Draft Regulations laid before the Assembly under section 5(4) of the Legal Complaints and Regulation Act (Northern Ireland) 2016 for approval

D R A F T S T A T U T O R Y R U L E S O F N O R T H E R N I R E L A N D

2025 No.

LEGAL COMPLAINTS AND REGULATION

The Legal Complaints and Regulation Act (Northern Ireland) 2016 (Levy) Regulations 2025

Made

Coming into operation *xxxx 2025*

The Department of Finance(**a**), in exercise of the powers conferred by section 5 and section 6 of the Legal Complaints and Regulation Act (Northern Ireland) 2016(**b**), and being satisfied the apportionment of the levy as between each professional body will be in accordance with fair principles, makes the following Regulations.

Citation and commencement

1. These regulations may be cited as the Legal Complaints and Regulation Act (Northern Ireland) 2016 (Levy) Regulations 2025 and shall come into operation on xxxx 2025.

Interpretation

2. In these regulations:

"professional body" is –

(a) The Honourable Society of the Inn of Court of Northern Ireland; or

(b) The Law Society of Northern Ireland;

"the 2016 Act" means the Legal Complaints and Regulation Act (Northern Ireland) 2016.

Annual Levy

3. (1) A levy is to be imposed on each professional body in respect of the financial year ending March 2026, and in respect of each subsequent financial year.

(2) The levy is for the purpose of raising an amount corresponding to the expenditure of the Legal Services Oversight Commissioner incurred under or for the purposes of the 2016 Act or any other statutory provision.

(3) The expenditure referred to in paragraph (2) may include such amount as is necessary to make good any discrepancy between the amount to be raised by way of the levy under these

(**a**) The Department of Finance and Personnel was renamed the Department of Finance by section 1(4) of, and Schedule 1 to, the Departments Act (Northern Ireland) 2016 (c.5 (N.I.))

(**b**) 2016 c.14 (N.I.)

Regulations and the amount actually received by the Legal Services Oversight Commissioner in a financial year.

Amount payable by each professional body

4. (1) The amount that each professional body must pay to the Legal Services Oversight Commissioner in respect of any financial year is to be calculated by the Department for that body under regulation 5.

(2) The Department must consult each professional body on the amount of the levy payable by that body.

(3) The Department must notify, in writing, the professional body of its liability to pay an amount of levy stating –

(a) the amount calculated for that body, and

(b) the deadline for payment determined in accordance with regulation 6.

(4) The professional body must pay to the Legal Services Oversight Commissioner the amount stated in such a notice.

Apportionment of leviable Legal Services Oversight Commissioner expenditure

5. (1) This regulation determines the amount to be paid by each professional body in relation to the expenditure referred to in regulation 3(2).

(2) The amount which each professional body is required to pay under regulation 4 is an amount equal to the relevant proportion of that expenditure.

(3) The relevant proportion is the number of persons at the specified date regulated by the professional body in question, in its capacity as a professional body, as a proportion of the total number of such persons at that date regulated by both professional bodies.

(4) The specified date is 1st April of the financial year in respect of which the levy is imposed.

Making payment

6. (1) The amount of the levy that a professional body is required to pay to the Legal Services Oversight Commissioner under regulation 4 must be paid in full by the professional body before the end of –

(a) 30 days beginning with the day after the financial year to which the levy relates has expired, or

(b) 30 days beginning with the date of the service of notice to the professional body under regulation 4(3),

whichever is later.

Interest payable on late payment

7. If payment is not made by the professional body in accordance with regulation 6, the Legal Services Oversight Commissioner may charge interest on any amount unpaid at the rate of statutory interest prescribed under section 6 of the Late Payment of Commercial Debts (Interest) Act 1998(**a**).

Sealed with the Official Seal of the Department of Finance on xxxx.

A senior officer of the Department of Finance

(**a**) 1998 c.20

EXPLANATORY NOTE

(This note is not part of the Regulations)

These regulations impose a levy under sections 5 and 6 of the Legal Complaints and Regulation Act (Northern Ireland) 2016.

Regulation 3 provides that a levy is to be imposed in relation to the financial year ending March 2026 and in relation to each subsequent financial year. Each levy is to cover the expenditure of the Legal Services Oversight Commissioner incurred under or for the purposes of the Act, or any other statutory provision, during the period in respect of which the levy is imposed.

Regulations 4 and 5 specify the procedure for determining the amount of the levy that each professional body (the Law Society of Northern Ireland and the Honourable Society of the Inn of Court) must pay in respect of each financial year and the procedure for consulting with and notifying each body of the amount due.

Under regulation 5, each professional body must pay a proportion of the expenditure incurred by the Legal Services Oversight Commissioner, which is based on the number of persons regulated by each professional body at a specified date.

Regulation 6 requires that, except in certain specified cases, the levy must be paid in full no later than 30 days beginning with the end of the financial year to which it relates. Interest may be payable under regulation 7 in the event of any late payment.

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