

## Intervention directions: sections 41(5) and 42(10) rules

Version 2, April 2018

### A. DEFINITIONS

1. Words defined in these rules have the following meanings:

<b>Act</b>	the Legal Services Act 2007
<b>approved regulator</b>	has the meaning given in section 20(2) of the <b>Act</b>
<b>Board</b>	the Legal Services Board
<b>intervention direction</b>	a direction given by the <b>Board</b> to an <b>approved regulator</b> in accordance with section 41 of the <b>Act</b>
<b>representations rules</b>	the <b>Board's</b> rules for making oral and written representations and giving oral and written evidence
<b>specified person</b>	has the meaning given in section 42(9) of the <b>Act</b>

### B. WHO DO THESE RULES APPLY TO?

2. 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 set out the persons that a **specified person** may appoint for the purposes of section 42(3) of the **Act**.
3. In accordance with paragraphs 2(5) and 10(5) of Schedule 8 to the **Act** the **Board** has made **representations rules**, which are located at:
- [http://www.legalservicesboard.org.uk/what\\_we\\_do/regulation/index.htm](http://www.legalservicesboard.org.uk/what_we_do/regulation/index.htm)
4. 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 are also located at the above link.

5. These **rules** are to be read in conjunction with the **Act**, together with any other relevant provisions made by or by virtue of this **Act**, or any other enactment, rules, policies or guidance produced by the **Board** from time to time.
6. In the event of any inconsistency between these **rules** and the provisions of the **Act**, the provisions of the **Act** prevail.
7. The **Board** reserves the right to amend these **rules** from time to time. When amendments are made, the **Board** will, when required to do so under section 205 of the **Act**, publish a draft of the amended **rules** and invite representations.

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

8. The **Board** may nominate such a person as it considers to be 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).

#### D. APPOINTMENTS FOR THE PURPOSES OF SECTION 42(3)

9. A **specified person** may appoint any person that it considers competent to be able to:
  - enter and search the premises of an **approved regulator**;
  - take possession of any written or electronic records found on the premises.
10. In considering whether a person is suitable for appointment under **rule 9**, the **specified person** will have regard to the extent to which the person has experience of exercising entry and search functions.

#### E. FURTHER INFORMATION

11. If you have any questions about these **rules** you should contact the **Board** as set out below:

a) if by email, to: [contactus@legalservicesboard.org.uk](mailto:contactus@legalservicesboard.org.uk)

b) if by post or courier, to: the relevant address of the **Board** as set out on its website

For the attention of: Enforcement Administrator