

**2019 No. 166**

**LEGAL SERVICES, ENGLAND AND WALES**

**The Legal Services Act 2007 (Designation as a Licensing Authority) Order 2019**

<i>Made</i>	- - - -	<i>30th January 2019</i>
<i>Laid before Parliament</i>		<i>5th February 2019</i>
<i>Coming into force</i>	- -	<i>1st April 2019</i>

The Chartered Institute of Legal Executives being an approved regulator (a), has applied to the Legal Services Board (“the Board”) under paragraph 1 of Schedule 10 to the Legal Services Act 2007(b) (“the Act”) for a recommendation to become designated as a licensing authority in relation to the exercise of a right of audience, the conduct of litigation, reserved instrument activities, probate activities, and the administration of oaths.

The Board has made a recommendation to the Lord Chancellor under paragraph 14 of Schedule 10 to the Act, having complied with the requirements of Part 1 of that Schedule, and having granted the application from the Chartered Institute of Legal Executives.

The Lord Chancellor, in exercise of the powers conferred by section 208(2) of, and paragraph 15(1)(a) of Schedule 10 to, the Act, makes the following Order:

**Citation and commencement**

1. This Order may be cited as the Legal Services Act 2007 (Designation as a Licensing Authority) Order 2019 and comes into force on 1st April 2019.

**Designation as a licensing authority**

2. The Chartered Institute of Legal Executives is designated as a licensing authority in relation to—

- (a) the exercise of a right of audience;
- (b) the conduct of litigation;
- (c) reserved instrument activities;
- (d) probate activities, and

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(a) The Chartered Institute of Legal Executives is designated as an approved regulator in relation to the exercise of a right of audience, the administration of oaths, and the conduct of litigation by virtue of Part 1 of Schedule 4 to the Legal Services Act 2007 and the Legal Services Act 2007 (Approved Regulators) Order 2011 (S.I. 2011/1118). The Chartered Institute of Legal Executives is designated as an approved regulator in relation to reserved instrument activities and probate activities by virtue of the Legal Services Act 2007 (Approved Regulator) (No. 2) Order (S.I. 2014/2937).

(b) 2007 c. 29. There are amendments to this Act but none are relevant to this instrument.

- (e) the administration of oaths<sup>(a)</sup>.

### **Application of existing legislation to licensable bodies**

3. The Financial Guidance and Claims Act 2018<sup>(b)</sup> is modified as follows—

- (a) in the table in section 30(5)(c) (PPI claims: interim restriction on charges before transfer of regulation to the FCA), in the entry relating to The Chartered Institute of Legal Executives, the reference to persons is to be construed as including a reference to licensable bodies; and
- (b) in section 33(5)(d) (legal services regulators' rules: charges for claims management services) the reference to persons is to be construed as including a reference to licensable bodies.

*Lucy Frazer*

Parliamentary Under Secretary of State, Ministry of Justice

30th January 2019

### **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order designates the Chartered Institute of Legal Executives (“CILEx”) as a licensing authority under Part 5 (alternative business structures) of the Legal Services Act 2007 (c. 29) (“the Act”) in relation to the exercise of a right of audience, the conduct of litigation, reserved instrument activities, probate activities and the administration of oaths. Part 5 of the Act makes provision about licensing authorities and their functions. CILEx is already an approved regulator in relation to these reserved legal activities by virtue of Part 1 of Schedule 4 to the Act, the Legal Services Act 2007 (Approved Regulators) Order 2011 (S.I. 2011/1118) and the Legal Services Act 2007 (Approved Regulator) (No. 2) Order (S.I. 2014/2937). Designation as a licensing authority will allow CILEx to license alternative business structures, which are businesses wholly or partly owned or controlled by non-lawyers, to provide legal services, or a mixture of legal and other services, to the public.

The Order also makes provision to ensure that the Financial Guidance and Claims Act 2018 (c. 10) has effect for licensable bodies authorised by CILEx to carry on a reserved legal activity as it does in relation to persons authorised by CILEx to carry on a reserved legal activity.

A full impact assessment has not been prepared for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.

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(a) The activities listed in article 2 are reserved legal activities within the meaning of section 12(1) of the Legal Services Act 2007. Paragraphs 3 to 6 and 8 of Schedule 2 to that Act make further provision as to what constitutes such activities.

(b) 2018 c. 10.

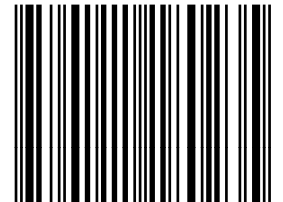


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