Draft Order laid before Parliament under section 206(4) and (5) of the Legal Services Act 2007 for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2014 No. XXX

LEGAL SERVICES, ENGLAND AND WALES

The Legal Services Act 2007 (Appeals from Licensing Authority Decisions) (Chartered Institute of Patent Attorneys and Institute of Trade Mark Attorneys) Order 2014

Made - - - - ***

Coming into force in accordance with article 2

The Lord Chancellor makes the following Order in exercise of the powers conferred by sections 80(1)(b), (4) and (5) and 204(3) and (4) of the Legal Services Act 2007(**1**).

In accordance with section 80(3) of that Act, the Order is made following a recommendation made by the Legal Services Board to which was annexed a draft order which was in a form not materially different from this Order.

The Legal Services Board made its recommendation under section 80 of that Act with the consents required by section 81(1) of that Act and having complied with the requirements of section 81(2) to (5) of that Act.

A draft of this Order has been approved by a resolution of each House of Parliament pursuant to section 206(4) and (5) of the Legal Services Act 2007.

Citation

1. This Order may be cited as the Legal Services Act 2007 (Appeals from Licensing Authority Decisions) (Chartered Institute of Patent Attorneys and Institute of Trade Mark Attorneys) Order 2014.

Commencement

2.—(1) Except as provided in paragraph (2), this Order comes into force on the day after the day on which it is made.

(2) Articles 4 and 5 of this Order—

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

(a) do not have effect unless an order is made designating both CIPA and ITMA as licensing authorities under Part 1 of Schedule 10 to the 2007 Act in relation to one or more reserved legal activities; and

(b) where such an order is made, come into force at the same time as that order.

Interpretation and application

3.—(1) In this Order—

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

"CIPA" means the Chartered Institute of Patent Attorneys;

"ITMA" means the Institute of Trade Mark Attorneys;

"relevant body" means CIPA or ITMA (or both CIPA and ITMA where they act jointly).

(2) This Order applies to appeals from decisions made by the relevant body in its capacity as a licensing authority.

Appeals to be made to the First-tier Tribunal

4.—(1) The First-tier Tribunal may hear and determine appeals from decisions made by the relevant body which are appealable under any provision of—

(a) Part 5 of the 2007 Act; or

(b) the relevant body's licensing rules(**2**).

(2) The First-tier Tribunal may, in relation to appeals from decisions which are appealable under the licensing rules—

(a) affirm the relevant body's decision in whole or in part;

(b) quash the relevant body's decision in whole or in part;

(c) substitute for all or part of the relevant body's decision another decision of a kind that the relevant body could have taken; or

(d) remit a matter to the relevant body (generally, or for determination in accordance with a finding made or direction given by the First-tier Tribunal).

Modifications of the 2007 Act

5. The Schedule to this Order (which modifies provisions of the 2007 Act) has effect.

Signed by authority of the Lord Chancellor

Name
Parliamentary Under Secretary of State
Ministry of Justice

Date

(**2**) Section 83 of the 2007 Act defines and makes other provision relating to licensing rules. By reason of article 4 the First-tier Tribunal is the "relevant appellate body" as defined in section 111 of the 2007 Act.