

2011 No. 2193

LEGAL SERVICES, ENGLAND AND WALES

**The Legal Services Act 2007 (Notification of Interests in
Licensed Bodies) (Specified Periods) Order 2011**

<i>Made</i>	- - - -	<i>5th September 2011</i>
<i>Laid before Parliament</i>		<i>7th September 2011</i>
<i>Coming into force</i>	- -	<i>1st October 2011</i>

The Lord Chancellor makes the following Order in exercise of the powers conferred by paragraphs 10(2), 12(2), 21(3), 23(2), 39(2) and 40(2) of Schedule 13 to the Legal Services Act 2007(a).

In accordance with each of those paragraphs, the Order is made following a recommendation made by the Legal Services Board.

Citation and commencement and interpretation

1.—(1) This Order may be cited as the Legal Services Act 2007 (Notification of Interests in Licensed Bodies) (Specified Periods) Order 2011.

(2) This Order comes into force on 1st October 2011.

(3) A reference in this order to a numbered paragraph is a reference to the paragraph so numbered in Schedule 13 to the Legal Services Act 2007.

Specified periods for purposes of Schedule 13 to the Legal Services Act 2007

2. Articles 3 to 8 specify periods within which notification of certain matters must be given in accordance with the requirements of Schedule 13 to the Legal Services Act 2007 (which contains provision about the ownership of licensed bodies(b)).

Period specified for purposes of paragraph 10(2)

3. In paragraph 10(2) (applicant for a licence under duty to inform the licensing authority of specified changes in connection with holdings of restricted interest in the applicant(c)), the specified period is the period of 7 days starting with the date on which there is a change in the matter specified in paragraph 10(2)(a) or (b) which is to be notified.

(a) 2007 c.29.

(b) A number of defined terms are mentioned in this Order in the descriptions of particular provisions. See the index of defined terms in Schedule 24 to the Legal Services Act 2007 for definitions of “licensed body”, “licensing authority”, “licensing rules”, “non-authorised person” and “shares”.

(c) See paragraph 2 of Schedule 13 to the Legal Services Act 2007 for the definition of “restricted interest”.

Period specified for purposes of paragraph 12(2)

4. In paragraph 12(2) (notification period where a person under duty to inform a licensing authority imposed by paragraph 10 subsequently becomes aware of facts giving rise to that duty), the specified period is the period of 7 days starting with the date on which the person first becomes aware of the facts that give rise to the duty to notify.

Period specified for purposes of paragraph 21(3)

5. In paragraph 21(3) (notification period where non-authorised person acquires a restricted interest in a licensed body without giving prior notice), the specified period is the period of 7 days starting with the date on which the person first becomes aware of the acquisition that is to be notified.

Period specified for purposes of paragraph 23(2)

6. In paragraph 23(2) (notification period where a person under a duty to notify imposed by paragraph 21(2) subsequently becomes aware of facts giving rise to that duty), the specified period is the period of 7 days starting with the date on which the person first becomes aware of the facts that give rise to the duty to notify.

Period specified for purposes of paragraph 39(2)

7. In paragraph 39(2) (notification period where non-authorised person acquires shares or voting rights that are restricted by licensing rules), the specified period is the period of 28 days starting with the date on which the person first becomes aware of the acquisition that is to be notified.

Period specified for purposes of paragraph 40(2)

8. In paragraph 40(2) (notification period where a person under a duty to notify imposed by paragraph 39(2) subsequently becomes aware of facts giving rise to that duty), the specified period is the period of 28 days starting with the date on which the person first becomes aware of the facts that give rise to the duty to notify.

Signed by authority of the Lord Chancellor

5th September 2011

J Djanogly
Parliamentary Under Secretary of State
Ministry of Justice

EXPLANATORY NOTE

(This note is not part of the Order)

This Order specifies the periods for the giving of notice in accordance with the requirements of Schedule 13 to the Legal Services Act 2007 (c.29) (“the 2007 Act”). The 2007 Act contains provision about the regulation of persons who provide legal services to members of the public.

Part 5 of the Act makes provision for the licensing by licensing authorities of firms which are wholly or partly owned or controlled by non-lawyers (“licensed bodies”) to offer legal services (or a mixture of legal and other services) to the public.

Schedule 13 to the 2007 Act imposes restrictions that apply to the interests which a non-authorised person can have in a licensed body. The Schedule requires the licensing authority’s approval in connection with such interests in specified circumstances, and requires that notice concerning those interests be given to the relevant licensing authority. In some cases, notice must also be given to the licensed body. Notices must be given within periods specified by the Lord Chancellor on the recommendation of the Legal Services Board.

Articles 3 and 4 specify a 7 day period for notices in relation to restricted interests which are required to be given in connection with applications made to a licensing authority for a licence under Part 5 of the 2007 Act.

Articles 5 and 6 specify a 7 day period for notices in relation to restricted interests which are required to be given after the grant of a licence.

Articles 7 and 8 specify a 28 day period for notices about the acquisition of interests in a licensed body or its parent undertaking which exceed a specified limit. Notices of such acquisitions are required in the event that rules made by a licensing authority specify such limits.

A full regulatory impact assessment has not been produced for this instrument as no impact on the private and voluntary sectors is foreseen.

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STATUTORY INSTRUMENTS

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