

November 2014

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## Scheme rules cover paper

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### **For the attention of the Legal Services Board**

The attached papers are submitted to the Legal Services Board, by the Office for Legal Complaints, for formal approval, ahead of the expected commencement of section 161 of the Legal Services Act.

As explained in 1.3, the 'rules' include a summary of the Legal Services Act and orders made under it. The changes reflect the implementation of section 161 by the Lord Chancellor and do not involve any new rules made by OLC. These changes are therefore submitted without consultation.

We are currently working to a go live date of 28 January 2015. The scheme rules make it explicit to the claims management industry that they will come under the jurisdiction of our scheme and highlight the different funding arrangements which will exist for both the legal jurisdiction through the levy and the claims management jurisdiction through the Lord Chancellors Fee.

The Ministry of Justice have entered into discussion regarding retrospective dates for Claims Management. Their current reading of the LSA is that it was intended for CMC complaints to be dealt with retrospectively although currently that is not reflected in the wording.

A full impact assessment has been completed for the changes to the scheme rules on the previous two occasions this impact assessment is reflective of the Lord Chancellors Fee which highlight that the current scheme rules will apply to CMC's.

We have considered the extent to which the changes will impact on the profession. In addition it should be highlighted that there is a benefit to

consumers who will have greater access to redress for as a result of the commencement of claims management jurisdiction.

The original impact assessment focused on the Lord Chancellors fee has been cleared by the Ministry of Justice.

The Legal Services Board is asked to consent to the Scheme Rule changes as specified in this submission.