



Legal Services Act 2007

2007 CHAPTER 29

PART 9

GENERAL

Interpretation

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(1) In this Act, except where the context otherwise requires—

“barrister” means an individual who—

- (a) has been called to the Bar by an Inn of Court, and
- (b) is not disbarred by order of an Inn of Court;

“consumers” means (subject to subsection (3)) persons—

- (a) who use, have used or are or may be contemplating using, services within subsection (2),
- (b) who have rights or interests which are derived from, or are otherwise attributable to, the use of such services by other persons, or
- (c) who have rights or interests which may be adversely affected by the use of such services by persons acting on their behalf or in a fiduciary capacity in relation to them;

“conveyancing services” has the same meaning as in Part 2 of the Administration of Justice Act 1985 (c. 61) (licensed conveyancing) (see section 11(3) of that Act);

“court” includes—

- (a) a tribunal that is (to any extent) a listed tribunal for, or for any of, the purposes of Schedule 7 to the Tribunals, Courts and Enforcement Act 2007 (functions etc of Administrative Justice and Tribunals Council);
- (b) a court-martial;
- (c) a statutory inquiry within the meaning of section 16(1) of the Tribunals and Inquiries Act 1992 (c. 53);

Status: This is the original version (as it was originally enacted).

(d) an ecclesiastical court (including the Court of Faculties);

“functions” includes powers and duties;

“immigration advice” and “immigration services” have the meaning given by section 82 of the Immigration and Asylum Act 1999 (c. 33) (interpretation of Part 5) (see also subsection (4) below);

“independent trade union” has the same meaning as in the Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52) (see section 5 of that Act);

“manager”, in relation to a body, means (subject to subsection (5)) a person who—

(a) if the body is a body corporate whose affairs are managed by its members, is a member of the body,

(b) if the body is a body corporate and paragraph (a) does not apply, is a director of the body,

(c) if the body is a partnership, is a partner, and

(d) if the body is an unincorporated body (other than a partnership), is a member of its governing body;

“modify” includes amend, add to or revoke, and references to “modifications” are to be construed accordingly;

“non-commercial legal services” means—

(a) legal services carried on otherwise than with a view to profit;

(b) legal services carried on by a not for profit body, a community interest company or an independent trade union;

“not for profit body” means a body which, by or by virtue of its constitution or any enactment—

(a) is required (after payment of outgoings) to apply the whole of its income, and any capital which it expends, for charitable or public purposes, and

(b) is prohibited from directly or indirectly distributing amongst its members any part of its assets (otherwise than for charitable or public purposes);

“the OFT” means the Office of Fair Trading;

“person” includes a body of persons (corporate or unincorporate);

“reserved legal services” means services provided by a person which consist of or include reserved legal activities carried on by, or on behalf of, that person;

“solicitor” means solicitor of the Senior Courts.

(2) The services within this subsection are—

(a) any services provided by a person who is an authorised person in relation to an activity which is a reserved legal activity, and

(b) any other services provided by a person which consist of or include a legal activity carried on by, or on behalf of, that person.

(3) For the purposes of the definition of “consumers” in subsection (1)—

(a) if a person (“A”) is carrying on an activity in A’s capacity as a trustee, the persons who are, have been or may be beneficiaries of the trust are to be treated as persons who use, have used or are or may be contemplating using services provided by A in A’s carrying on of that activity, and

- (b) a person who deals with another person (“B”) in the course of B’s carrying on of an activity is to be treated as using services provided by B in carrying on that activity.
- (4) The references in this Act (other than section 195) to the provision of immigration advice or immigration services are to the provision of such advice or services by a person—
- (a) in England and Wales (regardless of whether the persons to whom they are provided are in England and Wales or elsewhere), and
 - (b) in the course of a business carried on (whether or not for profit) by the person or another person.
- (5) The Lord Chancellor may by order make provision modifying the definition of “manager” in its application to a body of persons formed under, or in so far as the body is recognised by, law having effect outside England and Wales.
- (6) In this section “enactment” means a provision of—
- (a) an Act of Parliament;
 - (b) an Act of the Scottish Parliament;
 - (c) a Measure or Act of the National Assembly for Wales;
 - (d) Northern Ireland legislation.