the Consultative Panel and the Director; and
 - (b) any representations made under paragraph 21(2).
- (2) Each of the designated judges shall then consider whether the alterations should be made.
- (3) The Lord Chancellor and the authorised body shall provide each of the designated judges with such additional information as he may reasonably require.
- (4) When each of the designated judges has completed his consideration he shall give such advice to the Lord Chancellor as he thinks fit.

Textual Amendments

- F13** Sch. 4 substituted (1.1.2000) by 1999 c. 22, s. 41, **Sch. 5 para. 2** (with Sch. 14 para. 7(2)); S.I. 1999/3344, **art. 2(a)** (subject to art. 4, Sch. 2 of that S.I.)

^{F14} Decision by Lord Chancellor

Textual Amendments

- F14** Sch. 4 substituted (1.1.2000) by 1999 c. 22, s. 41, **Sch. 5 para. 2** (with Sch. 14 para. 7(2)); S.I. 1999/3344, **art. 2(a)** (subject to art. 4, Sch. 2 of that S.I.)

- ^{F15}23 (1) After considering—

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- (a) the advice given by the Consultative Panel and any representations made about it;
 - (b) the advice given by the Director and any representations made about it; and
 - (c) the advice given by each of the designated judges under paragraph 22,
- the Lord Chancellor shall decide whether to make the alterations.
- (2) When the Lord Chancellor has made his decision he shall notify the authorised body of it.
 - (3) If the Lord Chancellor has decided to make the alterations he shall also notify the authorised body of the reasons for his decision.

Textual Amendments

F15 Sch. 4 substituted (1.1.2000) by 1999 c.22, s. 41, **Sch. 5 para. 2** (with Sch. 14 para. 7(2)); S.I. 1999/3344, **art. 2(a)** (subject to art. 4, Sch. 2 of that S.I.)

^{F16}Order effecting alterations

Textual Amendments

F16 Sch. 4 substituted (1.1.2000) by 1999 c. 22, s. 41, **Sch. 5 para. 2** (with Sch. 14 para. 7(2)); S.I. 1999/3344, **art. 2(a)** (subject to art. 4, Sch. 2 of that S.I.)

- ^{F17}24 If the Lord Chancellor has decided to make the alterations he may make an order giving effect to the alterations.

Textual Amendments

F17 Sch. 4 substituted (1.1.2000) by 1999 c.22, s. 41, **Sch. 5 para. 2** (with Sch. 14 para. 7(2)); S.I. 1999/3344, **art. 2(a)** (subject to art. 4, Sch. 2 of that S.I.)

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