

*Status: Point in time view as at 01/02/2008.*

*Changes to legislation: There are currently no known outstanding effects for the Access to Justice Act 1999, SCHEDULE 8. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 8

Section 51.

#### LEGAL SERVICES COMPLAINTS COMMISSIONER

##### *Provision for discharge of functions*

- 1 (1) The [F1 Secretary of State] may give general directions concerning the discharge of the functions of the Legal Services Complaints Commissioner.
- (2) Any such directions shall be published by the [F1 Secretary of State] in such manner as appears to him to be appropriate.
- (3) Subject to any such direction and to the provisions of this Act, the Commissioner may make such provision as he considers appropriate for the discharge of his functions.

##### **Textual Amendments**

- F1** Words in Sch. 8 substituted (19.8.2003) by [The Secretary of State for Constitutional Affairs Order 2003 \(S.I. 2003/18887\)](#), art. 9, Sch. 2 para. 11(1)(f)

##### *Delegation of functions*

- 2 (1) The Commissioner may delegate any of his functions to such members of his staff as he thinks fit.
- (2) All reports prepared by or on behalf of the Commissioner must be signed by him.

##### *Remuneration*

- 3 (1) The [F2 Secretary of State] shall pay to, or in respect of, the Commissioner such amounts—
- (a) by way of remuneration, pensions, allowances or gratuities, or
  - (b) by way of provision for any such benefits,
- as he may determine.
- (2) If—
- (a) the Commissioner ceases to hold office, and
  - (b) it appears to the [F2 Secretary of State] that there are special circumstances which make it right that he should receive compensation,
- the [F2 Secretary of State] may pay to him such sum as the [F2 Secretary of State] may determine.

*Status: Point in time view as at 01/02/2008.*

*Changes to legislation: There are currently no known outstanding effects for the  
 Access to Justice Act 1999, SCHEDULE 8. (See end of Document for details)*

**Textual Amendments**

**F2** Words in [Sch. 8](#) substituted (19.8.2003) by [The Secretary of State for Constitutional Affairs Order 2003 \(S.I. 2003/18887\)](#), art. 9, [Sch. 2 para. 11\(1\)\(f\)](#)

*Staff*

- 4 (1) The Commissioner may appoint such staff as he thinks necessary for the discharge of his functions.
- (2) Appointments shall be made by the Commissioner on such terms and conditions (including terms as to pensions, allowances and gratuities) as he may, with the approval of the [<sup>F3</sup>Secretary of State], determine.
- (3) The reference in sub-paragraph (2) to pensions, allowances or gratuities includes a reference to pensions, allowances or gratuities by way of compensation to or in respect of any of the Commissioner's staff who suffer loss of employment or loss or diminution of emoluments.

**Textual Amendments**

**F3** Words in [Sch. 8](#) substituted (19.8.2003) by [The Secretary of State for Constitutional Affairs Order 2003 \(S.I. 2003/18887\)](#), art. 9, [Sch. 2 para. 11\(1\)\(f\)](#)

*Annual and other reports*

- 5 (1) The Commissioner shall make an annual report to the [<sup>F4</sup> Secretary of State] on the discharge of his functions during the year to which the report relates.
- (2) The Commissioner may, in addition, report to the [<sup>F4</sup> Secretary of State] at any time on any matter relating to the discharge of the Commissioner's functions.
- (3) The Commissioner shall provide the [<sup>F4</sup> Secretary of State] with such information relating to the discharge of his functions as the [<sup>F4</sup> Secretary of State] may see fit to require.
- (4) The [<sup>F4</sup> Secretary of State] shall lay before each House of Parliament a copy of any annual report made to him under sub-paragraph (1).

**Textual Amendments**

**F4** Words in [Sch. 8](#) substituted (19.8.2003) by [The Secretary of State for Constitutional Affairs Order 2003 \(S.I. 2003/18887\)](#), art. 9, [Sch. 2 para. 11\(1\)\(f\)](#)

*Accounts and audit*

- 6 (1) The Commissioner shall keep accounts with respect to his receipts and expenditure and shall prepare a statement of accounts with respect to each financial year.
- (2) The accounts shall be kept, and the statement of accounts prepared, in such form as the [<sup>F5</sup> Secretary of State] may, with the approval of the Treasury, direct.

*Status: Point in time view as at 01/02/2008.*

*Changes to legislation: There are currently no known outstanding effects for the Access to Justice Act 1999, SCHEDULE 8. (See end of Document for details)*

- (3) The accounts shall be audited by persons appointed by the [F5 Secretary of State] in respect of each financial year.
- (4) The auditors shall send to the [F5 Secretary of State] a copy of the statement of accounts and of their report.
- (5) The [F5 Secretary of State] shall lay before each House of Parliament a copy of every statement of accounts and auditors' report sent to him under this paragraph.

#### Textual Amendments

- F5** Words in Sch. 8 substituted (19.8.2003) by [The Secretary of State for Constitutional Affairs Order 2003 \(S.I. 2003/18887\)](#), art. 9, **Sch. 2 para. 11(1)(f)**

#### *Financial provisions*

- 7
- (1) The [F6 Secretary of State] may require any professional body in relation to which a direction under section 52 of this Act has been given (and not revoked) to make payments of such amounts as the [F6 Secretary of State] considers appropriate to the Commissioner towards meeting the expenditure incurred (or to be incurred) by him in the discharge of his functions.
  - (2) To the extent that that expenditure is not met by payments under sub-paragraph (1), it shall be met by the [F6 Secretary of State] out of money provided by Parliament.
  - (3) The Commissioner may, with the approval of the [F6 Secretary of State], pay fees or allowances to any person who, in the Commissioner's opinion, is qualified to assist him in the discharge of his functions and who so assists him.

#### Textual Amendments

- F6** Words in Sch. 8 substituted (19.8.2003) by [The Secretary of State for Constitutional Affairs Order 2003 \(S.I. 2003/18887\)](#), art. 9, **Sch. 2 para. 11(1)(f)**

#### Modifications etc. (not altering text)

- C1** [Sch. 8 para. 7](#) modified (temp.) (1.1.2010) by [The Legal Services Act 2007 \(Commencement No. 6, Transitory, Transitional and Saving Provisions\) Order 2009 \(S.I. 2009/3250\)](#), arts. 1(2), **8(10)** (with art. 9)

#### *Parliamentary disqualification*

- 8 In Part III of Schedule 1 to—
- (a) the <sup>M1</sup>House of Commons Disqualification Act 1975, and
  - (b) the <sup>M2</sup>Northern Ireland Assembly Disqualification Act 1975,
- (disqualifying offices), insert (at the appropriate place in alphabetical order)—
- “The Legal Services Complaints Commissioner.”

#### Marginal Citations

- M1** [1975 c.24.](#)

*Status: Point in time view as at 01/02/2008.*

*Changes to legislation: There are currently no known outstanding effects for the Access to Justice Act 1999, SCHEDULE 8. (See end of Document for details)*

**M2** 1975 c.25.

*Parliamentary Commissioner*

- 9 In Schedule 2 to the <sup>M3</sup>Parliamentary Commissioner Act 1967 (which lists the bodies subject to the jurisdiction of the Parliamentary Commissioner), insert (at the appropriate place in alphabetical order)—

“The Legal Services Complaints Commissioner.”

**Marginal Citations**

**M3** 1967 c.13.

*Acting Commissioner*

- 10 (1) The [<sup>F7</sup> Secretary of State] may appoint a person to exercise the functions of the Commissioner where—
- (a) the Commissioner’s office becomes vacant, or
  - (b) the Commissioner is incapable of exercising his functions or considers that it would be inappropriate for him to exercise any of his functions in connection with a particular matter (because of a possible conflict of interests or for any other reason).
- (2) A person so appointed shall have the powers of the Commissioner but shall act only in accordance with the terms on which he is appointed.
- (3) The [<sup>F7</sup> Secretary of State] may pay to any person so appointed such remuneration as he may determine.

**Textual Amendments**

**F7** Words in *Sch. 8* substituted (19.8.2003) by *The Secretary of State for Constitutional Affairs Order 2003 (S.I. 2003/18887)*, art. 9, *Sch. 2 para. 11(1)(f)*

**Status:**

Point in time view as at 01/02/2008.

**Changes to legislation:**

There are currently no known outstanding effects for the Access to Justice Act 1999, SCHEDULE 8.