

Intervention directions: Section 41(5) and 42(10) rules

Version 1: 15 December 2009

A. PREAMBLE

1. These Rules are made by the Board (as defined below) under sections 41(5) and 42(10) of the Act (as defined below).

B. DEFINITIONS

2. Words defined in these Rules have the following meanings:

Act	the Legal Services Act 2007
Approved Regulator	has the meaning given in section 20(2) of the Act
Board	the Legal Services Board
Intervention Direction	a direction given by the Board to an Approved Regulator in accordance with section 41 of the Act
Specified Person	has the meaning given in section 42(9) of the Act

C. WHO DO THESE RULES APPLY TO?

3. These Rules are the rules that the Board has made in compliance with:
 - a) section 41(5) of the Act in order to specify the persons that the Board may nominate for the purposes of section 41(2)(a) of the Act;
 - b) section 42(10) of the Act in order to specify the persons that a Specified Person may appoint for the purposes of section 42(3) of the Act.
4. The rules that the Board has made in accordance with paragraphs 2(5) and 10(5) of schedule 8 to the Act in relation to Intervention Directions and the making of oral and written representations are in the Board's rules on the making of oral and written representations which can be found at http://www.legalservicesboard.org.uk/what_we_do/regulation/pdf/oral_and_written_representations.pdf
5. The rules that the Board has made in accordance with paragraph 13(2) of schedule 8 to the Act in relation to the revocation of an Intervention Direction are in the Board's rules on the revocation of Intervention Directions which can be found at http://www.legalservicesboard.org.uk/what_we_do/regulation/pdf/applications_to_revoke.pdf

6. The Board reserves the right to amend these Rules from time to time. If the amendments made to the Rules are, in the opinion of the Board, material the Board will publish a draft of the amended Rules and will invite consultations in accordance with section 205 of the Act.

D. NOMINATIONS FOR THE PURPOSES OF SECTION 41(2)(a)

7. The Board may nominate such person as it considers to be fit and competent to exercise the regulatory function of the Approved Regulator, and this may include another Approved Regulator or other competent person, such as a professional adviser (for example an accountancy firm).

E. APPOINTMENTS FOR THE PURPOSES OF SECTION 42(3)

8. A Specified Person may appoint any person that it considers competent to be able to:
 - a) enter and search the premises of an Approved Regulator;
 - b) take possession of any written or electronic records found on the premises.
9. In considering whether a person is suitable for appointment under Rule 8, the Specified Person must have regard to the extent to which the person has experience of exercising entry and search functions.

F. FURTHER INFORMATION

10. If you have any questions about these Rules you should contact the Board at:

Address: Legal Services Board
 7th Floor Victoria House
 Southampton Row
 London WC1B 4AD

Email: contactus@legalservicesboard.org.uk

Telephone: 020 7271 0050