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*sent by email only*

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Dear Richard

### **LSB In-house Lawyers Discussion Paper**

Thank you for giving the CLC the opportunity to respond to the regulation of in-house lawyers discussion paper. We set out below our responses to all five questions in the paper.

#### Question for Regulators

#### **Question 1 - What is the rationale to support your current approach to regulating in-house practice?**

Our assessment of the risk is that we have taken a proportionate approach to regulating in-house practices.

As is accepted in the discussion paper, the provision of legal services by an authorised person who is employed exclusively to their employer is not a regulated activity and can be undertaken without restriction.

The provision of non-reserved legal activities (such as will writing) to consumers is not restricted and can be carried out by any employer. To that extent, it is not relevant in making that determination whether the employee carrying out the activity is or is not an authorised person.

As set out at section 15 Legal Services Act 2007 (the 2007 Act), we permit the provision of reserved legal activities by a Licensed Conveyancer whilst working for an employer who is not licensed and regulated under the 2007 Act. We do not specify or restrict particular circumstances in which this is, or is not, permissible. The LSB identifies a concern regarding prohibition of non-reserved legal activities in these instances; to date the CLC has not received an application to regulate an entity which intends exclusively to provide non-reserved legal services.

The CLC assesses risk on a case by case basis and applies a regulatory approach proportionate to those risks, in particular the risk to the consumer.

#### **Question 2 – If you have specific regulatory arrangements, how have you assured yourself that there is compelling evidence to support those arrangements?**

See above. We do not have specific regulatory arrangements relating to this area.

#### **Question 3 – Having reflected on your specific regulatory arrangements, are there any areas you intend to remove or review?**

I confirm, as set out in the Discussion Paper, the CLC's current approach is to rely on the provisions of section 15 of the 2007 Act. The Licensed Conveyancer Licensing Framework makes no specific reference to the CLC permitting in-house provision, although the CLC has licensed individuals to deliver such services.

Questions for all Interested Parties

**Question 4 - What is your experience of current arrangements for in-house lawyers?**

We have not experienced any difficulties arising from our approach to the regulation of in-house licensed conveyancers, but will be interested to learn more of the experience of other regulators.

**Question 5. What, in your view, could be improved?**

Whilst we have no particular changes in mind, we plan to undertake a review of regulatory arrangements in 2016. We will use this opportunity to consider whether the framework should expressly permit licensed conveyancers to provide non-reserved legal services to consumers unconnected to the employer. Reaction to this discussion paper and any further work by the LSB or other regulators will be helpful in this regard.

Yours sincerely



Sheila Kumar  
Chief Executive