

2010 No. 2091

LEGAL SERVICES, ENGLAND AND WALES

**The Legal Services Act 2007 (Legal Complaints) (Parties) Order
2010**

<i>Made</i>	- - - -	<i>17th August 2010</i>
<i>Laid before Parliament</i>		<i>20th August 2010</i>
<i>Coming into force</i>	- -	<i>6th October 2010</i>

The Lord Chancellor makes this Order under sections 128(3)(b) and (4)(d) and 204(3)(a) of the Legal Services Act 2007^(a).

The Office for Legal Complaints has made a recommendation under section 130(1) of that Act.

Before making the recommendation, in accordance with section 130(3), the Office for Legal Complaints published a draft of the proposed recommendation, invited representations regarding that recommendation and considered any representations which were made.

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Legal Services Act 2007 (Legal Complaints) (Parties) Order 2010 and comes into force on 6th October 2010.

(2) In this Order “material time” means the time at which the complainant refers the complaint to the respondent.

Persons who can be complainants

2. The following persons may be a complainant within section 128(3)(b)—

- (a) an enterprise which, at the material time, is a micro-enterprise within the meaning of Article 1 and Article 2(1) and (3) of the Annex to Commission Recommendation 2003/361/EC, as that Recommendation had effect at the date it was adopted^(b);
- (b) a charity with an annual income net of tax of less than £1 million at the material time;
- (c) a club, association or organisation, the affairs of which are managed by its members or a committee or committees of its members, with an annual income net of tax of less than £1 million at the material time;
- (d) a trustee of a trust with an asset value of less than £1 million at the material time;

^(a) 2007 c. 29.

^(b) Recommendation of the European Commission dated 6th May 2003 concerning the definition of micro, small and medium-sized enterprises, 2003/361/EC.

- (e) a personal representative of the estate of a person (referred to as “X” in this article and in article 3) if the condition prescribed in article 3 is satisfied; and
- (f) a beneficiary of the estate of a person (X) if the condition prescribed in article 3 is satisfied.

3. The condition referred to in article 2(e) and (f) is that the services to which the complaint relates were provided by the respondent to a person, X—

- (a) who has subsequently died; and
- (b) who had not before his or her death referred the complaint to the ombudsman scheme.

4. The Office for Legal Complaints may use whatever method it sees fits to determine whether a person falls within the financial limits in article 2 and may make a broad estimate of any relevant amount.

Signed by authority of the Lord Chancellor

17th August 2010

McNally
Minister of State
Ministry of Justice

EXPLANATORY NOTE

(This note is not part of the Order)

Part 6 establishes the Office for Legal Complaints (OLC) and confers a duty on the OLC to administer an ombudsman scheme for the resolution of complaints in relation to legal services provided by authorised persons (as defined by the 2007 Act). Section 128 makes provision for the categories of person who may be a respondent and a complainant within the scheme. Section 128(3)(a) permits an individual to be a complainant. This Order prescribes persons other than individuals who may bring a complaint. Article 4 allows the Office for Legal Complaints to determine and make an estimate of the financial amounts in article 2 in relation to eligibility of complainants.

An impact assessment has been prepared for this Order and a copy is annexed to the Explanatory Memorandum which is available alongside this instrument on the OPSI website.

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ISBN 978-0-11-150126-9

£4.00

E7745 8/2010 107745T 19585

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