

Consultation Paper

Costs Lawyer Standards Board ("CLSB") Association of Costs Lawyers ("ACL")

Proposed Practising Certificate Fee for Costs Lawyers ("PCF 2012") (1 January 2012 to 31 December 2012)

1. Attachments

- CLSB Budget for 2012: (£112,540)
- ACL Budget for 2012: (£114,720)
- ACL accounts for year ended 31 December 2009
(net profit: £58,061, reserves £231,547)
- ACL Training accounts for year ended 31 December 2009
(net profit: £57,980, reserves £105,430)

Note: CLSB accounts for year ended 31 December 2009 have not been attached as the company was dormant during that year.

2. Introduction

CLSB has been established to undertake regulation under delegated authority of the ACL expected to occur on 31 October 2011. With effect from that date there will be a separation of functions, as required by the Legal Services Act 2007, with CLSB undertaking regulation and ACL undertaking representation.

CLSB has prepared an application to the Legal Services Board ("LSB") for approval under Section 51 of the Legal Services Act 2007 ("LSA") of the proposed PCF 2012 for Costs Lawyers. For the purposes of the application the figures have been worked on the basis of a conservative estimate of 500 Costs Lawyers during 2012.

3. Separation of fees (regulation/representation)

On the Fee Note for 2012 there will be a separation of fees payable as follows, however the whole amount will be payable to CLSB:

CLSB: Practising Certificate & regulation	(for retention & use by CLSB)
CLSB: Provision for LSB /Legal Ombudsman levy	(CLSB will pay this to LSB)
ACL: Representation	(CLSB will pay this to ACL)

4. Proposed PCF 2012

The CLSB budget for 2012 will be used for permitted purposes and covers executive, non-executive, administration and conduct committee costs. Through sound financial management during 2011, set to continue through 2012, CLSB has reduced its operating costs by £12,460 (10% saving on 2011 allocation). It is proposed the 2012 PCF is made up as follows:

CLSB: Practising Certificate & regulation:	£200.00
CLSB: Provision for LSB/Legal Ombudsman levy:	£50.00
ACL: Representation	£200.00
Total	£450.00

There will be no overall increase in the cost of a PCF 2012 from that paid in 2011.

5. Practising certificates

With effect from 31 October 2011 CLSB will be responsible for issuing Practising Certificates to Costs Lawyers. A current Practising Certificate is required to use the title Costs Lawyer and undertake the following Reserved Legal Activities:

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

6. CPD cards

It should be noted Costs Lawyers will be required to submit their completed CPD Record Cards for 2011 to the CLSB, not the ACL.

7. Making regulation accessible

CLSB has worked hard to provide best possible service at lowest possible cost, in doing so it hopes to make regulation attractive to those currently practising outside of regulation (Law Costs Draftsmen).

8. CLSB activities/objectives for 2012

- 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 within the profession.
- Investigating the possibility of entity regulation.
- Considering a Mark of Regulation / Seal of Regulation under which Costs Lawyers can represent themselves to distinguish themselves from Law Costs Draftsmen.

- Increasing the number of Costs Lawyers.

9. ACL activities/objectives for 2012

- Promoting the interest of Costs Lawyers.
- Protecting the rights attained.
- Securing further reserved activities in the area of legal costs.
- Intervening where necessary to further the rights of audience.
- Obtaining recognition from the wider legal community.

10. Questions

1. Do you agree with the proposed level of CLSB Practising Certificate and regulation fee at £200.00?
2. Do you have any comments on the proposed activities/objectives of CLSB as outlined in paragraph 8 above and should anything else be included?
3. Do you agree with the proposed level of ACL representation fee of £200.00?
4. Do you have any comments on the proposed activities/objectives of ACL as outlined in paragraph 9 above and should anything else be included?

11. How to respond to this consultation paper

Questions: Any questions should be addressed to Lynn Plumbley (CLSB Chief Executive) by phone, email or post:

Responses: Any responses should be submitted by email or post **before close of business on Monday 17 October 2011.**

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