

<b>To:</b>	Board	
<b>Date of Meeting:</b>	10 July 2013	<b>Item:</b> Paper (13) 45

<b>Title:</b>	Application from the Bar Standards Board under the Legal Services Act 2007, Schedule 4, Part 3 for approval of a change to regulatory arrangements: the Bar Standards Board Handbook
<b>Workstream(s):</b>	Statutory Decisions ( <a href="#">Business Plan 2013/14</a> )
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<b>Status:</b>	Unclassified

**Summary:**

This paper recommends that the Board approve the application under Schedule 4, Part 3 of the Legal Services Act 2007 from the Bar Standards Board (BSB) in relation to a revised Handbook setting out the regulatory arrangements for barristers.

This application is concerned with the changes to the regulatory arrangements for individual barristers. Later in the year applications will be submitted which, if approved, will allow the BSB to authorise and regulate entities.

This recommendation is the result of many months' work with BSB colleagues, prior to the BSB's decision to submit the draft Handbook for approval. Through this engagement we have been able to influence the BSB on its approach and, while the result is perhaps not as outcomes focused as some other approved regulators, the proposed Handbook is a significant step change for the BSB. As noted in the regulatory standards assessment, the next challenge for the BSB is to adapt its approach to supervision and enforcement so that effective risk-based and outcomes focused regulation is delivered.

The paper sets out an overview of the structure of the Handbook and commentary on the key issues that have been raised and discussed with the BSB.

**Recommendation(s):**

The Board is invited to:

- (1) Note the conclusions reached on the key issues identified in the analysis of the application
- (2) Approve the application under Schedule 4, Part 3 for the changes to regulatory arrangements
- (3) Delegate approval of the final drafting of the decision notice to the Chair and the Chief Executive

<b>Risks and mitigations</b>	
<b>Financial:</b>	N/A.
<b>Legal:</b>	N/A
<b>Reputational:</b>	N/A
<b>Resource:</b>	N/A

<b>Consultation</b>	<b>Yes</b>	<b>No</b>	<b>Who / why?</b>
<b>Board Members:</b>		√	
<b>Consumer Panel:</b>		√	
<b>Others:</b>	N/A		

<b>Freedom of Information Act 2000 (Fol)</b>		
<b>Para ref</b>	<b>Fol exemption and summary</b>	<b>Expires</b>
None		

## LEGAL SERVICES BOARD

<b>To:</b>	Board		
<b>Date of Meeting:</b>	10 July 2013	<b>Item:</b>	Paper (13) 45

### **Application from the Bar Standards Board under the Legal Services Act 2007, Schedule 4, Part 3 for approval of a change to regulatory arrangements: the Bar Standards Board Handbook**

#### **Background / context**

1. On 29 April 2013 the Bar Standards Board (BSB) submitted an application under Schedule 4, Part 3 of the Legal Services Act 2007 (the Act) seeking approval for changes to its regulatory arrangements. The proposal is to introduce a new BSB Handbook to replace the existing Code of Conduct and its Annexes.
2. The revised BSB Handbook is the culmination of an extensive period of review and revision by the BSB which has included consideration of changes to the current code as it affects individuals; the changes that will be needed to allow the BSB to authorise entities; and the decision to seek designation as a licensing authority.
3. This application concerns only the introduction of the BSB Handbook for individuals. A further application is expected shortly which will cover the proposed regulatory arrangements for entities (non-ABS). An application seeking a recommendation for designation as a licensing authority is expected at the end of the summer.
4. Under the LSB Scheme of Delegations, the Chief Executive has the delegated authority to determine how to handle applications for changes to regulatory arrangements taking into account an assessment of the significance, risk and impact. Given the degree of change that is being proposed, the Chief Executive has concluded that the decision on this rules change application should be taken by the Board; this is consistent with the approach that has been taken on other applications concerning significant changes to Handbooks/Codes. The Chief Executive will conclude the drafting of the decision notice under the delegated authority.
5. The [handbook application](#) and supporting annexes can be found on the LSB website<sup>1</sup>. A paper copy will be available at the Board meeting.
6. The executive has been working over a number of months with BSB colleagues, prior to submission of this application, and in this time we have raised a number of queries (both of major and minor significance). This paper sets out a brief

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<sup>1</sup> [http://www.legalservicesboard.org.uk/Projects/statutory\\_decision\\_making/pdf/bsb\\_new\\_handbook\\_application.pdf](http://www.legalservicesboard.org.uk/Projects/statutory_decision_making/pdf/bsb_new_handbook_application.pdf)

overview of the structure of the proposed BSB Handbook and more detailed commentary on the four key issues that have emerged as we have considered the proposals. It also contains some brief commentary on the how BSB is preparing itself for the introduction of the new Handbook.

7. If approved by the Board, the BSB's regulatory arrangements would be expected to come into force in January 2014.

### **The proposed Handbook**

8. The existing regulatory arrangements are set out in the 8<sup>th</sup> Edition of the Code of Conduct for the Bar of England and Wales. There are 22 annexes to that Code of Conduct. The proposed new Handbook is divided into six sections

- Part I Introduction
- Part II The Code of Conduct
- Part III Scope of practice and authorisation rules, authorisation and licensing rules
- Part IV Qualification Regulations
- Part V Enforcement Regulations
- Part VI Definitions

Although it runs to 374 pages including some guidance and the 'struck-through' entity provisions, this is still a significant reduction on the current version which has more than double this.

9. The Code of Conduct has sections on Core Duties (of which there are ten which apply to all barristers) and the Conduct Rules. The Conduct Rules are in sections on You and The Court, Behaving Ethically, You and Your Client, You and Your Regulator, and You and Your Practice. For each of these sections the BSB has developed outcomes. In addition there are provisions with rules that apply to specific groups of barristers, e.g. public access rules, Registered European Lawyers, for which there are also outcomes.
10. Parts IV and V are largely the same as the existing provisions though it has been noted that the Enforcement Regulations are in a slightly different style in places which makes them much easier to read.
11. The version of the BSB Handbook that has been submitted for approval includes the regulatory arrangements for entities but these are presented with 'strike-through' formatting and approval for these arrangements is not sought at this time. We will make this clear in the decision notice.
12. Four key issues have been identified and discussed with the BSB during our consideration of the proposed changes
  - The extent to which the Code of Conduct is outcomes focused

- The Cab Rank Rule
- Referral fees and arrangements
- The introduction of arrangements to allow barristers to conduct litigation

### **Outcomes focused regulation**

13. Before the application was submitted we had the opportunity to review a draft version and discuss with the BSB some issues. Our view was that the draft Handbook could be more outcomes focused. We noted that:

- outcomes had been developed for the Code of Conduct but this was not carried through to the other sections of the Handbook
- a number of the detailed rules in the Code of Conduct should not be necessary as they are covered by the new Core Duties and the Outcomes
- while compliance with the Core Duties is mandatory, the Outcomes are not.

14. The BSB addresses this in the application, making the following points.

- The Handbook and associated Supervision and Enforcement strategies are a move towards outcomes focused regulation:
- The aim has been to make the Handbook easier to understand for barristers, the users of barristers' services and the general public. The new Handbook will enable consumers to better understand what to expect from a barrister
- Supervision and enforcement activities will be related to risks that the BSB wishes to mitigate or avoid and the outcomes that it is seeking to safeguard and promote
- The Core Duties and Outcomes establish clearly the intent of the BSB's regulatory regime and provide the basis on which BSB regulated persons will be expected to reach decisions on how to behave
- Detailed rules are needed in some circumstances; they have only been included where BSB experience has shown that more clarity is needed and only after extensive review and consultation about the need for each rule.
- Where it has been decided that a more detailed rule is necessary, it has been drafted at as high a level of generality as possible
- The BSB intends to be operationally focused on outcomes, whilst maintaining an element of prescription in rules that is of value to all parties
- The Core Duties and the supporting rules are the mechanism for ensuring that the outcomes are directly or indirectly enforceable
- The rules are not intended to be exhaustive; reference should be made to the Core Duties if a situation not provided for in the rules arises.

15. Although these points have some weight in some contexts, our view is that the different layers of duties, outcomes and rules where provisions overlap or similar words are sometimes unnecessary. For example, Core Duty 4 is “You must maintain your independence [CD4]”. Within the Code of Conduct there is a rule which says “You must not accept *instructions* to act in a particular matter if ... there is a real prospect that you are not going to be able to maintain your independence” (II.C3.R7.10) and this is supported by guidance – “Rule II.C3.R7.10 is an aspect of the broader obligation to maintain your independence [CD4]”. Since the BSB intends to use its disciplinary powers for breaches of Core Duties, it is disappointing that the opportunity to remove what appear to be unnecessary or duplicated rules has not been taken.
16. In addition, this creates the risk that some of the intended users of the Handbook may be confused as to what applies in some situations. We are not therefore convinced that the Handbook in total achieves the stated aim of enabling consumers to better understand what to expect from a barrister. In our report on the regulatory standards self-assessment we noted that the BSB had decided not to proceed with consumer focus groups to explore understanding of the core duties since it felt that there was no practical way to access consumers of barristers’ services. In relation to this Handbook, the BSB recognises that more work is needed on consumer communications and plan to publish in due course a Plain English document about what a member of the public can expect of BSB regulated persons which is to be welcomed. More generally we suggest that the Board highlights to the BSB the need to develop a broader understanding of consumer risk and to critically review its Handbook as that understanding emerges with a view to removing unnecessary prescriptive rules.
17. However, the proposed Handbook is clearly an improvement on the current Code of Conduct. The fact that the BSB has developed some outcomes represents a significant shift in the BSB’s position which we welcome. The BSB will place reliance on the Core Duties (which are prescriptive, e.g. Core Duty 2, ‘You must act in the best interests of each client’) when considering enforcement action and the achievement (or not) of an outcome will contribute to the assessment of whether a Core Duty has been breached. We have completed a mapping exercise and are satisfied that each of the outcomes can be linked to a core duty.

### **Cab Rank Rule**

18. The proposed Handbook includes a provision on the requirement not to discriminate on the grounds that the case is objectionable, the client’s opinions or beliefs are unacceptable or on any ground relating to the source of financial support<sup>2</sup>.

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<sup>2</sup> DRAFT BSB Handbook, Part II, Rule II.C3.R14

19. This is followed by the 'cab rank' rule:

- II.C3.R15      If you receive instructions from a professional client and you are a self employed barrister instructed by a professional client and the instructions are appropriate taking into account the experience, seniority and field of practice of yourself, you must, subject to Rule II.C3.R16 below, accept the instructions addressed specifically to you, irrespective of
- (a)    the identity of the client
  - (b)    the nature of the case to which the instructions relate
  - (c)    whether the case is publicly funded; and
  - (d)    any belief or opinion which you may have formed as to the character, reputation, cause, conduct, guilt or innocence of the client

20. Rule II.C3.R16 sets out the circumstances when the cab rank rules does not apply, including

- If specifically prohibited from accepting instructions under Rule II.C3.R7<sup>3</sup>
- Accepting the instructions would require the barrister to do other than in the course of his normal working time or cancel a commitment already in the diary
- The potential liability for professional negligence exceeds the level of professional indemnity insurance cover available
- The instructions require a QC to act without a junior when the QC considers that one should be instructed
- Accepting the instructions requires the barrister to do foreign work or to act for a foreign lawyer
- The professional client has not accepted liability for the fees, is named on the List of Defaulting Solicitors or is instructing as a lay client
- If not offered a proper fee or fees are not agreed within a reasonable time; fees not paid before accepting the instructions when it has been agreed that they will be
- The barrister would be required to act other than on the Standard Contractual Terms or the barrister's own published standard terms

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<sup>3</sup> Summary of II.C3.R7: circumstances where instructions should not be accepted: if instructions would involve any of: various forms of conflict of interest; confidentiality owed to one party being inconsistent with another party's interests; limiting ordinary authority or discretion; acting against the law, the Handbook or as otherwise accredited; insufficient competency or experience; insufficient time; prospect of not maintaining independence.

21. The key changes are that
- The drafting has been changed and our view is that it is now clearer that the rule only applies when a professional client is instructing a barrister. In all other cases the general duty not to discriminate (II.C3.R14) applies.
  - The Bar Council will no longer be able to “deem” fees as reasonable (the principle effect of the deeming provisions previously had been to exclude the large majority of family and criminal legal aid cases from the obligations under the cab rank rule)
  - The rule will be extended to all instructions (including non-advocacy instructions) rather than only advocacy services as in the current Code of Conduct
  - The rule will also be extended to instructions from lawyers in Scotland, Northern Ireland or EEA Member States to do work in England and Wales.
22. The proposed rule is not extended to public access cases and we highlighted this as an inconsistency when we approved the revised public access rules. The newly revised guidance to public access barristers does indicate that the effect of the two requirements not to discriminate of rule II.C2.R5 (under Behaving Ethically) and rule II.C3.R14 (under You and Your Client) is that, whilst not positively obliged to accept public access instructions under the cab rank rule, barristers “must not discriminate in the way you accept, refuse or carry out public access instructions”. This appears to go some way to ensuring that public access clients have access to representation, and is consistent with the analysis in the LSB research on the cab rank rule. The BSB has indicated in its application that it intends to discuss with the Solicitors Regulation Authority whether a cab rank type rule should apply to solicitors and, if agreement can be reached then the rule will be extended to public access cases. In the meantime reliance will be placed on the wider duty not to discriminate and the BSB will need to consider how through its supervision of the new public access rules it can demonstrate that consumers are able to access barristers’ services.
23. The Board will be aware of the recent discussion and debate on the cab rank rule outside of the rules change applications and those arguments will not be repeated here. However, it is clear that in initiating that debate we have caused the BSB to look more critically at the provision.
24. The changes that are proposed now are a significant improvement on some specific issues and we have concluded that we should not prevent those from being implemented by refusing to approve the change. However, the proposed alteration will set out a rule that the BSB believes operates in the public interest, that is subject to a number of exceptions. Our overall position remains that the application of cab rank rule itself needs to be considered further and the BSB needs to demonstrate clearly that the overall effect is not contrary to the regulatory objectives. Specifically, recommending that this is approved does not



in itself mean that we are concluding that the current rule operates in the public interest.

25. The BSB has confirmed that it will be reviewing the cab rank rule. Before the Board makes its decision on the application we will secure agreement on the time table for this review. An oral update will be provided at the Board.

### **Authorising Litigation**

26. The Bar Council was designated as an approved regulator for conduct of litigation from 1 January 2010 but has so far limited authorisation of this activity to employed barristers. It is now proposed that a barrister who chooses to can apply to the BSB for an extension to their practising certificate allowing them to conduct litigation; barristers will not automatically be entitled to conduct litigation.
27. The BSB view is that permitting self employed barristers to conduct litigation will extend the range of services available to the public, thus broadening consumer choice and promoting competition
28. In deciding to extend litigation to all barristers the BSB has considered the following risks and mitigations:
  - Ensuring that the duty to the client is properly discharged whilst also discharging the duty to the court – BSB notes that many of the tasks that barristers currently do for clients are often connected to the conduct of litigation and that the very narrow definition of what constitutes conduct of litigation means that there are relatively few steps that they are prohibited from undertaking (e.g. signing claim forms, taking them to court office to be issued). As a consequence the change in the nature of the services offered may not be as significant as may, on the face of it, appear to be the case.
  - Whether barristers have the relevant professional and technical expertise to conduct litigation – The BSB’s view is that barristers present no greater risk than another authorised person conducting litigation. Barristers are trained in the relevant procedural and evidential rules and that the client focused skills needed for advocacy can be translated to litigation. Barristers have had the option of conducting direct access and so many have experience of dealing with the public directly; to ensure that this is maintained, the BSB proposes that anyone who wishes to apply for a litigation extension will be expected to complete the public access training course (which the BSB is currently revising)
  - Handling the administrative aspects of litigation – The BSB sees this as the main area of “novelty”. Can a barrister manage the administrative aspects such as keeping track of deadlines, maintaining proper records and keeping the client informed of progress? The BSB conclusion is that this turns on putting in place appropriate business systems and although it does not intend to prescribe what those systems and controls may be, there will

be a duty on the barristers applying for a litigation extension to satisfy themselves and evidence to the BSB (through a self assessment questionnaire) that relevant arrangements are in place.

- The authorisation process will involve the completion of the self-assessment questionnaire covering
  - Skills, knowledge and experience of litigation
  - Completion of (or waiver from) the Public Access Course
  - That appropriate administrative systems are in place to manage the work
  - That appropriate professional indemnity insurance is in place

The Public Access Course (which is being revised and should be updated before these rules come into force) covers the key issues of case management, client interactions and dealing with vulnerable clients.

- The relative lack of experience of newly qualified barristers – The BSB notes that barristers receive a high level of training in litigation procedure and related matters (e.g. drafting skills) during the vocational and professional stages of training which is comparable to newly qualified solicitor. However, they have concluded that there should not be reliance solely in the initial stages of training and so are not proposing to allow pupils to conduct litigation and self-barristers of less than three years standing will be able to conduct litigation only under the guidance of a qualified person (who must themselves be able to conduct litigation

29. The existing requirements that employed barristers currently have to satisfy in order to conduct litigation will be revised to make them as far as is possible consistent with the proposed arrangements for self-employed barristers. It is noted that those who are employed by non-authorized bodies are allowed to provide services to their employer and do not pose a direct risk to the public and so will not be required to complete the Public Access Course.
30. Barristers employed by authorized bodies will only be able to conduct litigation if the authorized body is itself so authorized. They will ordinarily have to complete the public access course and, for those of less than three years standing, work under the guidance of a suitably qualified person.
31. The BSB proposes to “grandfather” all those currently authorized to conduct litigation into the revised scheme without having to make a fresh application for authorisation.
32. Applications for a litigation extension will be considered by the BSB authorisation team and given the level of discretion which necessarily comes with a self-assessment approach, the BSB will be developing guidance for staff decision making and external guidance for barristers explaining how the discretion will be exercised.

33. The BSB intends to undertake further checks on some of the self-assessment questionnaires in which applicants will be asked to provide more evidence to support their applications. The sample will be selected on a random basis, subject to some risk weightings. Initially, a higher percentage of early applications will be sampled to identify any immediate high risk areas; there will also be a focus on applications where the applicant would be the only individual in their chambers authorised to conduct litigation. The sample (both size and focus) will be adjusted as the BSB develops a better understanding of the risks arising.
34. Having considered all of the information provided, we have concluded that there is nothing in the proposals that meet any of the statutory refusal criteria. The BSB has given consideration to the risks that arise from this change and have proposed appropriate mitigation. As discussed in paragraph 48 below, it is also making the necessary changes to its own systems and practices to prepare to regulate this area effectively. Until such time as the arrangements are operational this is inevitably a “fit for purpose” view and the BSB recognises that there will need to be monitoring of both the application process and how it works in practise.
35. Before the Board makes its decision on this application we will agree a timetable with the BSB for a review of the implementation of these new rules. An oral update will be provided at the meeting.

### **Referral Fees**

36. In its application, the BSB states that the outcome they wish to achieve is that “referrals to or by BSB authorised persons by third parties are made solely in the interests of clients and are not influenced by the financial interests of the person making a referral”, which seems to fit within the broader stated aim of moving to an outcomes-based approach where barristers can work with others to deliver services in innovative ways as long as clients’ interests are protected.
37. The Bar Council and the BSB have in the past made comments about the inappropriateness of referral fees for barristers because they will have an adverse effect on the independence of barristers. As the Handbook has developed, a new position has emerged which, in basic terms, is that payments may be made in some circumstances from introducers/intermediaries other than professional clients.
38. There is a provision<sup>4</sup> which prohibits the payment or receipt of a referral fee which is described as “any payment or other consideration made in return for the referral of professional instructions by an intermediary”. There are further

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<sup>4</sup> Rule II.C2.R3

provisions on referral arrangements (not specifically fees) in the section of the Code of Conduct on associations with others<sup>5</sup>.

39. Our analysis of the various provisions leads us to the conclusion that a payment (financial or in kind) between a barrister and a third party making a referral constitutes a prohibited referral fee only where that party is a professional client (the application refers to solicitors) or where the payment is a direct reward for a specific piece of work. A payment would be permitted if the third party were not a professional client and the payment is for marketing, advertising or sourcing work where the barrister can demonstrate that the third party has made an independent judgement as to which barrister is the most appropriate for the client in question.
40. This prohibition in relation to solicitors appears to be primarily on the basis that the solicitor is instructing on their client's behalf (as opposed to simply introducing) but without the client's input or consent to the payment, i.e. the client has ceded to the solicitor their right to refer.
41. The BSB discounts the possibility of a legitimate referral fee by stating that "where a ... charge is introduced by the solicitor (to be paid by a barrister) ... (even if the client is asked to consent to the payment)... this would have the effect of artificially inflating the costs to the client (as the referral fee would not be passed onto the client as a discount) or creating the perception of bias (as the solicitor may be referring to the highest bidder rather than the most appropriate advocate)". The draft Guidance also states emphatically that a "professional person" receiving any payment from a barrister seeking to be instructed creates a risk to that person's independence and integrity "without any concomitant benefit to the client in improving their access to justice"; a risk the BSB appears unwilling to manage.
42. The revised Handbook would permit barristers to pay third party introducers as long as the barrister ensures the introducer is not paying or receiving any payment which is at all comparable to a prohibited referral fee. Arrangements where an introducing agency is paid a fixed sum or percentage by barristers regardless of the number of referrals made to each barrister would also be permitted.
43. The BSB claims that this approach removes any incentive to pass work to the highest bidder and ensures the selection of a barrister is based solely in the interests of clients and is not influenced by the financial interests of the person making a referral.
44. The BSB has considered whether the risks associated with referral fees could be mitigated by a disclosure regime and have concluded that this would be insufficient mitigation (though it has judged disclosure as sufficient for material commercial interest under associations with others). Its view is that this would be cumbersome for both the regulated and the regulator and difficult for lay

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<sup>5</sup> Rules II.C5.R7 to R13

persons to understand, coupled with the failure of disclosure regimes in other markets. This rationale was communicated by the BSB in supplementary information provided to us during the course of assessing the application.

45. The BSB proposals do have a degree of complexity in them that may result in some uncertainty as to when payments can and cannot be made and the BSB has sought to expand on this in guidance. However, we do recognise that the proposals do represent a liberalising of the regulatory arrangements and it is a significant step for the BSB to allow referral arrangements with introducers. We expect that the BSB will want to review the impact of the proposed restrictions very soon after the new Handbook comes into force.

### **BSB operational readiness**

46. In our discussions with the BSB we have emphasised that we need assurance that the BSB is capable and ready to deliver effective regulation against the new Handbook. This will be a particularly important element of our assessment of the expected application on arrangements for authorising entities which will be wholly new regulatory activity for the BSB.
47. The BSB has developed two project plans to cover the main activities that will need to be completed before the Handbook comes into force on 1 January 2014. The Handbook Implementation Project has five strands: education; new processes and procedures; internal communications; external communications; and IT (which is primarily the work needed to create a user-friendly online version of the Handbook). The second project, the PCD Handbook Implementation Project, is specifically addressing the work that needs to be done within the BSB's Professional Conduct Department. This covers developing new policies and approaches, training staff and committee members on the content of the Handbook and the associated changes to policies and procedures, updating information leaflets and putting in place service-level agreements with other departments.
48. The Handbook Implementation Plan specifically covers the activities that need to be completed before the BSB extends the range of barristers that will be authorised for litigation. The activities included appear to be appropriate although we have noted that the implementation plan does not contain milestones or specific timeframes (all activity is shown as taking place over the whole of the second half of the year).
49. We have reviewed these detailed implementation plans (provided privately) against the Action Plan submitted with the regulatory effectiveness self-assessment and have not identified any inconsistencies.
50. At this stage we are satisfied that if delivered as scheduled, these plans would mean that the BSB has in place a set of operational arrangements which should allow it to regulate against these changes. However, there is a risk that the

timetable may not be met. Through our ongoing interactions with the BSB we will keep track of progress.

## **Conclusions**

51. The Handbook that the BSB has presented for approval is an improvement on the current Code of Conduct and its annexes. Through our engagement with the BSB we have been able to highlight some key issues and caused them to rethink their approach.
52. An approval under Schedule 4 cannot be an evaluation of effectiveness of the changes which can only be done following implementation but we do consider that this is a step in the right direction. The BSB recognises that it will need to demonstrate through its supervision and enforcement programmes that effective regulation is being delivered.
53. There remain a number of minor issues to be resolved before the BSB Handbook comes into force (expected to be January 2014); these are predominantly drafting issues and our view is that none are of sufficient importance to prevent the application from being approved.
54. On balance, the executive have concluded that none of the refusal criteria in Schedule 4, paragraph 25(3) of the Act is likely to be met and therefore the Board should approve the application.

## **Recommendation**

55. The Board is invited to
  - a. Note the conclusions reached on the key issues identified in the analysis of the application
  - b. Approve the application under Schedule 4, Part 3 for the changes to regulatory arrangements
  - c. Delegate approval of the drafting of the final decision notice to the Chair and the Chief Executive

## **Next Steps**

56. A notice extending the decision period to 27 July 2013 was issued to the BSB on 22 May 2013.
57. The executive will conclude the minor and drafting issues with the BSB. If the recommendation is accepted and the application approved, we aim to issue the final decision notice by 19 July 2013.

02.07.2013