

To:	Board	
Date of Meeting:	30 November 2010	Item: Paper (10) 86

Title:	Statement of Policy: modification of the functions of Approved Regulators ('s69 Orders')	
Workstream(s):	Workstream 5b: Widening access to the legal market	
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Status:	Restricted	

Summary:
In September, we published a consultation document on a draft Statement of Policy on the use of s69 Orders. These allow us to make recommendations to the Lord Chancellor about amending primary or secondary legislation in order to, amongst other things, enable an Approved Regulator to carry out its role more effectively or efficiently. The attached document (Annex A) sets out the responses we have received, our consideration of them and a final Statement of Policy on how we will consider requests for changes made using s69 powers.

Risks and mitigations	
Financial:	N/A.
FoIA:	Annex A – Section 22.
Legal:	A more wide-ranging consultation about specific changes using Section 69 closes on 20 December. Agreeing a Statement of Policy now means that we must have regard to it when considering responses to that consultation and therefore provides a firmer basis for those decisions.
Reputational:	The exercise of powers under s69 may be contentious since they can change primary legislation. The Statement is therefore cautious about the extent to which this power should be used.
Resource:	None.

Consultation	Yes	No	Who / why?
Board Members:		✓	Not necessary – Statement reflects earlier policy approach; no significant representations received.
Consumer Panel:		✓	
Others:	N/A.		

Recommendation(s):
The Board is invited to comment on and to agree the Statement of Policy and to agree the publication of the Decision document and Statement.