

SETTING THE MAXIMUM FINANCIAL PENALTY FOR ABS LICENSING

Response on behalf of the Master of the Faculties to consultation paper setting out proposals under section 95 of the Legal Services Act

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

In our response to the LSB consultation paper ‘Alternative Business Structures – Approaches to Licensing’ paragraph 4 we stated that the Master of the Faculties “cannot at present envisage circumstances in which it would seek to be approved as a licensing authority (“LA”).” As such our response to the consultation, itself narrow in scope, is limited.

Question 1: Do you think that the maximum set by the LSB is sufficiently high to ensure that penalties are able to be proportionally applied by LAs?

Response: Yes. In our response to the substantive consultation paper on approaches to the licensing of ABS, we confirmed that we were content with an unlimited fine. If an unlimited fine is not permitted by the Legal Services Act, we are nonetheless content that a maximum financial penalty of the order proposed is sufficiently great.

Question 2: What are your views on the fixed amounts proposed for entities and individuals? If you disagree with our proposed approach please give your reasons and, if possible, propose an alternative.

Response: We are content that they are adequate.

Question 3: Do you have any comments on the draft statutory instrument?

Response: No save that the footnote in the first paragraph is numbered ‘22’ and we query whether this was intended.

P.F.B.BEESLEY, ESQ.
Registrar

27th January 2011