

2012 No. 3092

LEGAL SERVICES, ENGLAND AND WALES

**The Legal Services Act 2007 (Legal Complaints) (Parties) Order
2012**

<i>Made</i>	- - - -	<i>11th December 2012</i>
<i>Laid before Parliament</i>		<i>17th December 2012</i>
<i>Coming into force</i>	- -	<i>1st February 2013</i>

The Lord Chancellor makes the following Order in exercise of the powers conferred by section 128(4)(d) 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 the representations which were made.

Citation and commencement

1. This Order may be cited as the Legal Services Act 2007 (Legal Complaints) (Parties) Order 2012 and comes into force on 1st February 2013.

Persons who may be complainants

2. A person may be a complainant (“C”) within section 128(4)(d) of the Legal Services Act 2007 if the services to which the complaint relates were—

- (a) offered by the respondent to C, or
- (b) refused by the respondent to C.

Signed by authority of the Lord Chancellor

11th December 2012

Helen Grant
Parliamentary Under Secretary of State
Ministry of Justice

EXPLANATORY NOTE

(This note is not part of the Order)

Part 6 of the Legal Services Act (c. 29) (“the 2007 Act”) establishes the Office for Legal Complaints (OLC) and confers a duty on the OLC to administer an ombudsman scheme for the resolution of complaints relating to the activities of authorised persons (as defined by the 2007 Act). A person is a complainant for purposes of the scheme if that person meets the conditions in section 128(3) and (4) (and is not excluded by subsection (5)). Subsection (4) sets out a list of conditions relating to the services to which a complaint relates. These include such conditions as are prescribed by the Lord Chancellor (subsection (4)(d)). This Order prescribes as conditions that the services to which the complaint relates were offered or refused by the respondent to the complainant. As a result, a person may complain to the ombudsman about services that person has been wrongfully refused, for example, or unwanted services which that person has been offered.

A full impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from the Ministry of Justice and is published with the Explanatory Memorandum alongside the instrument on www.legislation.gov.uk.

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