
Status: Point in time view as at 28/04/2022.

Changes to legislation: There are currently no known outstanding effects for the Legal Services Act 2007, Paragraph 5. (See end of Document for details)

SCHEDULES

SCHEDULE 22

TRANSITIONAL AND TRANSITORY PROVISION

Approved regulators

- 5 (1) Sub-paragraph (2) applies where during the pre-commencement period—
- (a) an Order in Council is made designating a body as an authorised body for the purposes of section 27 of the Courts and Legal Services Act 1990 (c. 41) (rights of audience) and that body's qualification regulations and rules of conduct (within the meaning of that section) have been approved for the purposes of that section,
 - (b) an Order in Council is made designating a body as an authorised body for the purposes of section 28 of that Act (right to conduct litigation) and that body's qualification regulations and rules of conduct (within the meaning of that section) have been approved for the purposes of that section,
 - (c) an order is made under paragraph 4 of Schedule 9 to that Act (approval of body to grant exemption from prohibition on preparation of probate papers etc), or
 - (d) regulations are made prescribing a body for the purposes of section 113 of that Act (administration of oaths and taking of affidavits).
- (2) The Lord Chancellor may by order modify the Table in paragraph 1 of Schedule 4 (existing regulators) so as—
- (a) to insert, in the first column, a reference to the body and, in the second column, a reference to the relevant activities, or
 - (b) if the body is already listed in the first column, to add a reference to the relevant activities to the corresponding entry in the second column.
- (3) Sub-paragraph (4) applies where during the pre-commencement period—
- (a) an Order in Council is made revoking the designation of a body as an authorised body for the purposes of section 27 of the Courts and Legal Services Act 1990,
 - (b) an Order in Council is made revoking the designation of a body as an authorised body for the purposes of section 28 of that Act,
 - (c) an order is made under paragraph 6 of Schedule 9 to that Act revoking a body's approval, or
 - (d) regulations prescribing a body for the purposes of section 113 of that Act are revoked.
- (4) The Lord Chancellor may by order modify the Table in paragraph 1 of Schedule 4 so as to—
- (a) remove any reference to the relevant activities from the entry in the second column of that Table corresponding to the entry for the body in the first column, and

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- (b) if there are no other activities in that entry in the second column, remove the reference to the body from the first column of that Table.
- (5) An order under sub-paragraph (2) in relation to a body may—
- (a) in a case within sub-paragraph (1)(a) or (b), modify Part 1 of Schedule 5 (authorised persons: continuity of rights) so as to ensure the continuity of any authority given by the body to a person to exercise rights of audience or, as the case may be, to conduct litigation;
 - (b) in a case within sub-paragraph (1)(c), modify Part 1 of that Schedule (authorised persons: continuity of rights) to provide for exemptions granted by a body by virtue of section 55 of the Courts and Legal Services Act 1990 (c. 41) (persons exempt from prohibition on preparation of probate papers etc) which have effect immediately before paragraph 1 of Schedule 4 comes into force to be deemed to be authorisations to carry on probate activities granted by that body at the time that paragraph comes into force;
 - (c) in a case within sub-paragraph (1)(d), modify Part 2 of Schedule 5, to provide during the transitional period for members of the body to be deemed to be authorised by the body to carry on the administration of oaths.
- (6) An order under sub-paragraph (4) in relation to a body may—
- (a) in a case within sub-paragraph (3)(a) or (b), modify Part 1 of Schedule 5 (authorised persons: continuity of rights) so as to remove provision made to ensure the continuity of any authority given by the body to a person to exercise rights of audience or, as the case may be, to conduct litigation;
 - (b) in a case within sub-paragraph (3)(c), modify Part 1 of that Schedule so as to remove any provision deeming persons to have been authorised by the body to carry on probate activities;
 - (c) in a case within sub-paragraph (3)(d), modify Part 2 of that Schedule so as to remove any provision deeming persons to have been authorised by the body to carry on the administration of oaths.
- (7) No order under this paragraph may be made after the end of the pre-commencement period.
- (8) In this paragraph—
- “pre-commencement period” means the period before the coming into force of paragraph 1 of Schedule 4 (including any period before the passing of this Act);
- “relevant activities” means—
- (a) in a case within sub-paragraph (1)(a) or (3)(a), the exercise of a right of audience;
 - (b) in a case within sub-paragraph (1)(b) or (3)(b), the conduct of litigation;
 - (c) in a case within sub-paragraph (1)(c) or (3)(c), probate activities;
 - (d) in a case within sub-paragraph (1)(d) or (3)(d), the administration of oaths;
- “the transitional period” has the meaning given by paragraph 3 of Schedule 5.

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