

- (a) for “would be” substitute “is”, and
 - (b) omit from “if the references” to the end.
- (3) At the end of subsection (6)(e) insert—
- “(f) a legal partnership which—
 - (i) was in existence immediately before the commencement of this paragraph,
 - (ii) since that time has continued to be a partnership of the kind mentioned in rule 12.01(1)(b), 12.02(1)(b) or 12.04(1)(c)(i) of the pre-commencement conduct rules (framework of practice), and
 - (iii) has not, since that time, had a body corporate (other than a body within paragraph (g)) as a member;
 - (g) a body corporate which—
 - (i) was recognised under section 9 immediately before the commencement of this paragraph, and
 - (ii) has since that time continued to satisfy the requirements of rule 14.03(1) and 14.04(1) to (3) or the requirements of rule 14.05(1) to (3) of the pre-commencement conduct rules (restrictions on directors, owners etc. of incorporated practices);
 - (h) a body which—
 - (i) is an authorised person and satisfies the services condition, or
 - (ii) provides professional services such as are provided by individuals who are authorised persons or lawyers of other jurisdictions,
 and which satisfies the requirements of rules under subsection (6C).

(6A) For the purposes of subsection (6)(f), a partnership is to be treated as the same partnership despite a change in membership, if any person who was a member before the change remains a member.

(6B) For the purposes of subsection (6)(f) and (g), the references in the pre-commencement conduct rules to a recognised body are to be construed as references to a body which was recognised under section 9 immediately before the commencement of subsection (6)(f) and (g).

(6C) The Society must make rules for the purposes of paragraph (h) of subsection (6) prescribing the requirements relating to management and control which must be satisfied by or in relation to a body for it to fall within that paragraph.”.

- (4) In subsection (8)—
- (a) after the definition of “the Directive” insert—

““legal partnership” means a partnership in which a qualified solicitor, a registered European lawyer or a recognised body is permitted to practise by virtue of rules made under section 31 of the Solicitors Act 1974 (c. 47), as those rules had effect immediately before the commencement of subsection (6)(f);”
 - (b) after the definition of “manager” insert—

““pre-commencement conduct rules” means rules under Part 2 of the Solicitors Act 1974 or section 9 of this Act, known as the Solicitors’ Code of Conduct 2007, as those rules had effect immediately before the commencement of subsection (6)(f) and (g);”
 - (c) in the definition of “recognised body” after “section 9” insert “(subject to subsection (6B) above)”, and
 - (d) after the definition of “shares” insert—

““the Society” has the meaning given by section 87(1) of the Solicitors Act 1974;”.

On the authority of the Lord Chancellor
 [Name]

Parliamentary Under Secretary of State

[Date]

Ministry of Justice

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends section 9A of the Administration of Justice Act 1985 (c. 61) as inserted by paragraph 82 of Schedule 16 to the Legal Services Act 2007 (c. 29).

Section 9A of the Administration of Justice Act 1985 defines the term “legal services body” for the purposes of section 9 of that Act which gives the Law Society the power to regulate the management and control of legal services bodies. Section 9A defines the term by reference to the satisfaction of a management and control condition and a relevant lawyer condition. It allows legal services bodies to have up to 25% non-lawyer managers and owners.

This amendment to section 9A removes the previous restriction on the number of corporate tiers permissible for legal services bodies. The amendment also ensures that legal partnerships and recognised bodies in existence at the date of commencement of section 9A should, subject to certain restrictions, be regarded as “legally qualified” for the purpose of satisfying the management and control condition.