

To:	Board	
Date of Meeting:	13 July 2011	Item: Paper (11) 51

Title:	ABS implementation: next steps – key issues and risks	
Workstream(s):	Workstream 5b: Widening access to the legal market	
Author / presented by:	Fran Gillon, Director of Regulatory Practice fran.gillon@legalservicesboard.org.uk / 020 7271 0087	
Status:	Restricted	

Summary:
<p>The Board receives regular reports about the key issues and risks concerning the implementation of alternative business structures (ABS). The July update is attached (Annex A).</p> <p>The Parliamentary process around the affirmative Order is proving more controversial than expected by MoJ, given the limited scope of the Rehabilitation of Offenders (Exceptions) Order. We will update the Board about developments and implications at the meeting.</p>


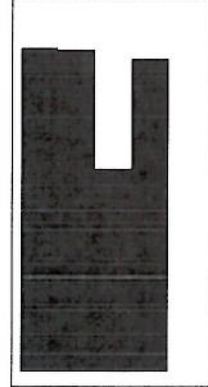
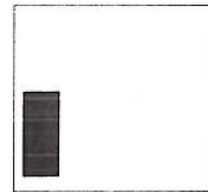
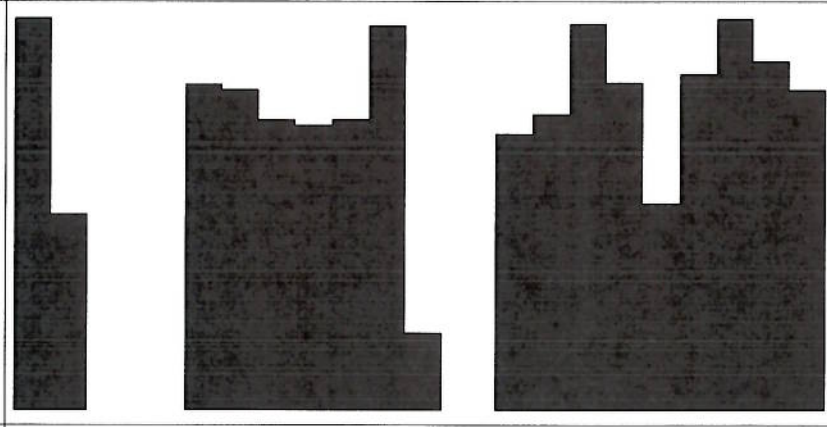
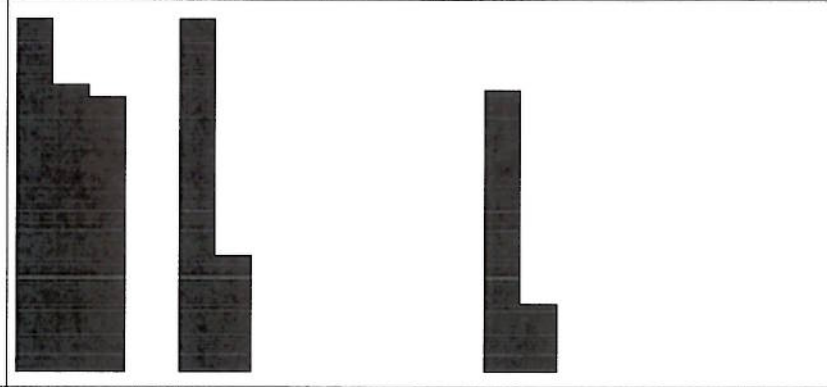

Risks and mitigations	
Financial:	N/A.
FoIA:	Initial assessment of exempted text is highlighted.
Legal:	N/A.
Reputational:	This is a key policy issue and there is therefore a serious reputational impact if ABS implementation is delayed significantly or if slippage happens in an uncontrolled, poorly communicated way. This is mitigated by continuing close discussions with CLC, SRA and MoJ.
Resource:	No current issues

Consultation	Yes	No	Who / why?
Board Members:		✓	
Consumer Panel:		✓	
Others:	N/A.		

Recommendation:
The Board is invited to note and to comment on the progress of the implementation of ABS (Annex A).

Annex A – ABS implementation: next steps – key issues and risks (July 2011)

Topic	Next key date(s)	Board input	[FoIA exempt – s36]		Rating	Change
			Key issues/risks	Mitigation		
Maximum Financial Penalty SI	Rules have been made by the Board	N/A			[REDACTED]	[REDACTED]
SRA appellate body	Recommendation once cleared by Counsel to JCSI	None – delegated authority to CEO and Chairman	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Section 69 Order	Agreed by Parliament	N/A			[REDACTED]	[REDACTED]
CLC application to become licensing authority	Submitted to MoJ 12 May with CLC appellate body (s80) Order s80 Order agreed by Parliament	None	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

SRA application to become licensing authority	With MoJ				[REDACTED]	
Commencement Order Consequential amendments Orders	Drafts to be circulated by MoJ	All are MoJ led			[REDACTED]	

<p>Rehabilitation of Offenders (Exceptions) Order</p>	<p>Parliamentary debate on current draft 4 and 5 July</p>	<p>N/A</p>	<p>[REDACTED]</p>	<p>[REDACTED]</p>	<p>[REDACTED]</p>
<p>LSB resources</p>	<p>Ongoing</p>	<p>N/A</p>	<p>[REDACTED]</p>	<p>[REDACTED]</p>	<p>[REDACTED]</p>
<p>Research market baseline analysis document</p>	<p>Publication now anticipated for July</p>	<p>Will be circulated for information before publication</p>	<p>[REDACTED]</p>	<p>[REDACTED]</p>	<p>[REDACTED]</p>

LSA Part 5 Impact Assessment

MoJ confirmed 7 April that no IA needed. LSB now identifying best way to publish work already done to complement Orders to be laid by 16 May

[REDACTED]

[REDACTED]