
STATUTORY INSTRUMENTS

2014 No. 3077

LEGAL SERVICES, ENGLAND AND WALES

The Legal Services Act 2007 (Licensing
Authority) (No. 2) Order 2014

<i>Made</i>	- - - -	<i>17th November 2014</i>
<i>Laid before Parliament</i>		<i>20th November 2014</i>
<i>Coming into force</i>	- -	<i>1st January 2015</i>

The Legal Services Board (“the Board”), having granted the application made by the Chartered Institute of Patent Attorneys (“CIPA”) under paragraph 1(2)(a) of Schedule 10 to the Legal Services Act 2007(1) (“the Act”), has made a recommendation to the Lord Chancellor under paragraph 14(2) of that Schedule, that CIPA be designated as a licensing authority.

The Board, having also granted the application made by the Institute of Trade Mark Attorneys (“ITMA”) under paragraph 1(2)(a) of Schedule 10 to the Act, has also made a recommendation to the Lord Chancellor under paragraph 14(2) of that Schedule, that ITMA be designated as a licensing authority.

The Lord Chancellor, being satisfied that the Board has complied with the requirements of Schedule 10 to the Act in relation to both of these recommendations, makes the following Order in exercise of the power conferred by paragraph 15(1)(a) of Schedule 10 to the Act.

Citation and commencement

1. This Order may be cited as the Legal Services Act 2007 (Licensing Authority) (No. 2) Order 2014 and comes into force on 1st January 2015.

Designation of the Chartered Institute of Patent Attorneys as a licensing authority

2. The Chartered Institute of Patent Attorneys 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; and

(d) the administration of oaths⁽²⁾.

Designation of the Institute of Trade Mark Attorneys as a licensing authority

3. The Institute of Trade Mark Attorneys 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; and
 - (d) the administration of oaths.

Signed by authority of the Lord Chancellor

17th November 2014

Shailesh Vara
Parliamentary Under Secretary of State
Ministry of Justice

(2) The activities listed at article 2 are defined as reserved legal activities under section 12(1) of the Legal Services Act 2007 and are further defined in paragraphs 3 to 5 and 8 of Schedule 2 to that Act.

EXPLANATORY NOTE

(This note is not part of the Order)

The Chartered Institute of Patent Attorneys (“CIPA”) and the Institute of Trade Mark Attorneys (“ITMA”) are approved regulators by virtue of Part 1 of Schedule 4 to the Legal Services Act 2007 (“the Act”).

This Order designates both CIPA and ITMA as a licensing authority in relation to those reserved legal activities in respect of which each is, at the time of the coming into force of this Order, an approved regulator.

Under section 13 of the Act, reserved legal activities (defined in section 12 of the Act) may only be carried on by persons authorised to do so by an approved regulator or licensing authority (unless the person carrying on the activity is exempt from the requirement to be authorised). A licensable body (also known as an alternative business structure) may only be authorised to carry on such reserved legal activities by a licensing authority. Part 5 of the Act (alternative business structures) makes provision about licensing authorities and their functions.

An Impact Assessment has not been prepared for this instrument. A full impact assessment of the effect of the policy implemented by this instrument on the costs of business and the voluntary sector was produced with the Government’s consultation on the Legal Services Bill and is available at <http://www.justice.gov.uk> or from the Head of Legal Services Policy, Law and Access to Justice Group, Ministry of Justice, 102 Petty France, London, SW1H 9AJ.