

RULES FOR APPLICATIONS FOR QUALIFYING REGULATOR STATUS

Response on behalf of the Master of the Faculties to consultation paper on the draft rules required by schedule 18 of the Legal Services Act 2007 enabling regulation of immigration advice and services

We welcome the opportunity to respond to this consultation by the Legal Services Board.

The Master of the Faculties does not as yet envisage applying to become a Qualifying Regulator for immigration advice and services. It is noted that the Legal Services Board intends to make changes to the *Rules for Approved Regulator Designation Applications* and we are interested to ensure that the changes are only so far as are required to facilitate the introduction of the necessary provisions to allow the Board to consider applications under schedule 18 of the Legal services Act 2007.

Question 1: Do you agree that adapting the existing *Rules for Approved Regulator Designation Applications* to allow for Qualifying Regulators is the correct approach to reflect the requirements of schedule 18? If not, please provide reasons for your answer.

Response: We agree that it is possible to amend the existing *Rules for Approved Regulator Designation Applications* in order to add provisions for approving Qualifying Regulators and have no objection to this proposal.

Question 2: Do you agree that the proposed amendments to the Rules shown at Annex A accurately reflect the requirements of schedule 18? If not, please provide reasons for your answer.

Response: On a cursory inspection of schedule 18 and the proposed Rules, we have not identified any way in which the Rules are deficient in implementing schedule 18.

Question 3: Do you agree that the LSB should treat applications for Qualifying Regulator status on the same basis as applications for new reserved legal activities for the purposes of the Prescribed Fee? If not, please provide reasons for your answer.

Response: This seems reasonable. The applicant should shoulder the expense of the application process and the application process should be broadly equivalent to that for new reserved legal services.

Question 4: Do you agree that the LSB should make a recommendation to the Home Secretary once it has granted an application from a Qualifying Regulator? If not, please provide reasons for your answer.

Response: This would seem to be the logical outcome of a successful application to become a Qualifying Regulator for immigration services.

Question 5: Do you agree that changes to LSB Rules, other than the *Rules for Approved Regulator Designation Applications*, for the purposes of schedule 18 are unnecessary? If not, please provide reasons for your answer.

Response: We have not cross-referenced the proposed changes to the *Rules for Approved Regulator Designation Applications* with other rules but are unaware of any changes which might have to be made to any other rules made by the Legal Services Board.

Question 6: Do you have any comments about our proposal to delete the definition “Transitioned Applications” and the related Rules?

Response: To delete a definition and rule which no longer serve a purpose would appear to be a sensible ‘housekeeping’ action.

P.F.B.BEESLEY, ESQ.
Registrar

28th January 2011