

Sent by email only: Timothy Bayl  
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Your ref	Direct line	(020) 7211 8324
Our ref	Fax	(020) 7211 8505
Date 10 June 2013	Email	Adam.Watts@oft.gsi.gov.uk

Dear Mr Bayl,

**Application from IPEX Professional Standards Ltd (IPS) for the Chartered Institute of Legal Executives (CILEx) to the Legal Services Board to become an approved regulator for probate and reserved instrument activities under Part 2 of Schedule 4 to the Legal Services Act 2007**

Thank you for sending us the above application and formally requesting our advice in accordance with the provisions of the Legal Services Act 2007 (LSA07).

As you are aware, the OFT has a statutory duty under the LSA07 to review applications for approved regulator status and provide the Legal Services Board (LSB) with such advice as we 'think fit' regarding whether the application should be granted. In providing our advice we have to consider whether any given application, if granted, would (or would be likely to) prevent, restrict or distort competition within the market for reserved legal services to any significant extent.<sup>1</sup>

As previously conveyed to the LSB, the OFT's default position in this regard is that applications to become an approved regulator, unless there is compelling evidence to show a significant detriment to competition through foreclosure and/or a substantial degradation of consumer protection, is unlikely to raise any substantive concerns since it is likely to increase choice for consumers and professionals. However, where an application to become an approved regulator does include a provision that has the potential to restrict competition, the OFT would expect them to only be permissible when evidently justified by one of the objectives set out in the LSA07.

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<sup>1</sup> Schedule 4 Part 2 section 6(2) of the Act

In light of the OFT's default position, we have considered the application by IPS and, if granted, we advise that we find no evidence or theory to suggest that IPS becoming an approved regulator for probate and reserved instrument activities under the LSA07 would (or would be likely to) prevent, restrict or distort competition within the market to any significant extent.

Therefore, the OFT considers that allowing IPS to authorise suitably competent practitioners to deliver probate and reserved instrument services as authorised persons may strengthen competition for these services as currently provided by authorised persons of other approved regulators. Potentially, this could place competitive pressure on the pricing of these services and broaden access to justice.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Adam Watts", with a long horizontal stroke extending to the right.

Adam Watts  
**Case Officer**  
**Services, Infrastructure and Public Markets**