

Annex 1

Consultation by the Costs Lawyer Standards Board (CLSB) Proposed 2018 Costs Lawyer practising certificate fee (PCF 2018)

Issued to: Costs Lawyers authorised and regulated by CLSB as at 26 July 2017

1. Attachments

- (i) CLSB budget for 2018.
- (ii) CLSB accounts for year ended 31 December 2016 (abbreviated).

2. Introduction

The remit of the CLSB as an approved regulator is to set and maintain standards within the profession of the Costs Lawyer. This remit is wider than purely complaints management with regulatory objectives set out under the Legal Services Act 2007 which include:

- Protecting and promoting the consumer/public interest.
- Improving access to justice.
- Encouraging an independent, diverse and effective profession.
- Setting and maintaining standards in education.

3. Proposed PCF 2018

The CLSB undertakes only permitted purposes under the Legal Services Act 2007. It will raise funding for 2018 by way of the PCF 2018. The CLSB is pleased to advise that through continued sound financial management it proposes to keep the fee at £250.00 for the seventh consecutive practising year.

4. The Association of Costs Lawyers (ACL)

The ACL, the profession's representative body, is a voluntary membership organisation. Being a member of the ACL does not afford you any practising rights under the Legal Services Act 2007. It is not a requirement that you are an ACL member to hold a Costs Lawyer practising certificate issued by the CLSB.

5. Benefits of a Costs Lawyer practising certificate

There are many benefits to holding a Costs Lawyer practising certificate issued by the CLSB, these include:

- (i) It evidences to clients, the courts and fellow lawyers that you are qualified, regulated, practice with a minimum level of professional indemnity insurance and offer a complaints handling process.
- (ii) It evidences to clients, the courts and fellow lawyers that you are authorised under the Legal Services Act 2007 to conduct the following reserved legal activities:

- The exercise of a right of audience
 - The conduct of litigation
 - The administration of oaths
- (iii) Your name will appear on the public domain register of authorised and regulated Costs Lawyers at www.clsb.info a copy of which will be sent to all Costs Judges at the beginning of 2018 for their reference during the year. Employer address and phone number details now appear on that register (as per individual instructions under current data protection law) thus making it easier for a client to locate and contact a Costs Lawyer in their area.
- (iv) You can apply to the CLSB to become an Accredited Costs Lawyer which enables you to provide CPD to legal professionals and claim CPD points yourself for doing so. On holding this status, your name will appear on the Accredited Costs Lawyer register on the CLSB website at www.clsb.info
- (v) You can use, free of charge (under licence) the CLSB mark of regulation to evidence on communications that you are authorised and regulated by the CLSB.
- (vi) You can use, free of charge, LawCare. This is a confidential service which supports the mental health and wellbeing of legal professionals and their family.

6. Permitted purposes

All activities provided for in the 2018 CLSB budget are for permitted purposes set out under the Legal Services Act 2007. Activities to fulfil those permitted purposes include:

- Issuing annual practising certificates.
- Monitoring annual declarations on fitness to practice.
- Ensuring first-tier complaints procedures are in place and monitoring the number of first-tier complaints.
- Monitoring that a minimum level of professional indemnity insurance is in place, and trends on the level of insurance cover in place across the profession.
- Maintaining the public domain register of authorised and regulated Costs Lawyers.
- Maintaining the public domain register of Accredited Costs Lawyers providing CPD.
- Undertaking an annual audit on the provision of the Costs Lawyer qualification.
- Undertaking an annual random audit of CPD records.
- Investigating conduct complaints, initiating disciplinary action where appropriate.
- Monitoring service and conduct complaints to establish issues within the profession.

- Maintaining as fit for purpose the Costs Lawyer Handbook which contains, inter alia, the Code of Conduct, Practising Rules, Disciplinary Rules & Procedures and the Training & CPD Rules.
- Issuing and updating guidance notes as required.
- Monitoring and managing regulatory risks.
- Managing the CLSB mark of regulation.
- Gathering and analysing statistical information e.g. diversity, the profession, instructions, first-tier complaints, part-time working, geographical location, legal aid, and those leaving the profession.
- Responding to consultations.
- Working with the Legal Services Board, other approved regulator and the Ministry of Justice on regulatory reform.
- Promoting and protecting human rights and fundamental freedoms.
- Promoting relations with national or international bodies, governments or the legal professions of other jurisdictions e.g. Competition & Markets Authority on implementing the outcome of their 2017 report.

7. Annual financial levies

Out of the PCF 2018, the CLSB will pay an annual financial levy to both the Legal Services Board and Legal Ombudsman. This is expected to be in the region of £20,000 total for 2018.

8. Tax Relief under SI 1126/2013: The Income Tax (Professional Fees) Order 2013

Tax relief on the PCF 2018 can be claimed under the above statutory instrument which covers *“fees payable to the Costs Lawyer Standards Board on applying for a costs lawyer practicing certificate.”*

9. Question asked under this consultation

Do you agree with the proposed 2018 PCF in the sum of £250.00?

10. How to respond

The closing date and time for responses is **Midnight on Friday 15 September 2017.**

Responses may be submitted by:

Email: enquiries@clsb.info

Post: CLSB, Centurion House, 129 Deansgate, Manchester, M3 3WR

Dated: 26 July 2017