



Legal Services Act 2007

2007 CHAPTER 29

PART 4

REGULATION OF APPROVED REGULATORS

Competition

60 Duties of the [F¹CMA]

- (1) Where the Lord Chancellor [F²makes a reference under section 59, the CMA] under section 59, the Commission must investigate the matter.
- (2) [F³The CMA must then make a report] on the matter unless it considers that, as a result of any change of circumstances, no useful purpose would be served by a report.
- (3) If the [F⁴CMA] decides in accordance with subsection (2) not to make a report, it must make a statement setting out the change of circumstances which resulted in that decision.
- (4) The [F⁵CMA] must comply with subsection (2) or (3) within the period of 3 months beginning with the day on which [F⁶the reference in question is made to the chair of the CMA under section 59].
- (5) A report made under this section must state the [F⁷CMA's] conclusion as to whether any of the matters which is the subject of the report has or is likely to have the effect of preventing, restricting or distorting competition within the market for reserved legal services to a significant extent.
- (6) A report under this section stating the [F⁸CMA's] conclusion that there is, or is likely to be, such an effect must also—
 - (a) state whether or not the [F⁹CMA] considers that that effect is justified, and
 - (b) if it states that the [F⁹CMA] considers that it is not justified, state its conclusion as to what action, if any, ought to be taken by the Board.

Changes to legislation: There are currently no known outstanding effects for the Legal Services Act 2007, Section 60. (See end of Document for details)

- (7) When determining under subsection (6)(b) any action to be taken by the Board, the [F10CMA] must ensure—
- (a) that the action stated is action which the Board has power to take, and
 - (b) so far as reasonably possible, that the action stated is compatible with the functions conferred, and obligations imposed, on the Board by or under this Act.
- (8) A report under this section must contain such an account of the [F11CMA's] reasons for its conclusions as is expedient, in the opinion of the [F12CMA], for facilitating proper understanding of them.
- (9) Sections [F13109 to 110A and 111 to 115] of the Enterprise Act 2002 (c. 40) (investigation powers) apply in relation to an investigation under this section as they apply in relation to an investigation made on a reference made [F14to the CMA] under Part 3 of that Act (mergers), but as if—
- [F15(a) references in section 109 of that Act (attendance of witnesses and production of documents etc) to a permitted purpose were references to the purpose of assisting the CMA in carrying out any of its functions in connection with an investigation under this section, and
 - (b) the relevant day in any case for the purposes of section 110A of that Act (restriction on powers to impose penalties under section 110) were the day on which the CMA makes a report under subsection (2) or a statement under subsection (3) in connection with that case.]
- (10) If the [F16CMA] makes a report or a statement under this section it must—
- (a) give a copy to the Lord Chancellor, the Board, the Consumer Panel and the approved regulator to which the [F17report made by the CMA under section 57] relates, and
 - (b) publish the report or statement.

Textual Amendments

- F1** Word in s. 60 heading substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 6 para. 112\(12\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F2** Words in s. 60(1) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 6 para. 112\(2\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F3** Words in s. 60(2) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 6 para. 112\(3\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F4** Word in s. 60(3) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 6 para. 112\(4\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F5** Word in s. 60(4) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 6 para. 112\(5\)\(a\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F6** Words in s. 60(4) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 6 para. 112\(5\)\(b\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F7** Word in s. 60(5) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 6 para. 112\(6\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F8** Word in s. 60(6) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 6 para. 112\(7\)\(a\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F9** Word in s. 60(6) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 6 para. 112\(7\)\(b\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F10** Word in s. 60(7) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 6 para. 112\(8\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)

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- F11** Word in s. 60(8) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 6 para. 112(9)(a)**; S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F12** Word in s. 60(8) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 6 para. 112(9)(b)**; S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F13** Words in s. 60(9) substituted (1.4.2014) by The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892), art. 1(1), **Sch. 1 para. 177(a)** (with art. 3, Sch. 2 para. 2)
- F14** Words in s. 60(9) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 6 para. 112(10)(a)**; S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F15** S. 60(9)(a)(b) substituted (1.4.2014) by The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892), art. 1(1), **Sch. 1 para. 177(b)** (with art. 3, Sch. 2 para. 2)
- F16** Word in s. 60(10) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 6 para. 112(11)(a)**; S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F17** Words in s. 60(10) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 6 para. 112(11)(b)**; S.I. 2014/416, art. 2(1)(d) (with Sch.)

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