

**Application to the Legal Services Board (“LSB”)  
S.51 Legal Services Act 2007**

**Applicant: Costs Lawyer Standards Board (“CLSB”)**

**1. Application**

This application is made for LSB approval of the proposed Costs Lawyer practising certificate fee for 2014 (“PCF 2014”).

**2. Enclosures with this application**

- (i) Consultation paper
- (ii) Consultation response resume
- (iii) CLSB budget for 2014
- (iv) CLSB accounts 2012

**3. Separation of fees**

The fees for regulation (CLSB) and representation (ACL) were separated in 2013.

**4. Proposed PCF 2014**

Through sound financial management CLSB has been able to keep its fee for a practising certificate at the same level for 2014 as it was for 2013 and 2012 i.e. £250.00.

**5. Income for 2014**

For the purposes of this application CLSB has worked on the same Costs Lawyer numbers for 2014 as it had registered for 2013 i.e. 569.

The PCF 2014 will allow CLSB to achieve the following regulatory objectives:

- (a) Protect and promote the public interest.
- (b) Support the constitutional principle of the rule of law.
- (c) Improve access to justice.
- (d) Protect and promote the interests of consumers.
- (e) Promote competition in the provision of services.
- (f) Encourage an independent, strong, diverse and effective legal profession.
- (g) Increase public understanding of the citizen's legal rights and duties.
- (h) Promote and maintain adherence to the following professional principles in that:
  - (i) authorised persons should act with independence and integrity; and
  - (ii) authorised persons should maintain proper standards of work; and
  - (iii) authorised persons should act in the best interests of their clients; and

- (iv) persons who exercise before any court a right of audience, or conduct litigation in relation to proceedings in any court, by virtue of being authorised persons should comply with their duty to the court to act with independence in the interests of justice; and
- (v) the affairs of clients should be kept confidential.

The PCF 2014 will enable CLSB to meet its objectives which include, inter alia:

- Setting and maintaining professional standards within the profession.
- Ensuring statutory compliance as an Approved Regulator under delegated authority.
- Managing risks within the profession.
- Gathering and analysis statistical information about the profession.
- Investigating the possibility of entity regulation.
- Managing a Mark of Regulation under licence.
- Managing the Accreditation of Costs Lawyers for the purposes of providing CPD.
- Increasing awareness on the difference between Costs Lawyers with a current practising certificate and Law Costs Draftsmen.
- Increasing the number of Costs Lawyers with a practising certificate.

## 6. The Costs Lawyer practising certificate

The PCF 2014 will cover the period 1 January 2014 inclusive to 31 December 2014 inclusive.

A Costs Lawyer with a 2014 practising certificate issued by CLSB will be authorised to undertake the following reserved legal activities during that period:

- The exercise of a right of audience
- The conduct of litigation
- The administration of oaths

## 7. Practising Fee Rules 2009

Rule	Description	Observation/submission of CLSB
C.5	Permitted purposes	All monies raised by CLSB through the PCF 2014 will be used for permitted purposes only.
D.10 (a)-(d) inc.	Transparency	CLSB went out to consultation with Costs Lawyers on the proposed PCF 2014 on 12 July 2013 with a closing date of 12 September 2013 (2 month period). The consultation received only two responses, CLSB believes this is because the fee will remain the same for 2014 as it was for 2012 & 2013. The consultation paper was also posted on the CLSB website.
D.10(e)	Explanatory notes	As with 2012 & 2013, these will be printed on the reverse of the Costs Lawyer Practising Certificate Fee Note.

D.11(b)	Budgets	CLSB believes that the proposed PCF 2014 is fair and reasonable and will provide CLSB with adequate funding to provide for a regulatory regime that is proportionate, accountable, consistent, transparent and targeted.
D.11(c)	Breakdown of fee	Under the consultation process, the consultees were advised the PCF 2014 would be divided as follows: £200.00: CLSB £50.00: Set aside to pay the compulsory LSB and Legal Ombudsman levy
D.11(d)	Contingency funds	CLSB has included a contingency sum in its 2014 budget of £5k. CLSB currently has a reserve fund of £70k.
D.11(e)	2012 spend on permitted purposes	The following are approximate estimated spends during 2013: <u>Rule 6(a)</u> : 25%: CLSB set and maintained standards in education and training by way of rules and working with the Authorised Study Provider. <u>Rule 6(b)</u> : 5%: CLSB collected £50.00 towards payment of the 2012 levy. <u>Rule 6(c)</u> : 20%: CLSB responded to consultations and otherwise on matters affecting the Costs Lawyer profession. <u>Rule 6(d)</u> : 0%: CLSB did not involve itself in this area of work. <u>Rule 6(e)</u> : 0%: CLSB did not involve itself in this area of work. <u>Rule 6(f)</u> : 25%: Continued interaction and promotion of relations with LSB, LeO, ACL, government bodies, other AR's etc. <u>Rule 6(g)</u> : 25%: Increased communication on the Costs Lawyer profession and consumer rights.
D.11(f)	Regulatory & diversity impact assessment	The 2014 CLSB budget has taken into account issues relating to equality & diversity, including the proposed 2014 survey and any impact assessment.

### 8. Request for approval of Costs Lawyer PCF 2014

CLSB respectfully requests LSB approval of the PCF 2014 in the sum of £250.00 as soon as possible to enable work to be initiated on printing Fee Notes etc.

## **9. Contact**

Any request for clarification on this application should be addressed to:

Lynn Plumbley (Chief Executive)  
Costs Lawyer Standards Board  
Centurion House  
129 Deansgate  
Manchester  
M3 3WR

Phone: 0161 214 7904

Email: [ceo@clsb.info](mailto:ceo@clsb.info)

Dated: 13 September 2013