

Legal Services Bill [HL]

LORDS AMENDMENT, DISAGREEMENTS AND AMENDMENTS IN LIEU

[The page and line references are to Bill 108, the bill as first printed for the Commons]

Clause 15

4 Page 7, line 15, at end insert –

- “() Where P is an independent trade union, persons provided with relevant services by virtue of –
- (a) their membership or former membership of P, or
 - (b) another person’s membership or former membership of P,
- do not constitute the public or a section of the public.”

LORDS DISAGREEMENT AND AMENDMENT IN LIEU

The Lords disagree with the Commons in their Amendment 4 but propose Amendment 4A in lieu –

4A Page 7, line 15, at end insert –

- “(5A) Where P is an independent trade union, persons provided with relevant services do not constitute the public or a section of the public in the circumstances specified in subsection (5B).
- (5B) The circumstances are –
- (a) the persons are provided with the services by virtue of –
 - (i) their membership or former membership of P, or
 - (ii) another person’s membership or former membership of P,
 - (b) the services are provided to the persons in connection with any matter which arises out of the terms and conditions of their employment, their treatment by their employers, their workplace relationships or their workplace or other working conditions, and
 - (c) any such employment, employer or workplace is one in respect of which P represents, or seeks to represent, workers as a trade union.”

Clause 31

10 Page 15, line 30, leave out from “on” to “and” in line 31 and insert “one or more of

the regulatory objectives,”

LORDS DISAGREEMENT AND AMENDMENT IN LIEU

The Lords disagree with the Commons in their Amendment 10 but propose Amendment 10A in lieu –

- 10A** Page 15, line 30, leave out from “impact” to end of line 33 and insert “on one or more of the regulatory objectives, and
(b) that it is appropriate to take the action proposed under subsection (1) in all the circumstances of the case (including in particular the impact of taking the action on the other regulatory objectives).”

Clause 32

- 11** Page 16, line 14, leave out from “have,” to end of line 15 and insert “an adverse impact on one or more of the regulatory objectives,”

LORDS DISAGREEMENT AND AMENDMENTS IN LIEU

The Lords disagree with the Commons in their Amendment 11 but propose Amendments 11A and 11B in lieu –

- 11A** Page 16, line 14, leave out from “likely” to end of line 15 and insert “to have an adverse impact on one or more of the regulatory objectives,”
- 11B** Page 16, line 33, at end insert –
“() In a case within subsection (1)(a), before giving a direction under subsection (2) the Board must in particular consider the impact of giving the direction on the other regulatory objectives.”

Clause 35

- 12** Page 17, line 27, leave out from “have,” to “and” in line 28 and insert “an adverse impact on one or more of the regulatory objectives,”

LORDS DISAGREEMENT AND AMENDMENT IN LIEU

The Lords disagree with the Commons in their Amendment 12 but propose Amendment 12A in lieu –

- 12A** Page 17, line 27, leave out from “have” to end of line 30 and insert “an adverse impact on one or more of the regulatory objectives, and
(b) that it is appropriate to act under this section in all the circumstances of the case (including in particular the impact of so acting on the other regulatory objectives).”

Clause 41

- 13** Page 21, line 9, leave out from “have,” to “and” in line 10 and insert “an adverse impact on one or more of the regulatory objectives,”

LORDS DISAGREEMENT AND AMENDMENT IN LIEU

The Lords disagree with the Commons in their Amendment 13 but propose Amendment

13A *in lieu* –

- 13A Page 21, line 9, leave out from “have” to end of line 12 and insert “an adverse impact on one or more of the regulatory objectives, and
- (b) that it is appropriate to give the intervention direction in all the circumstances of the case (including in particular the impact of giving the direction on the other regulatory objectives).”

Clause 45

- 14 Page 23, line 29, leave out from “have,” to “and” in line 30 and insert “an adverse impact on one or more of the regulatory objectives,”

LORDS DISAGREEMENT AND AMENDMENTS IN LIEU

The Lords disagree with the Commons in their Amendment 14 but propose Amendments 14A and 14C in lieu –

- 14A Page 23, line 29, leave out from “have” to end of line 32 and insert “an adverse impact on one or more of the regulatory objectives, and
- (b) that it is appropriate to cancel the body’s designation in relation to the activity or activities in question in all the circumstances of the case (including in particular the impact of cancelling the designation on the other regulatory objectives).”
- 14C Page 43, line 14, leave out from “on” to end of line 18 and insert “one or more of the regulatory objectives, and
- (b) that it is appropriate to cancel the approved regulator’s designation in relation to the activity or activities in question in all the circumstances of the case (including in particular the impact of cancelling the designation on the other regulatory objectives).”

Clause 49

- 15 Page 27, line 1, leave out subsection (3) and insert –
- “() In preparing a statement of policy, the Board must have regard to the principle that its principal role is the oversight of approved regulators.
 - () The statement of policy prepared under subsection (1) must –
 - (a) take account of the desirability of resolving informally matters which arise between the Board and an approved regulator, and
 - (b) specify how, in exercising the functions mentioned in that subsection, the Board will comply with the requirements of section 3(3) (regulatory activities to be proportionate, consistent and targeted only at cases in which action is needed, etc).”

LORDS AGREEMENT AND AMENDMENT TO THE COMMONS AMENDMENT

The Lords agree with the Commons in their Amendment 15, and do propose Amendment 15A as an amendment thereto –

- 15A Line 10, at end insert “, and
- (c) ensure that the Board exercises its powers only where it considers that the action or inaction of an approved regulator is not an

approach which the approved regulator could reasonably have taken.””

Schedule 1

74 Page 121, line 6, leave out “with the concurrence of the Lord Chief Justice”

LORDS DISAGREEMENT AND REASON

The Lords disagree with Commons Amendment 74 for the following reason –

74A *Because it is appropriate that the appointment and removal from office of the chairman and ordinary members of the Legal Services Board should be subject to the concurrence of the Lord Chief Justice*

75 Page 121, line 10, leave out “with the concurrence of the Lord Chief Justice”

LORDS DISAGREEMENT AND REASON

The Lords disagree with Commons Amendment 75 for the following reason –

75A *Because it is appropriate that the appointment and removal from office of the chairman and ordinary members of the Legal Services Board should be subject to the concurrence of the Lord Chief Justice*

76 Page 121, line 12, at end insert –

“() Before appointing an ordinary member, the Lord Chancellor must consult the Lord Chief Justice.”

LORDS DISAGREEMENT AND REASON

The Lords disagree with Commons Amendment 76 for the following reason –

76A *Because it is appropriate that the appointment and removal from office of the chairman and ordinary members of the Legal Services Board should be subject to the concurrence of the Lord Chief Justice*

77 Page 121, line 16, leave out “and Lord Chief Justice”

LORDS DISAGREEMENT AND REASON

The Lords disagree with Commons Amendment 77 for the following reason –

77A *Because it is appropriate that the appointment and removal from office of the chairman and ordinary members of the Legal Services Board should be subject to the concurrence of the Lord Chief Justice*

81 Page 122, line 17, leave out “and Lord Chief Justice”

LORDS DISAGREEMENT AND REASON

The Lords disagree with Commons Amendment 81 for the following reason –

81A *Because it is appropriate that the appointment and removal from office of the chairman and ordinary members of the Legal Services Board should be subject to the concurrence of the Lord Chief Justice*

- 82 Page 123, line 6, leave out “with the concurrence of the Lord Chief Justice”

LORDS DISAGREEMENT AND REASON

The Lords disagree with Commons Amendment 82 for the following reason –

- 82A *Because it is appropriate that the appointment and removal from office of the chairman and ordinary members of the Legal Services Board should be subject to the concurrence of the Lord Chief Justice*

- 83 Page 123, line 8, leave out “and Lord Chief Justice”

LORDS DISAGREEMENT AND REASON

The Lords disagree with Commons Amendment 83 for the following reason –

- 83A *Because it is appropriate that the appointment and removal from office of the chairman and ordinary members of the Legal Services Board should be subject to the concurrence of the Lord Chief Justice*

- 84 Page 123, line 11, leave out “and Lord Chief Justice are” and insert “is”

LORDS DISAGREEMENT AND REASON

The Lords disagree with Commons Amendment 84 for the following reason –

- 84A *Because it is appropriate that the appointment and removal from office of the chairman and ordinary members of the Legal Services Board should be subject to the concurrence of the Lord Chief Justice*

- 85 Page 123, line 21, leave out sub-paragraph (5)

LORDS DISAGREEMENT AND REASON

The Lords disagree with Commons Amendment 85 for the following reason –

- 85A *Because it is appropriate that the appointment and removal from office of the chairman and ordinary members of the Legal Services Board should be subject to the concurrence of the Lord Chief Justice*

- 86 Page 123, line 23, leave out “the Lord Chancellor and Lord Chief Justice remove” and insert “removing”

LORDS DISAGREEMENT AND REASON

The Lords disagree with Commons Amendment 86 for the following reason –

- 86A *Because it is appropriate that the appointment and removal from office of the chairman and ordinary members of the Legal Services Board should be subject to the concurrence of the Lord Chief Justice*

- 87 Page 123, line 24, leave out from “member” to end of line 25 and insert “under sub-paragraph (1)(b), the Lord Chancellor must consult –

- (a) the Lord Chief Justice, and
- (b) if the ordinary member is not the chairman, the chairman.”

LORDS DISAGREEMENT AND REASON

The Lords disagree with Commons Amendment 87 for the following reason –

87A *Because it is appropriate that the appointment and removal from office of the chairman and ordinary members of the Legal Services Board should be subject to the concurrence of the Lord Chief Justice*

88 Page 123, line 26, leave out “and Lord Chief Justice”

LORDS DISAGREEMENT AND REASON

The Lords disagree with Commons Amendment 88 for the following reason –

88A *Because it is appropriate that the appointment and removal from office of the chairman and ordinary members of the Legal Services Board should be subject to the concurrence of the Lord Chief Justice*

LORDS AMENDMENT,
DISAGREEMENTS AND
AMENDMENTS IN LIEU TO CERTAIN
COMMONS AMENDMENTS TO THE
LEGAL SERVICES BILL [HL]

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