

<b>To:</b>	Legal Services Board	<b>Agenda Item:</b>	N/A
<b>Date of Meeting:</b>	Out of Board decision	<b>Item:</b>	Paper (17) 56

<b>Title:</b>	<b>Section 69 Order to modify the functions of the General Council of the Bar</b>
<b>Workstream(s):</b>	Performance, evaluation and oversight
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<b>Status:</b>	Official

**Summary:**

At its meeting on 28 April 2017 the Board received and noted a paper on a proposed recommendation to the Lord Chancellor that an Order be made under section 69 of the Legal Services Act 2007 (the **Act**) to modify the functions of the Bar Council. The April paper (less its Annex) is attached to this paper (**Annex B**).

At that time we were awaiting the final clearance on the drafting of the Order by the Joint Committee on Statutory Instruments (**JCSI**) counsel. This has now been received and there are no material amendments to the draft. Minor amendments were made and these are set out in paragraphs 57 to 60 of the response document (**Annex A**). In addition, we have noted and advised the Ministry of Justice (**MoJ**) of two minor typographical errors that do not materially change the meaning of the Order.

Having completed all the clearance stages and received the necessary consent (required under section 70(1) of the Act) from the Bar Standards Board (**BSB**), who have confirmed that this decision is delegated from the Bar Council to the BSB, we are now able to invite the Board to approve the publication of the response document and to agree to make the recommendation to the Lord Chancellor that the Order be made.

A decision to make a recommendation on a section 69 order is a matter that is reserved to the Board under the scheme of delegations (5.4). In order to make this decision the Board also need to consider the responses set out in the response document.

**Recommendation(s):**

The Board is invited:

- (1) To approve the publication of the response document
- (2) To agree to make a recommendation to the Lord Chancellor that he makes an Order under section 69 of the Act to modify the functions of the Bar Council.

**Risks and mitigations**

**Financial:** None

**Legal:**

**Reputational:**

**Resource:** None

Consultation	Yes	No	Who / why?
<b>Board Members:</b>		√	
<b>Consumer Panel:</b>		√	
<b>Others:</b>	This paper reports on the outcome of a period for representations that the LSB was required to provide under section 70 of the Act.		

**Freedom of Information Act 2000 (Fol)**

Para ref	Fol exemption and summary	Expires
Risks and mitigations: reputational	Section 36 - free and frank discussion for the purposes of policy development	N/A
Annex A	Section 22 – intended for future publication	
Annex B	Section 21 – a redacted version of the April 2017 Board paper is already published on the LSB website	N/A