STATUTORY INSTRUMENTS

2015 No. 935

LEGAL SERVICES, ENGLAND AND WALES

The Legal Services Act 2007 (Warrant) (Approved Regulator) Regulations 2015

Made - - - - 24th March 2015

Coming into force in accordance with regulation 1(1)

The Lord Chancellor makes the following Regulations in exercise of the powers conferred by sections 42(6) and (7), 48(6) and (7), and 204(3) of the Legal Services Act 2007(**1**).

The Lord Chancellor has consulted the Legal Services Board about the making of these Regulations in accordance with sections 42(8)(b) and 48(8)(b) of that Act.

A draft of these Regulations has been approved by a resolution of each House of Parliament in accordance with section 206(5) of that Act.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Legal Services Act 2007 (Warrant) (Approved Regulator) Regulations 2015 and come into force 21 days after the day on which they are made.

(2) In these Regulations—

"the 2007 Act" means the Legal Services Act 2007;

"appointed person" means—

(a) in relation to an application made under section 42(3) of the 2007 Act, the specified person (within the meaning of section 42 of the 2007 Act) or a person appointed by the specified person to act on its behalf; and

(b) in relation to an application made under section 48(3) of the 2007 Act, the person appointed by the Board(**2**) to act on its behalf;

"judicial officer" means—

(a) a judge of the High Court;

(b) a Circuit judge; or

(c) a justice of the peace;

"relevant regulator" means—

(**1**) 2007 c. 29.

(**2**) "The Board" is defined in section 2 of the Legal Services Act 2007 ("the 2007 Act") to mean the Legal Services Board.

(a) in relation to a warrant issued under section 42(3) of the 2007 Act (intervention directions), the approved regulator(**3**) in respect of whose premises that warrant was issued;

(b) in relation to a warrant issued under section 48(3) of the 2007 Act (cancellation of designation), the former approved regulator which has had its designation cancelled under section 45 of the 2007 Act in respect of whose premises that warrant was issued.

(3) A reference in these regulations to a warrant is a reference to a warrant which has been or may be issued under sections 42(3) or 48(3) of the 2007 Act.

Conditions for issuing a warrant

2. A judicial officer may issue a warrant only if satisfied that—

(a) the Board has made reasonable attempts to obtain the written or electronic records sought by other means, or that such attempts would be likely to result in the records being removed, hidden, tampered with or destroyed; and

(b) no judicial officer has refused to issue a warrant based on another application that is in substance the same.

Execution of a warrant

3.—(1) Entry and search under a warrant must be—

(a) within a period of one month beginning on the date of its issue; and

(b) at a reasonable hour unless it appears to the appointed person exercising the power conferred by the warrant that the purpose of entry may be frustrated by entry at a reasonable hour.

(2) If there is a person ("P") present at the premises of the relevant regulator when the appointed person seeks to exercise the power conferred by the warrant, and P is the occupier or appears to be in charge of the premises, the appointed person must—

(a) show P documentary evidence of identity;

(b) show the warrant to P; and

(c) give P a certified copy of the warrant.

(3) If there is no occupier or person present at the premises who appears to be in charge of them, the appointed person must leave a certified copy of the warrant in a prominent place on the premises.

(4) The appointed person who exercises the power conferred by the warrant must make an endorsement on it stating—

(a) the date on which the power conferred by the warrant was exercised;

(b) whether any of the records sought were found;

(c) whether any written or electronic records have been copied; and

(d) whether possession has been taken of any written or electronic records.

(5) In the case of a warrant that authorises entry to and search of two or more premises of a relevant regulator, the appointed person exercising the power conferred by the warrant—

(a) must make a separate endorsement in accordance with paragraph (4) for each premises entered and searched; and

(**3**) "Approved regulator" has the meaning given in section 20(2) of the 2007 Act. By virtue of section 67 of that Act the powers to issue warrants contained in sections 42 and 48 of the 2007 Act cannot be used in relation to the Legal Services Board in its capacity as an approved regulator.