

Comparison of current rules on oral and written representations with draft of proposed rules



Supplementary paper

August 2017

The LSB is currently seeking representations on a draft of a proposed new set of rules for oral and written representations and oral and written evidence. Oral and written representations and oral and written evidence feature in a number of LSB's statutory decision making processes. At present there are seven separate sets of substantially similar rules on written and oral representations.

The draft of the proposed rules in the representations notice at Annex B sets out the revisions against only one of these sets (with respect to applications to alter reserved legal activities under schedule 6 of the Act¹).

This supplementary paper details the consequential amendments that the draft of the proposed rules would have on other current rules, and compares the proposed rules with:

Representation rules for approved regulator and qualifying regulator designation ²	p 2
Representation rules for licensing authority designation ³	p 11
Representation rules for applications to alter regulatory arrangements ⁴	p 21
Representation rules for enforcement procedures ⁵	p 31
Representation rules on intervention direction revocations ⁶	p 41
Representations rules on cancellation of designation as a licensing authority ⁷	p 50
(these are currently annexed to a wider suite of rules on cancellation of designation of licensing authorities)	

In the following pages, new text is red and underlined, deleted text is struck through.

¹ Available at: http://www.legalservicesboard.org.uk/what_we_do/regulation/pdf/schedule_6_rules.pdf

² Available at: http://www.legalservicesboard.org.uk/what_we_do/consultations/closed/pdf/Qualifying_Regulator_status/20110328_Rules_for_applications_Approved_Regulator_Qualifying_Regulator_designation_1_April.pdf

³ Available at: http://www.legalservicesboard.org.uk/what_we_do/regulation/pdf/designating_la_rules_v2_june_2011_final.pdf

⁴ Available at: http://www.legalservicesboard.org.uk/what_we_do/regulation/pdf/rules_for_rule_change_applications_v2_November2010.pdf

⁵ Available at: http://www.legalservicesboard.org.uk/what_we_do/regulation/pdf/rules_on_oral_and_written_representations_v2_November10.pdf

⁶ Available at: http://www.legalservicesboard.org.uk/what_we_do/regulation/pdf/applications_to_revoke.pdf

⁷ Available at: http://www.legalservicesboard.org.uk/what_we_do/regulation/pdf/Cancellation_of_designation_as_a_LA_rules.pdf

Comparison with representation rules for approved regulatory and qualifying regulator designation applications



Rules for Making Oral and Written Representations and Giving Oral and Written Evidence

Version 

A. DEFINITIONS

1. Words defined in these Rules have the following meanings:

<u>Act</u>	<u>the Legal Services Act 2007</u>
<u>Affected Practitioner</u>	<u>has the meaning given in paragraph 13(4) of schedule 6 to the Act</u>
<u>Applicable Procedure Rules</u>	<u>has the meaning given in column 4 of Annex A</u>
<u>Approved Regulator Board</u>	<u>has the meaning given in section 20(2) of the Act the Legal Services Board</u>
<u>Evidence</u>	<u>has its ordinary meaning and refers exclusively to evidence submitted as part of an application for the alteration of reserved legal activities in accordance with schedule 6 of the Act</u>
<u>Licensing Authority</u>	<u>has the meaning given in section 73 of the Act</u>
<u>Procedure(s)</u>	<u>has the meaning given in Rule 2</u>
<u>Provisional Report</u>	<u>has the meaning given in paragraph 10(3) of schedule 6 to the Act</u>
<u>Qualifying Regulator</u>	<u>has the meaning given in paragraph 2 of schedule 18 to the Act</u>
<u>Representations Administrator</u>	<u>the person at the Legal Services Board to whom written representations should be submitted in accordance with Rule 6 below</u>
<u>Representing Person</u>	<u>any person who can make representations to the Board in accordance with the provisions of the Act listed in column 3 of Annex A</u>
<u>Tribunal</u>	<u>the Solicitors Disciplinary Tribunal.</u>

B. WHO DO THESE RULES APPLY TO?

2. The Board has made these Rules to govern the making of oral and written representations and Evidence by a Representing Person during the course of the procedures of the Act listed in column 1 of Annex A (the "Procedure(s)"). These rules are made in accordance with the provisions of the Act listed in column 2 of Annex A.
3. These Rules must be read in conjunction with the Act, together with any other relevant provisions made by or by virtue of this Act, or any other enactment, particularly including but not limited to the Applicable Procedure Rules referenced in column 4 of Annex A, and any relevant policies and guidance produced by the Board from time to time.
4. In the event of any inconsistency between these Rules and the provisions of the Act, the provisions of the Act prevail.
5. The Board reserves the right to amend these Rules from time to time. If the amendments made to the Rules are, in the opinion of the Board, material, the Board will publish a draft of the amended Rules and will invite consultations in accordance with section 205 of the Act.

G.C. FORM OF REPRESENTATIONS

Written representations

- ~~1.~~ Subject to ~~Rules 47 and 49~~ Rule 7, all representations ~~made~~ and Evidence given to the Board ~~about advice received by the Board~~ must be in writing and must be submitted to the Board by the Representing Person either by email, post or courier to the ~~relevant address set out at Rule 17.~~
- ~~2-6.~~ The Applicant must, unless otherwise agreed with the Board, submit all representations as set out on its website, and for the Board using attention of the online tool at www.legalservicesboard.org.uk, once this has been developed Representations Administrator.
- ~~3-7.~~ All representations and Evidence must be received by the Board within the applicable period ~~set for making representations (the "Representations Period") indicated in column 5 of Annex A. Representations and Evidence that are out in Rule 31.~~ Representations out of this time of these times will not be considered unless, exceptionally and at the sole discretion of the Board, they appear to raise matters of substance relevant to the Application Procedure in question which are not already under consideration.

Oral representations and oral evidence

- ~~4-8.~~ The Board may, at its sole discretion, authorise an Applicant a Representing Person to make oral representations ~~about advice received by or~~ provide oral Evidence. However, for the Board. On avoidance of doubt, on grounds of cost, efficiency, transparency and consistency of treatment between Applicants Representing Persons, the Board will not

normally accept oral representations or oral Evidence unless the particular circumstances of the Applicant/Representing Person or the complexity of the issue/issue merit an exception to the normal process in individual cases. If the Board grants such an exception, it will publish its reasons for doing so.

9. Notwithstanding Rule 8, so far as reasonably practicable, the Board will allow oral representations to be made by Affected Practitioners and any bodies that represent Affected Practitioners, in accordance with paragraph 13(3) to Schedule 6.

5.10. Should the Board authorise an Applicant/a Representing Person to make oral representations or give oral Evidence, the representations or the giving of Evidence will take place at a hearing to be held either by telephone, video conference or in person. The Board will give the Applicant/Representing Person not less than ten business days/days' notice that there will be a hearing. If the hearing is to be held in person, the notice will specify the place and time at which the hearing will be held. If the hearing is to be held by telephone or video conference, the notice will specify the time of the telephone call or video conference and also the arrangements for facilitating the telephone call or video conference.

6.11. Hearings conducted in person (rather than by telephone or video conference) will normally be open to the public. However, within the period ending four business days prior to the scheduled date of the hearing, the Applicant/Representing Person may submit to the Board a written request, with reasons, that aspects of the hearing be held in private. The Board will consider the reasons given and will then publish the reasons for any decision that it reaches. Where the hearing is held in private, the Board will only admit persons, other than representatives of the Applicant/Representing Person and the Board, after obtaining the agreement of the Applicant/Representing Person.

7.12. The Applicant/Representing Person must appear at the hearing, either in person, by telephone or by video conference (as the case may be), and may be represented by any persons whom they may appoint for the purpose. The proceeding of the hearing will be recorded on behalf of the Board and will be transcribed onto paper.

8.13. Where oral representations are made or oral Evidence is given, the Board will prepare a report of those representations or Evidence which will be based on the transcription of the hearing made in accordance with Rule 5.12. Before preparing the report, the Board:

- a) must give the Applicant/Representing Person a reasonable opportunity to comment on a draft of the report; and
- b) must have regard to any comments duly made by the Applicant/Representing Person.

9.14. Subject to complyingIn accordance with the timing requirements set outProcedure Rules and provisions of the Act referenced in Rule 44, column 2 of Annex B (as applicable), the

Board reserves the right to extend ~~processes~~the Procedure Time Limits in order to take account of the need to transcribe and verify oral submissions.

~~40-15.~~ The Board may from time to time adjourn the hearing.

D. ~~For~~COSTS FOR ORAL REPRESENTATIONS AND ORAL EVIDENCE

16. Subject to Rule 17, the ~~avoidance~~Representing Person will:

a) bear its own costs for the making of ~~doubt, this Section G only applies to oral~~ representations ~~made to or~~ the giving of oral Evidence; and

b) directly pay the transcription provider for the reasonable cost of the transcription service.

17. The Board ~~by the Applicant in relation to the advice provided may, at its sole discretion, pay~~ such costs of a Representing Person as the Board considers reasonable for the purpose of facilitating the giving of oral Evidence or the making of oral representations, including provision of a transcript, by or on behalf of a Representing Person.

E. FURTHER INFORMATION

18. If you have any questions about the process for making oral or written representations, or giving oral or written Evidence you should contact the Representations Administrator in the matter set out in Rule 6 above.

Annex A

41. These Rules are made by the ~~Consultees~~ Board under the following provisions of the Act:

<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>	<u>Column 5</u>
<u>Procedure</u>	<u>Provisions under which these rules are made</u>	<u>Who can Make Representations?</u>	<u>Applicable Procedure Rules</u>	<u>Representations Period</u>
<u>Approved Regulators: designation of bodies by Order</u>	<u>Sch 4, part 2, paragraph 11(3)</u>	<u>The Applicant in accordance with Sch 4, part 2, paragraph 11(2)</u>	<u>Rules for applications for Approved Regulator and Qualifying Regulator Designation</u>	<u>The period set out at Sch 4, part 2, paragraph 11(4) to the Act</u>
<u>Approved Regulators: Alteration of approved regulator's regulatory arrangements</u>	<u>Sch 4, part 3, paragraph 23(3)</u>	<u>The approved regulator in accordance with Sch 4, part 3, paragraph 23(2), including for the avoidance of doubt, and for the purposes of s178 of the Act, the Tribunal and the Law Society</u>	<u>Rules for Rule Change Applications</u>	<u>The period set out at Sch 4, part 3, paragraph 23(4) to the Act</u>
<u>Alteration of Reserved Legal Activities</u>	<u>Sch 6, paragraphs 12(2), 13(1) and 14(2)</u>	<u>Any person wishing to make representations or provide evidence (as appropriate) to the Board for the purposes of Sch 6, including for the avoidance of doubt, and for</u>	<u>None</u>	<u>In accordance with Sch 6, paragraph 12 to the Act: within 3 months of the Board giving notice under paragraph 9(2) of Schedule 6 to the Act, or within such</u>

		<u>the purposes of paragraph 13(3) of sch 6, an Affected Practitioner and any body which represents an Affected Practitioner</u>		<u>other time as the Board may specify.</u> <u>In accordance with Sch 6, paragraphs 13 and 14 to the Act: within 2 months of the Board publishing its Provisional Report, or within such other time as the Board may specify</u>
<u>Directions: Procedure</u>	<u>Sch 7, paragraphs 2(5) and 10(3)</u>	<u>The approved regulator in accordance with Sch 7, paragraphs 2(4) and 10(2), including for the avoidance of doubt, and for the purposes of s179 of the Act, the Tribunal and the Law Society</u>	<u>None</u>	<u>The period set out at sch 7, paragraph 2 to the Act or</u> <u>The period set out at sch 7, paragraph 10(4) to the Act, whichever is relevant</u>
<u>Intervention Directions: Giving Intervention Directions</u>	<u>Sch 8, part 1, paragraphs 2(5) and 10(5)</u>	<u>The approved regulator in accordance with Sch 8, part 1, paragraphs 2(4) and 10(2), together with any body within paragraph 10(3) or any other person within paragraph 10(4)</u>	<u>Intervention directions: Section 41(5) and 42(10) rules</u>	<u>The period set out at Sch 8, part 1, paragraph 2(6) of the Act; or</u> <u>The period set out at Sch 8, part 1, paragraph 10(6) to the Act, whichever is relevant</u>

<u>Intervention Directions: Revoking Interventions Directions</u>	<u>Sch 8, part 2, paragraph 21(5)</u>	<u>The approved regulator in accordance with Sch 8, part 2, paragraph 21(2) together with any body within paragraph 21(3) or any other person within paragraph 21(4)</u>	<u>Intervention directions: Rules for applications to revoke</u>	<u>The period set out at Sch 8, part 2, paragraph 21(6) to the Act</u>
<u>Cancellation of designation as Approved Regulator</u>	<u>Sch 9, paragraphs 2(5) and 9(5)</u>	<u>The approved regulator in accordance with Sch 9, paragraphs 2(4) and 9(2), together with any body within paragraph 9(3) or any other person within paragraph 9(4)</u>	<u>Cancellation of designation: Rules on powers of entry</u>	<u>The period set out at Sch 9, paragraph 2(6) to the Act; or</u> <u>The period set out at Sch 9, paragraph 9(6) to the Act, whichever is relevant</u>
<u>Designation of Approved Regulators as Licensing Authorities: Designation of approved regulators by order</u>	<u>Sch 10, part 1, paragraph 9(3)</u>	<u>The Applicant in accordance with Sch 10, part 1, paragraph 9(2)</u>	<u>Rules for applications to be designated as a Licensing Authority</u>	<u>The period set out at Sch 10, Part 1, paragraph 9(4) to the Act</u>
<u>Designation of approved regulators as licensing authorities:</u>	<u>Sch 10, part 2, paragraphs 18(5) and 25(5)</u>	<u>The licensing authority in accordance with Sch 10, part 2, paragraphs 18(4) and 25(2) together with any body within paragraph 25(3) or</u>	<u>Cancellation of designation: Rules on powers of entry</u>	<u>The period set out at Sch 10, part 2, paragraph 18(6) to the Act; or</u> <u>The period set out at Sch 10, part 2, paragraph 25(6)</u>

<u>cancellation of designation by order</u>		<u>any other person within paragraph 25(4)</u>		<u>to the Act, whichever is relevant</u>
<u>Qualifying Regulators designation of bodies by order</u>	<u>Sch 18, part 1, paragraphs 3(4) and 4</u>	<u>The Applicant in accordance with, Sch 18, part 1, paragraph 4, which adopts Sch 4, part 2, paragraph 11(2)</u>	<u>Rules for applications for Approved Regulator and Qualifying Regulator Designation</u>	<u>The period set out at Sch 4, part 2, paragraph 11(4) to the Act</u>

Annex B

<u>Column 1 - Procedure</u>	<u>Column 2 - Procedure Time Limits</u>
<u>Approved Regulators: designation of bodies by Order</u>	<u>Rules [44 and 45] of the Applicable Procedure Rules</u>
<u>Approved Regulators: Alteration of approved regulator's regulatory arrangements</u>	<u>Rules [29 and 30] of the Applicable Procedure Rules</u>
<u>Alteration of Reserved Legal Activities</u>	<u>Sch 6: paragraph 11 (the investigation period) and paragraph 17 (the final reporting period)</u>
<u>Designation of Approved Regulators as Licensing Authorities: designation of approved regulators by order</u>	<u>Rules [39 and 40] of the Applicable Procedure Rules</u>
<u>Qualifying Regulators: designation of bodies by Order</u>	<u>Rules [44 and 45] of the Applicable Procedure Rules</u>



Rules for Making Oral and Written Representations and Giving Oral and Written Evidence

Version 

A. DEFINITIONS

1. Words defined in these Rules have the following meanings:

<u>Act</u>	<u>the Legal Services Act 2007</u>
<u>Affected Practitioner</u>	<u>has the meaning given in paragraph 13(4) of schedule 6 to the Act</u>
<u>Applicable Procedure Rules</u>	<u>has the meaning given in column 4 of Annex A</u>
<u>Approved Regulator Board</u>	<u>has the meaning given in section 20(2) of the Act the Legal Services Board</u>
<u>Evidence</u>	<u>has its ordinary meaning and refers exclusively to evidence submitted as part of an application for the alteration of reserved legal activities in accordance with schedule 6 of the Act</u>
<u>Licensing Authority</u>	<u>has the meaning given in section 73 of the Act</u>
<u>Procedure(s)</u>	<u>has the meaning given in Rule 2</u>
<u>Provisional Report</u>	<u>has the meaning given in paragraph 10(3) of schedule 6 to the Act</u>
<u>Qualifying Regulator</u>	<u>has the meaning given in paragraph 2 of schedule 18 to the Act</u>
<u>Representations Administrator</u>	<u>the person at the Legal Services Board to whom written representations should be submitted in accordance with Rule 6 below</u>
<u>Representing Person</u>	<u>any person who can make representations to the Board in accordance with the provisions of the Act listed in column 3 of Annex A</u>
<u>Tribunal</u>	<u>the Solicitors Disciplinary Tribunal.</u>

B. WHO DO THESE RULES APPLY TO?

2. The Board has made these Rules to govern the making of oral and written representations and Evidence by a Representing Person during the course of the procedures of the Act listed in column 1 of Annex A (the "Procedure(s)"). These rules are made in accordance with the provisions of the Act listed in column 2 of Annex A.
3. These Rules must be read in conjunction with the Act, together with any other relevant provisions made by or by virtue of this Act, or any other enactment, particularly including but not limited to the Applicable Procedure Rules referenced in column 4 of Annex A, and any relevant policies and guidance produced by the Board from time to time.
4. In the event of any inconsistency between these Rules and the provisions of the Act, the provisions of the Act prevail.
5. The Board reserves the right to amend these Rules from time to time. If the amendments made to the Rules are, in the opinion of the Board, material, the Board will publish a draft of the amended Rules and will invite consultations in accordance with section 205 of the Act.

G.C. FORM OF REPRESENTATIONS

Written representations

10. ~~Subject to Rules 41 and 43~~ Rule 7, all representations ~~made~~ and Evidence given to the Board must be in writing and must be submitted to the Board by the Representing Person either by email, post or courier to the ~~relevant~~ address set out at Rule 14.
11. ~~6. The Applicant must, unless otherwise agreed with the Board, submit all representations to the Board using as set out on its website, and for the online tool at www.legalservicesboard.org.uk, once this has been developed~~ attention of the Representations Administrator.
12. ~~7. All representations and Evidence must be received by the Board within the applicable period set for making representations (the "Representations Period") indicated in column 5 of Annex A. Representations and Evidence that are out in Rule 27. Representations out of this time of these times will not be considered unless, exceptionally and at the sole discretion of the Board, they appear to raise matters of substance relevant to the Application~~ Procedure in question which are not already under consideration.

Oral representations and oral evidence

~~13.8.~~ The Board may, at its sole discretion, authorise ~~an Applicant~~ Representing Person to make oral representations ~~about advice received by~~ or provide oral Evidence. ~~However, for the Board. On~~ avoidance of doubt, on grounds of cost, efficiency, transparency and consistency of treatment between ~~Applicants~~ Representing Persons, the Board will not normally accept oral representations or oral Evidence unless the particular circumstances of the ~~Applicant~~ Representing Person or the complexity of the ~~issues~~ issue merit an exception to the normal process in individual cases. If the Board grants such an exception, it will publish its reasons for doing so.

9. Notwithstanding Rule 8, so far as reasonably practicable, the Board will allow oral representations to be made by Affected Practitioners and any bodies that represent Affected Practitioners, in accordance with paragraph 13(3) to Schedule 6.

~~14.10.~~ Should the Board authorise ~~an Applicant~~ Representing Person to make oral representations or give oral Evidence, the representations or the giving of Evidence will take place at a hearing to be held either by telephone, video conference or in person. The Board will ~~usually~~ give the ~~Applicant~~ Representing Person not less than ten business ~~days~~ days' notice that there will be a hearing. If the hearing is to be held in person, the notice will specify the place and time at which the hearing will be held. If the hearing is to be held by telephone or video conference, the notice will specify the time of the telephone call or video conference and also the arrangements for facilitating the telephone call or video conference.

~~15.11.~~ Hearings conducted in person (rather than by telephone or video conference) will normally be open to the public. However, within the period ending four business days prior to the scheduled date of the hearing, the ~~Applicant~~ Representing Person may submit to the Board a written request, with reasons, that aspects of the hearing be held in private. The Board will consider the reasons given and will then publish the reasons for any decision that it reaches. Where the hearing is held in private, the Board will only admit persons, other than representatives of the ~~Applicant~~ Representing Person and the Board, after obtaining the agreement of the ~~Applicant~~ Representing Person.

~~16.12.~~ The ~~Applicant~~ Representing Person must appear at the hearing, either in person, by telephone or by video conference (as the case may be~~);~~) and may be represented by any persons whom ~~it~~ they may appoint for the purpose. The proceeding of the hearing will be recorded on behalf of the Board and will be transcribed onto paper.

~~17.13.~~ Where oral representations are made or oral Evidence is given, the Board will prepare a report of those representations or Evidence which will be based on the transcription of the hearing made in accordance with Rule ~~46~~ 12. Before preparing the report, the Board:

- ~~a)~~ must give the ~~Applicant~~ Representing Person a reasonable opportunity to comment on a draft of the report; and

- b) must have regard to any comments duly made by the Applicant Representing Person.

18.14. Subject to complying in accordance with the timing requirements set out in Procedure Rules and provisions of the Act referenced in Rule 38, column 2 of Annex B (as applicable), the Board reserves the right to extend processes the Procedure Time Limits in order to take account of the need to transcribe and verify oral submissions.

19.15. The Board may from time to time adjourn the hearing.

D. For COSTS FOR ORAL REPRESENTATIONS AND ORAL EVIDENCE

16. Subject to Rule 17, the avoidance Representing Person will:

- a) bear its own costs for the making of doubt, this Section G only applies to oral representations made to or the giving of oral Evidence; and
- b) directly pay the transcription provider for the reasonable cost of the transcription service.

17. The Board by the Applicant in relation to the advice provided may, at its sole discretion, pay such costs of a Representing Person as the Board considers reasonable for the purpose of facilitating the giving of oral Evidence or the making of oral representations, including provision of a transcript, by or on behalf of a Representing Person.

E. FURTHER INFORMATION

18. If you have any questions about the process for making oral or written representations, or giving oral or written Evidence you should contact the Representations Administrator in the matter set out in Rule 6 above.

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Annex A

20. These Rules are made by the Consultees Board under the following provisions of the Act:

<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>	<u>Column 5</u>
<u>Procedure</u>	<u>Provisions under which these rules are made</u>	<u>Who can Make Representations?</u>	<u>Applicable Procedure Rules</u>	<u>Representations Period</u>
<u>Approved Regulators: designation of bodies by Order</u>	<u>Sch 4, part 2, paragraph 11(3)</u>	<u>The Applicant in accordance with Sch 4, part 2, paragraph 11(2)</u>	<u>Rules for applications for Approved Regulator and Qualifying Regulator Designation</u>	<u>The period set out at Sch 4, part 2, paragraph 11(4) to the Act</u>
<u>Approved Regulators: Alteration of approved regulator's regulatory arrangements</u>	<u>Sch 4, part 3, paragraph 23(3)</u>	<u>The approved regulator in accordance with Sch 4, part 3, paragraph 23(2), including for the avoidance of doubt, and for the purposes of s178 of the Act, the Tribunal and the Law Society</u>	<u>Rules for Rule Change Applications</u>	<u>The period set out at Sch 4, part 3, paragraph 23(4) to the Act</u>
<u>Alteration of Reserved Legal Activities</u>	<u>Sch 6, paragraphs 12(2), 13(1) and 14(2)</u>	<u>Any person wishing to make representations or provide evidence (as appropriate) to the Board for the purposes of Sch 6, including for the avoidance of doubt, and for</u>	<u>None</u>	<u>In accordance with Sch 6, paragraph 12 to the Act: within 3 months of the Board giving notice under paragraph 9(2) of Schedule 6 to the Act, or within such</u>

		<u>the purposes of paragraph 13(3) of sch 6, an Affected Practitioner and any body which represents an Affected Practitioner</u>		<u>other time as the Board may specify.</u> <u>In accordance with Sch 6, paragraphs 13 and 14 to the Act: within 2 months of the Board publishing its Provisional Report, or within such other time as the Board may specify</u>
<u>Directions: Procedure</u>	<u>Sch 7, paragraphs 2(5) and 10(3)</u>	<u>The approved regulator in accordance with Sch 7, paragraphs 2(4) and 10(2), including for the avoidance of doubt, and for the purposes of s179 of the Act, the Tribunal and the Law Society</u>	<u>None</u>	<u>The period set out at sch 7, paragraph 2 to the Act or</u> <u>The period set out at sch 7, paragraph 10(4) to the Act, whichever is relevant</u>
<u>Intervention Directions: Procedure: Giving Intervention Directions</u>	<u>Sch 8, part 1, paragraphs 2(5) and 10(5)</u>	<u>The approved regulator in accordance with Sch 8, part 1, paragraphs 2(4) and 10(2), together with any body within paragraph 10(3) or any other person within paragraph 10(4)</u>	<u>Intervention directions: Section 41(5) and 42(10) rules</u>	<u>The period set out at Sch 8, part 1, paragraph 2(6) of the Act; or</u> <u>The period set out at Sch 8, part 1, paragraph 10(6) to the Act, whichever is relevant</u>

<u>Intervention Directions: Revoking Interventions Directions</u>	<u>Sch 8, part 2, paragraph 21(5)</u>	<u>The approved regulator in accordance with Sch 8, part 2, paragraph 21(2) together with any body within paragraph 21(3) or any other person within paragraph 21(4)</u>	<u>Intervention directions: Rules for applications to revoke</u>	<u>The period set out at Sch 8, part 2, paragraph 21(6) to the Act</u>
<u>Cancellation of designation as Approved Regulator</u>	<u>Sch 9, paragraphs 2(5) and 9(5)</u>	<u>The approved regulator in accordance with Sch 9, paragraphs 2(4) and 9(2), together with any body within paragraph 9(3) or any other person within paragraph 9(4)</u>	<u>Cancellation of designation: Rules on powers of entry</u>	<u>The period set out at Sch 9, paragraph 2(6) to the Act; or</u> <u>The period set out at Sch 9, paragraph 9(6) to the Act, whichever is relevant</u>
<u>Designation of Approved Regulators as Licensing Authorities: Designation of approved regulators by order</u>	<u>Sch 10, part 1, paragraph 9(3)</u>	<u>The Applicant in accordance with Sch 10, part 1, paragraph 9(2)</u>	<u>Rules for applications to be designated as a Licensing Authority</u>	<u>The period set out at Sch 10, Part 1, paragraph 9(4) to the Act</u>
<u>Designation of approved regulators as licensing authorities:</u>	<u>Sch 10, part 2, paragraphs 18(5) and 25(5)</u>	<u>The licensing authority in accordance with Sch 10, part 2, paragraphs 18(4) and 25(2) together with any body within paragraph 25(3) or</u>	<u>Cancellation of designation: Rules on powers of entry</u>	<u>The period set out at Sch 10, part 2, paragraph 18(6) to the Act; or</u> <u>The period set out at Sch 10, part 2, paragraph 25(6)</u>

<u>cancellation of designation by order</u>		<u>any other person within paragraph 25(4)</u>		<u>to the Act, whichever is relevant</u>
<u>Qualifying Regulators designation of bodies by order</u>	<u>Sch 18, part 1, paragraphs 3(4) and 4</u>	<u>The Applicant in accordance with, Sch 18, part 1, paragraph 4, which adopts Sch 4, part 2, paragraph 11(2)</u>	<u>Rules for applications for Approved Regulator and Qualifying Regulator Designation</u>	<u>The period set out at Sch 4, part 2, paragraph 11(4) to the Act</u>

Annex B

<u>Column 1 - Procedure</u>	<u>Column 2 - Procedure Time Limits</u>
<u>Approved Regulators: designation of bodies by Order</u>	<u>Rules [44 and 45] of the Applicable Procedure Rules</u>
<u>Approved Regulators: Alteration of approved regulator's regulatory arrangements</u>	<u>Rules [29 and 30] of the Applicable Procedure Rules</u>
<u>Alteration of Reserved Legal Activities</u>	<u>Sch 6: paragraph 11 (the investigation period) and paragraph 17 (the final reporting period)</u>
<u>Designation of Approved Regulators as Licensing Authorities: designation of approved regulators by order</u>	<u>Rules [39 and 40] of the Applicable Procedure Rules</u>
<u>Qualifying Regulators: designation of bodies by Order</u>	<u>Rules [44 and 45] of the Applicable Procedure Rules</u>



Rules for Making Oral and Written Representations and Giving Oral and Written Evidence

Version 

A. DEFINITIONS

1. Words defined in these Rules have the following meanings:

<u>Act</u>	<u>the Legal Services Act 2007</u>
<u>Affected Practitioner</u>	<u>has the meaning given in paragraph 13(4) of schedule 6 to the Act</u>
<u>Applicable Procedure Rules</u>	<u>has the meaning given in column 4 of Annex A</u>
<u>Approved Regulator Board</u>	<u>has the meaning given in section 20(2) of the Act the Legal Services Board</u>
<u>Evidence</u>	<u>has its ordinary meaning and refers exclusively to evidence submitted as part of an application for the alteration of reserved legal activities in accordance with schedule 6 of the Act</u>
<u>Licensing Authority</u>	<u>has the meaning given in section 73 of the Act</u>
<u>Procedure(s)</u>	<u>has the meaning given in Rule 2</u>
<u>Provisional Report</u>	<u>has the meaning given in paragraph 10(3) of schedule 6 to the Act</u>
<u>Qualifying Regulator</u>	<u>has the meaning given in paragraph 2 of schedule 18 to the Act</u>
<u>Representations Administrator</u>	<u>the person at the Legal Services Board to whom written representations should be submitted in accordance with Rule 6 below</u>
<u>Representing Person</u>	<u>any person who can make representations to the Board in accordance with the provisions of the Act listed in column 3 of Annex A</u>
<u>Tribunal</u>	<u>the Solicitors Disciplinary Tribunal.</u>

B. WHO DO THESE RULES APPLY TO?

2. The Board has made these Rules to govern the making of oral and written representations and Evidence by a Representing Person during the course of the procedures of the Act listed in column 1 of Annex A (the "Procedure(s)"). These rules are made in accordance with the provisions of the Act listed in column 2 of Annex A.
3. These Rules must be read in conjunction with the Act, together with any other relevant provisions made by or by virtue of this Act, or any other enactment, particularly including but not limited to the Applicable Procedure Rules referenced in column 4 of Annex A, and any relevant policies and guidance produced by the Board from time to time.
4. In G. —the event of any inconsistency between these Rules and the provisions of the Act, the provisions of the Act prevail.
5. The Board reserves the right to amend these Rules from time to time. If the amendments made to the Rules are, in the opinion of the Board, material, the Board will publish a draft of the amended Rules and will invite consultations in accordance with section 205 of the Act.

C. FORM OF REPRESENTATIONS

Written representations

2. ~~Subject to Rules 33 and 35~~Rule 7, all representations ~~made and Evidence given~~ to the Board ~~about advice received by the Board~~ must be in writing and must be submitted to the Board by the Representing Person either by email, post or courier to the ~~relevant~~ address ~~set out at Rule 11.~~
of
- 3.6. ~~The Applicant must, unless otherwise agreed with the Board, submit all representations to as set out on its website, and for the Board using attention of the online tool at www.legalservicesboard.org.uk, once this has been developed. Representations Administrator.~~
- 4.7. ~~All representations and Evidence must be received by the Board within the applicable period set for making representations (the "Representations Period") indicated in column 5 of Annex A. Representations and Evidence that are out in Rule 21. Representations out of this time of these times will not be considered unless, exceptionally and at the sole discretion of the Board, they appear to raise matters of substance relevant to the Application Procedure in question which are not already under consideration.~~

Oral representations and oral evidence

- 5.8. ~~The Board may, at its sole discretion, authorise an Applicant a Representing Person to make oral representations about or provide oral Evidence. However, for the advice received by the Board. The Applicant must bear its own costs in relation to any such~~

~~representations. On avoidance of doubt, on~~ grounds of cost, efficiency, transparency and consistency of treatment between ~~Applicants~~Representing Persons, the Board will not normally accept oral representations ~~or oral Evidence~~ unless the particular circumstances of the ~~Applicant~~Representing Person or the complexity of the issue merit an exception to the normal process in individual cases. If the Board grants such an exception, it will publish its reasons for doing so.

~~9. Notwithstanding Rule 8, so far as reasonably practicable, the Board will allow oral representations to be made by Affected Practitioners and any bodies that represent Affected Practitioners, in accordance with paragraph 13(3) to Schedule 6.~~

~~6-10.~~ Should the Board authorise ~~an Applicant~~a Representing Person to make oral representations ~~or give oral Evidence~~, the representations ~~or the giving of Evidence~~ will take place at a hearing to be held either by telephone, video conference or in person. The Board will give the ~~Applicant~~Representing Person not less than ten business ~~days~~days' notice that there will be a hearing. If the hearing is to be held in person, the notice will specify the place and time at which the hearing will be held. If the hearing is to be held by telephone or video conference, the notice will specify the time of the telephone call or video conference and also the arrangements for facilitating the telephone call or video conference.

~~7-11.~~ Hearings conducted in person (rather than by telephone or video conference) will normally be open to the public. However, within the period ending four business days prior to the scheduled date of the hearing, the ~~Applicant~~Representing Person may submit to the Board a written request, with reasons, that aspects of the hearing be held in private. The Board will consider the reasons given and will then publish the reasons for any decision that it reaches. Where the hearing is held in private, the Board will only admit persons, other than representatives of the ~~Applicant~~Representing Person and the Board, after obtaining the agreement of the ~~Applicant~~Representing Person.

~~8-12.~~ The ~~Applicant~~Representing Person must appear at the hearing, either in person, by telephone or by video conference (as the case may be) and may be represented by any persons whom ~~they~~ may appoint for the purpose. The proceeding of the hearing will be recorded on behalf of the Board and will be transcribed onto paper.

~~9-13.~~ Where oral representations are made ~~or oral Evidence is given~~, the Board will prepare a report of those representations ~~or Evidence~~ which will be based on the transcription of the hearing made in accordance with Rule ~~38~~12. Before preparing the report, the Board:

- a) must give the ~~Applicant~~Representing Person a reasonable opportunity to comment on a draft of the report; and
- b) must have regard to any comments duly made by the ~~Applicant~~Representing Person.

~~10-14.~~ ~~Subject to complying~~In accordance with the ~~timing requirements set out in Procedure Rules 29 and 30, provisions of the Act referenced in column 2 of Annex B (as applicable),~~ the Board reserves the right to extend ~~processes~~the Procedure Time Limits in order to

take account of the need to transcribe and verify oral submissions ~~and to require the Applicant to pay the transcription provider for the cost of the transcription service.~~

~~44.15.~~ The Board may from time to time adjourn the hearing.

D. For COSTS FOR ORAL REPRESENTATIONS AND ORAL EVIDENCE

~~16.~~ Subject to Rule 17, the avoidance of doubt, this Section G only applies to Representing Person will:

~~42.~~ bear its own costs for the making of oral representations made to the Board by or the Applicant in relation to any advice provided under Rule 19.

A. CRITERIA FOR DETERMINING APPLICATIONS

giving

~~a) in accordance with paragraph 25(3) of schedule 4 to oral Evidence; and~~

~~b) directly pay the Act; transcription provider for the reasonable cost of the transcription service.~~

~~43.17.~~ The Board may, at its sole discretion, pay such costs of a Representing Person as the Board may refuse an Application only if it is satisfied that: ~~considers reasonable for the purpose of facilitating the giving of oral Evidence or the making of oral representations, including provision of a transcript, by or on behalf of a Representing Person.~~

~~a) granting the Application would be prejudicial to the Regulatory Objectives;~~

~~b) granting the Application would be contrary to any provision made by or by virtue of the Act or any other enactment or would result in any of the Designation Requirements ceasing to be satisfied in relation to the Approved Regulator;~~

~~c) granting the Application would be contrary to the public interest;~~

~~d) the Alteration would enable the Applicant to authorise persons to carry on activities which are Reserved Legal Activities in relation to which it is not a relevant Approved Regulator;¹~~

~~e) the Alteration would enable the Approved Regulator to licence persons under part 5 of the Act to carry on activities which are Reserved Legal Activities to which the Applicant is not a Licensing Authority;² or~~

¹ Paragraphs (d) & (e) of Rule 43 do not apply to an application by the Solicitors Disciplinary Tribunal for approval of an alteration to a rule made by it under section (46)(9)(b) of the Solicitors Act 1974.

² As above.

~~f) the Alteration has been or is likely to be made otherwise than in accordance with the procedures (whether statutory or otherwise) which apply in relation to the making of the Alteration.~~

B.E. FURTHER INFORMATION

18. If you have any questions about the ~~Application process~~ for making oral or ~~the preparation of an Application, written representations, or giving oral or written Evidence~~ you should contact the Representations Administrator in the matter set out in Rule 6 above.

Annex A

44. These Rules are made by the Board at under the following provisions of the Act:

Address: _____ Legal Services Board
 _____ 7th Floor Victoria House
 _____ Southampton Row
 _____ London WC1B 4AD

Email: _____ schedule4approvals@legalservicesboard.org.uk

Telephone: _____ 020 7271 0050

<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>	<u>Column 5</u>
<u>Procedure</u>	<u>Provisions under which these rules are made</u>	<u>Who can Make Representations?</u>	<u>Applicable Procedure Rules</u>	<u>Representations Period</u>
<u>Approved Regulators: designation of bodies by Order</u>	<u>Sch 4, part 2, paragraph 11(3)</u>	<u>The Applicant in accordance with Sch 4, part 2, paragraph 11(2)</u>	<u>Rules for applications for Approved Regulator and Qualifying Regulator Designation</u>	<u>The period set out at Sch 4, part 2, paragraph 11(4) to the Act</u>
<u>Approved Regulators: Alteration of approved regulator's</u>	<u>Sch 4, part 3, paragraph 23(3)</u>	<u>The approved regulator in accordance with Sch 4, part 3, paragraph 23(2), including for the avoidance of doubt, and for the</u>	<u>Rules for Rule Change Applications</u>	<u>The period set out at Sch 4, part 3, paragraph 23(4) to the Act</u>

<u>regulatory arrangements</u>		<u>purposes of s178 of the Act, the Tribunal and the Law Society</u>		
<u>Alteration of Reserved Legal Activities</u>	<u>Sch 6, paragraphs 12(2), 13(1) and 14(2)</u>	<u>Any person wishing to make representations or provide evidence (as appropriate) to the Board for the purposes of Sch 6, including for the avoidance of doubt, and for the purposes of paragraph 13(3) of sch 6, an Affected Practitioner and any body which represents an Affected Practitioner</u>	<u>None</u>	<u>In accordance with Sch 6, paragraph 12 to the Act: within 3 months of the Board giving notice under paragraph 9(2) of Schedule 6 to the Act, or within such other time as the Board may specify.</u> <u>In accordance with Sch 6, paragraphs 13 and 14 to the Act: within 2 months of the Board publishing its Provisional Report, or within such other time as the Board may specify</u>
<u>Directions: Procedure</u>	<u>Sch 7, paragraphs 2(5) and 10(3)</u>	<u>The approved regulator in accordance with Sch 7, paragraphs 2(4) and 10(2), including for the avoidance of doubt, and for the purposes of s179 of the Act, the Tribunal and the Law Society</u>	<u>None</u>	<u>The period set out at sch 7, paragraph 2 to the Act or</u> <u>The period set out at sch 7, paragraph 10(4) to the Act, whichever is relevant</u>

<u>Intervention Directions: Procedure: Giving Intervention Directions</u>	<u>Sch 8, part 1, paragraphs 2(5) and 10(5)</u>	<u>The approved regulator in accordance with Sch 8, part 1, paragraphs 2(4) and 10(2), together with any body within paragraph 10(3) or any other person within paragraph 10(4)</u>	<u>Intervention directions: Section 41(5) and 42(10) rules</u>	<u>The period set out at Sch 8, part 1, paragraph 2(6) of the Act; or</u> <u>The period set out at Sch 8, part 1, paragraph 10(6) to the Act, whichever is relevant</u>
<u>Intervention Directions: Revoking Interventions Directions</u>	<u>Sch 8, part 2, paragraph 21(5)</u>	<u>The approved regulator in accordance with Sch 8, part 2, paragraph 21(2) together with any body within paragraph 21(3) or any other person within paragraph 21(4)</u>	<u>Intervention directions: Rules for applications to revoke</u>	<u>The period set out at Sch 8, part 2, paragraph 21(6) to the Act</u>
<u>Cancellation of designation as Approved Regulator</u>	<u>Sch 9, paragraphs 2(5) and 9(5)</u>	<u>The approved regulator in accordance with Sch 9, paragraphs 2(4) and 9(2), together with any body within paragraph 9(3) or any other person within paragraph 9(4)</u>	<u>Cancellation of designation: Rules on powers of entry</u>	<u>The period set out at Sch 9, paragraph 2(6) to the Act; or</u> <u>The period set out at Sch 9, paragraph 9(6) to the Act, whichever is relevant</u>
<u>Designation of Approved Regulators as Licensing Authorities: Designation of</u>	<u>Sch 10, part 1, paragraph 9(3)</u>	<u>The Applicant in accordance with Sch 10, part 1, paragraph 9(2)</u>	<u>Rules for applications to be designated as a Licensing Authority</u>	<u>The period set out at Sch 10, Part 1, paragraph 9(4) to the Act</u>

<u>approved regulators by order</u>				
<u>Designation of approved regulators as licensing authorities: cancellation of designation by order</u>	<u>Sch 10, part 2, paragraphs 18(5) and 25(5)</u>	<u>The licensing authority in accordance with Sch 10, part 2, paragraphs 18(4) and 25(2) together with any body within paragraph 25(3) or any other person within paragraph 25(4)</u>	<u>Cancellation of designation: Rules on powers of entry</u>	<u>The period set out at Sch 10, part 2, paragraph 18(6) to the Act; or</u> <u>The period set out at Sch 10, part 2, paragraph 25(6) to the Act, whichever is relevant</u>
<u>Qualifying Regulators designation of bodies by order</u>	<u>Sch 18, part 1, paragraphs 3(4) and 4</u>	<u>The Applicant in accordance with, Sch 18, part 1, paragraph 4, which adopts Sch 4, part 2, paragraph 11(2)</u>	<u>Rules for applications for Approved Regulator and Qualifying Regulator Designation</u>	<u>The period set out at Sch 4, part 2, paragraph 11(4) to the Act</u>

Annex B

<u>Column 1 - Procedure</u>	<u>Column 2 - Procedure Time Limits</u>
<u>Approved Regulators: designation of bodies by Order</u>	<u>Rules [44 and 45] of the Applicable Procedure Rules</u>
<u>Approved Regulators: Alteration of approved regulator's regulatory arrangements</u>	<u>Rules [29 and 30] of the Applicable Procedure Rules</u>
<u>Alteration of Reserved Legal Activities</u>	<u>Sch 6: paragraph 11 (the investigation period) and paragraph 17 (the final reporting period)</u>
<u>Designation of Approved Regulators as Licensing Authorities: designation of approved regulators by order</u>	<u>Rules [39 and 40] of the Applicable Procedure Rules</u>
<u>Qualifying Regulators: designation of bodies by Order</u>	<u>Rules [44 and 45] of the Applicable Procedure Rules</u>

Comparison with representation rules for enforcement procedures

Enforcement processed: rules on oral and written representations – Version 2 (November 2010)

Following the consultation on 29 October 2010 on the application of sections 178-179 of the Legal Services Act 2007, the LSB revised the Rules for Making Oral and Written



LEGAL SERVICES
BOARD

Representations. *Changes to the rules are in red text.* and Giving Oral and

A. PREAMBLE

1. ~~These Rules are made by the Board (as defined below) under section 7 of the Act (as defined below) and paragraphs 2(5) and 10(3) of schedule 7, paragraphs 2(5) and 10(5) of schedule 8 and paragraphs 2(5) and 9(5) of schedule 9 to the Act (as defined below).~~

Written Evidence

Version

B.A. DEFINITIONS

2.1. Words defined in these Rules have the following meanings:

Act	the Legal Services Act 2007
<u>Affected Practitioner</u>	<u>has the meaning given in paragraph 13(4) of schedule 6 to the Act</u>
<u>Applicable Procedure Rules</u>	<u>has the meaning given in column 4 of Annex A</u>
Approved Regulator	has the meaning given in section 20(2) of the Act
Board	the Legal Services Board
<u>Evidence</u>	<u>has its ordinary meaning and refers exclusively to evidence submitted as part of an application for the alteration of reserved legal activities in accordance with schedule 6 of the Act</u>
<u>Licensing Authority</u>	<u>has the meaning given in section 73 of the Act</u>

<u>Procedure(s)</u>	<u>has the meaning given in Rule 2</u>
<u>Provisional Report</u>	<u>has the meaning given in paragraph 10(3) of schedule 6 to the Act</u>
<u>Qualifying Regulator</u>	<u>has the meaning given in paragraph 2 of schedule 18 to the Act</u>
<u>Representations Administrator</u>	<u>the person at the Legal Services Board to whom written representations should be submitted in accordance with Rule 6 below</u>
<u>Representing Person</u>	<u>an Approved Regulator or any other person, including the Tribunal who can make representations to the Board in accordance with section 38(2) and schedules 7 to 9 to the provisions of the Act⁴ listed in column 3 of Annex A</u>
<u>Tribunal</u>	<u>the Solicitors Disciplinary Tribunal.</u>

C.B. WHO DO THESE RULES APPLY TO?

- ~~2. These Rules are the rules that the The Board has made these Rules to govern the making of oral and written representations and Evidence by a Representing Person during the course of the procedures of the Act listed in column 1 of Annex A (the "Procedure(s)"). These rules are made in accordance with:~~
- ~~a) 2. section 38(the provisions of the Act listed in column 2) of the Act (Financial Penalties); of Annex A.~~
- ~~b) paragraphs 2(5) and 10(3) of schedule 7 to the Act (Directions);~~
- ~~c) paragraphs 2(5) and 10(5) of schedule 8 to the Act (Intervention Directions); and~~
- ~~d) paragraphs 2(5) and 9(5) of schedule 9 to the Act (Cancellation of Designation as Approved Regulator).~~
3. These Rules must be read in conjunction with the Act, together with any other relevant provisions made by or by virtue of this Act, or any other enactment, particularly including but not limited to the Applicable Procedure Rules referenced in column 4 of Annex A, and any relevant policies and guidance produced by the Board from time to time.
4. In the event of any inconsistency between these Rules and the provisions of the Act, the provisions of the Act prevail.
- 4.5. The Board reserves the right to amend these Rules from time to time. If the amendments made to the Rules are, in the opinion of the Board, material, the Board will

⁴-'Representing Person' includes the Solicitor's Disciplinary Tribunal where the Tribunal has made rules under section 46(9)(b) of the Solicitor's Act 1974 where the Board is satisfied the Tribunal has failed to perform any of its functions to an adequate standard (or at all), but only in relation to 'Directions'.

publish a draft of the amended Rules and will invite consultations in accordance with section 205 of the Act.

D.C. FORM OF REPRESENTATIONS

Written representations

~~4.~~ Subject to ~~Rules 6 and 8~~ Rule 7, all representations ~~made and Evidence given~~ to the Board must be in writing and must be submitted to the Board by the Representing Person either by email, post or courier to the ~~relevant~~ address ~~shown below~~:

a) ~~if by email to:~~ ~~_____~~ contactus@legalservicesboard.org.uk

b) ~~if by post or courier to:~~

~~Address:~~ ~~_____~~ Legal Services Board
~~_____~~ 7th Floor Victoria House
~~_____~~ Southampton Row
~~_____~~ London WC1B 4AD

~~6.~~ ~~For of the Board, as set out on its website, and for~~ the attention of: ~~_____~~
~~_____~~ Enforcement the Representations Administrator

~~5.~~ The Representing Person must, unless otherwise agreed with the Board, submit all written representations to the Board using the online tool at www.legalservicesboard.org.uk, once this has been developed.

~~6.7.~~ All representations and Evidence must be received by the Board within the ~~relevant~~ applicable period ~~set out in for making representations~~ (the Act- “Representations Period”) indicated in column 5 of Annex A. Representations and Evidence that are out of ~~this time~~ these times will not be considered unless, exceptionally and at the sole discretion of the Board, they appear to raise matters of substance relevant to the ~~process~~ Procedure in question which are not already under consideration.

Oral representations and oral evidence

~~7.8.~~ The Board may, at its sole discretion, authorise a Representing Person to make oral representations. ~~The Representing Person must bear its own costs in relation to any such representations. On or provide oral Evidence. However, for the avoidance of doubt, on~~ grounds of cost, efficiency, transparency and consistency of treatment between Representing Persons, the Board will not normally accept oral representations or oral Evidence unless the particular circumstances of the Representing Person or the complexity of the issue merit an exception to the normal process in individual cases. If the Board grants such an exception, it will publish its reasons for doing so.

9. ~~Notwithstanding Rule 8, so far as reasonably practicable, the Board will allow oral representations to be made by Affected Practitioners and any bodies that represent Affected Practitioners, in accordance with paragraph 13(3) to Schedule 6.~~

9.10. Should the Board authorise a Representing Person to make oral representations ~~or give oral Evidence~~, the representations ~~or the giving of Evidence~~ will take place at a hearing to be held either by telephone, video conference or in person. The Board will give the Representing Person not less than ten business ~~days~~^{days} notice that there will be a hearing. If the hearing is to be held in person, the notice will specify the place and time at which the hearing will be held. If the hearing is to be held by telephone or video conference, the notice will specify the time of the telephone call or video conference and also the arrangements for facilitating the telephone call or video conference.

10.11. Hearings conducted in person (rather than by telephone or video conference) will normally be open to the public. However, within the period ending four business days prior to the scheduled date of the hearing, the Representing Person may submit to the Board a written request, with reasons, that aspects of the hearing be held in private. The Board will consider the reasons given and will then publish the reasons for any decision that it reaches. Where the hearing is held in private, the Board will only admit persons, other than representatives of the Representing Person and the Board, after obtaining the agreement of the Representing Person.

11.12. The Representing Person must appear at the hearing, either in person, by telephone or by video conference (as the case may be) and may be represented by any persons whom ~~it~~^{they} may appoint for the purpose. The proceeding of the hearing will be recorded on behalf of the Board and will be transcribed onto paper.

12.13. Where oral representations are made ~~or oral Evidence is given~~, the Board will prepare a report of those representations ~~or Evidence~~ which will be based on the transcription of the hearing made in accordance with Rule 11.12. Before preparing the report, the Board:

- a) must give the Representing Person a reasonable opportunity to comment on a draft of the report; and
- b) must have regard to any comments duly made by the Representing Person.

13.14. ~~Subject to complying~~^{In accordance} with the ~~requirements~~^{Procedure Rules and provisions} of the Act, ~~referenced in column 2 of Annex B (as applicable)~~, the Board reserves the right to extend ~~processes~~^{the Procedure Time Limits in order} to take account of the need to transcribe and verify oral submissions ~~and to require the Representing Person to directly pay the transcription provider for the cost of the transcription service.~~

14.15. The Board may from time to time adjourn the hearing.

D. COSTS FOR ORAL REPRESENTATIONS AND ORAL EVIDENCE

16. Subject to Rule 17, the Representing Person will:

- a) bear its own costs for the making of oral representations or the giving of oral Evidence; and
- b) directly pay the transcription provider for the reasonable cost of the transcription service.

17. The Board may, at its sole discretion, pay such costs of a Representing Person as the Board considers reasonable for the purpose of facilitating the giving of oral Evidence or the making of oral representations, including provision of a transcript, by or on behalf of a Representing Person.

E. FURTHER INFORMATION

15-18. If you have any questions about the process for making oral or written representations, or giving oral or written Evidence you should contact the ~~Board~~ at: Representations Administrator in the matter set out in Rule 6 above.

Address: _____ Legal Services Board
_____ 7th Floor Victoria House
_____ Southampton Row
_____ London WC1B 4AD

Email: _____ contactus@legalservicesboard.org.uk

Telephone: _____ 020 7271 0050

Annex A

These Rules are made by the Board under the following provisions of the Act:

<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>	<u>Column 5</u>
<u>Procedure</u>	<u>Provisions under which these rules are made</u>	<u>Who can Make Representations?</u>	<u>Applicable Procedure Rules</u>	<u>Representations Period</u>
<u>Approved Regulators: designation of bodies by Order</u>	<u>Sch 4, part 2, paragraph 11(3)</u>	<u>The Applicant in accordance with Sch 4, part 2, paragraph 11(2)</u>	<u>Rules for applications for Approved Regulator and Qualifying Regulator Designation</u>	<u>The period set out at Sch 4, part 2, paragraph 11(4) to the Act</u>
<u>Approved Regulators: Alteration of approved regulator's regulatory arrangements</u>	<u>Sch 4, part 3, paragraph 23(3)</u>	<u>The approved regulator in accordance with Sch 4, part 3, paragraph 23(2), including for the avoidance of doubt, and for the purposes of s178 of the Act, the Tribunal and the Law Society</u>	<u>Rules for Rule Change Applications</u>	<u>The period set out at Sch 4, part 3, paragraph 23(4) to the Act</u>
<u>Alteration of Reserved Legal Activities</u>	<u>Sch 6, paragraphs 12(2), 13(1) and 14(2)</u>	<u>Any person wishing to make representations or provide evidence (as appropriate) to the Board for the purposes of Sch 6, including for the avoidance of doubt, and for</u>	<u>None</u>	<u>In accordance with Sch 6, paragraph 12 to the Act: within 3 months of the Board giving notice under paragraph 9(2) of Schedule 6 to the Act, or within such</u>

		<u>the purposes of paragraph 13(3) of sch 6, an Affected Practitioner and any body which represents an Affected Practitioner</u>		<u>other time as the Board may specify.</u> <u>In accordance with Sch 6, paragraphs 13 and 14 to the Act: within 2 months of the Board publishing its Provisional Report, or within such other time as the Board may specify</u>
<u>Directions: Procedure</u>	<u>Sch 7, paragraphs 2(5) and 10(3)</u>	<u>The approved regulator in accordance with Sch 7, paragraphs 2(4) and 10(2), including for the avoidance of doubt, and for the purposes of s179 of the Act, the Tribunal and the Law Society</u>	<u>None</u>	<u>The period set out at sch 7, paragraph 2 to the Act or</u> <u>The period set out at sch 7, paragraph 10(4) to the Act, whichever is relevant</u>
<u>Intervention Directions: Procedure: Giving Intervention Directions</u>	<u>Sch 8, part 1, paragraphs 2(5) and 10(5)</u>	<u>The approved regulator in accordance with Sch 8, part 1, paragraphs 2(4) and 10(2), together with any body within paragraph 10(3) or any other person within paragraph 10(4)</u>	<u>Intervention directions: Section 41(5) and 42(10) rules</u>	<u>The period set out at Sch 8, part 1, paragraph 2(6) of the Act; or</u> <u>The period set out at Sch 8, part 1, paragraph 10(6) to the Act, whichever is relevant</u>

<u>Intervention Directions: Revoking Interventions Directions</u>	<u>Sch 8, part 2, paragraph 21(5)</u>	<u>The approved regulator in accordance with Sch 8, part 2, paragraph 21(2) together with any body within paragraph 21(3) or any other person within paragraph 21(4)</u>	<u>Intervention directions: Rules for applications to revoke</u>	<u>The period set out at Sch 8, part 2, paragraph 21(6) to the Act</u>
<u>Cancellation of designation as Approved Regulator</u>	<u>Sch 9, paragraphs 2(5) and 9(5)</u>	<u>The approved regulator in accordance with Sch 9, paragraphs 2(4) and 9(2), together with any body within paragraph 9(3) or any other person within paragraph 9(4)</u>	<u>Cancellation of designation: Rules on powers of entry</u>	<u>The period set out at Sch 9, paragraph 2(6) to the Act; or</u> <u>The period set out at Sch 9, paragraph 9(6) to the Act, whichever is relevant</u>
<u>Designation of Approved Regulators as Licensing Authorities: Designation of approved regulators by order</u>	<u>Sch 10, part 1, paragraph 9(3)</u>	<u>The Applicant in accordance with Sch 10, part 1, paragraph 9(2)</u>	<u>Rules for applications to be designated as a Licensing Authority</u>	<u>The period set out at Sch 10, Part 1, paragraph 9(4) to the Act</u>
<u>Designation of approved regulators as licensing authorities:</u>	<u>Sch 10, part 2, paragraphs 18(5) and 25(5)</u>	<u>The licensing authority in accordance with Sch 10, part 2, paragraphs 18(4) and 25(2) together with any body within paragraph 25(3) or</u>	<u>Cancellation of designation: Rules on powers of entry</u>	<u>The period set out at Sch 10, part 2, paragraph 18(6) to the Act; or</u> <u>The period set out at Sch 10, part 2, paragraph 25(6)</u>

<u>cancellation of designation by order</u>		<u>any other person within paragraph 25(4)</u>		<u>to the Act, whichever is relevant</u>
<u>Qualifying Regulators designation of bodies by order</u>	<u>Sch 18, part 1, paragraphs 3(4) and 4</u>	<u>The Applicant in accordance with, Sch 18, part 1, paragraph 4, which adopts Sch 4, part 2, paragraph 11(2)</u>	<u>Rules for applications for Approved Regulator and Qualifying Regulator Designation</u>	<u>The period set out at Sch 4, part 2, paragraph 11(4) to the Act</u>

Annex B

<u>Column 1 - Procedure</u>	<u>Column 2 - Procedure Time Limits</u>
<u>Approved Regulators: designation of bodies by Order</u>	<u>Rules [44 and 45] of the Applicable Procedure Rules</u>
<u>Approved Regulators: Alteration of approved regulator's regulatory arrangements</u>	<u>Rules [29 and 30] of the Applicable Procedure Rules</u>
<u>Alteration of Reserved Legal Activities</u>	<u>Sch 6: paragraph 11 (the investigation period) and paragraph 17 (the final reporting period)</u>
<u>Designation of Approved Regulators as Licensing Authorities: designation of approved regulators by order</u>	<u>Rules [39 and 40] of the Applicable Procedure Rules</u>
<u>Qualifying Regulators: designation of bodies by Order</u>	<u>Rules [44 and 45] of the Applicable Procedure Rules</u>

Comparison with representation rules for revoking intervention directions



Rules for Making Oral and Written Representations and Giving Oral and Written Evidence

Version

A. DEFINITIONS

1. Words defined in these Rules have the following meanings:

<u>Act</u>	<u>the Legal Services Act 2007</u>
<u>Affected Practitioner</u>	<u>has the meaning given in paragraph 13(4) of schedule 6 to the Act</u>
<u>Applicable Procedure Rules</u>	<u>has the meaning given in column 4 of Annex A</u>
<u>Approved Regulator Board</u>	<u>has the meaning given in section 20(2) of the Act the Legal Services Board</u>
<u>Evidence</u>	<u>has its ordinary meaning and refers exclusively to evidence submitted as part of an application for the alteration of reserved legal activities in accordance with schedule 6 of the Act</u>
<u>Licensing Authority</u>	<u>has the meaning given in section 73 of the Act</u>
<u>Procedure(s)</u>	<u>has the meaning given in Rule 2</u>
<u>Provisional Report</u>	<u>has the meaning given in paragraph 10(3) of schedule 6 to the Act</u>
<u>Qualifying Regulator</u>	<u>has the meaning given in paragraph 2 of schedule 18 to the Act</u>
<u>Representations Administrator</u>	<u>the person at the Legal Services Board to whom written representations should be submitted in accordance with Rule 6 below</u>
<u>Representing Person</u>	<u>any person who can make representations to the Board in accordance with the provisions of the Act listed in column 3 of Annex A</u>
<u>Tribunal</u>	<u>the Solicitors Disciplinary Tribunal.</u>

B. WHO DO THESE RULES APPLY TO?

2. The Board has made these Rules to govern the making of oral and written representations and Evidence by a Representing Person during the course of the procedures of the Act listed in column 1 of Annex A (the "Procedure(s)"). These rules are made in accordance with the provisions of the Act listed in column 2 of Annex A.
3. These Rules must be read in conjunction with the Act, together with any other relevant provisions made by or by virtue of this Act, or any other enactment, particularly including but not limited to the Applicable Procedure Rules referenced in column 4 of Annex A, and any relevant policies and guidance produced by the Board from time to time.
4. In the event of any inconsistency between these Rules and the provisions of the Act, the provisions of the Act prevail.
5. The Board reserves the right to amend these Rules from time to time. If the amendments made to the Rules are, in the opinion of the Board, material, the Board will publish a draft of the amended Rules and will invite consultations in accordance with section 205 of the Act.

F.C. FORM OF REPRESENTATIONS

Written representations

- ~~7.~~ Subject to ~~Rules [27] and [29],~~ Rule 7, all representations made and Evidence given to the Board must be in writing and must be submitted to the Board by the Representing Person either by email, post or courier to the ~~to the relevant~~ address of the Board, as set out at ~~Rule [8].~~
- ~~8.6.~~ Once developed, the Applicant or Representative Body must, unless otherwise agreed with its website, and for the Board, submit all representations to attention of the Board using the online tool at [www.legalservicesboard.org.uk/Representations Administrator](http://www.legalservicesboard.org.uk/RepresentationsAdministrator).
- ~~9.7.~~ All representations and Evidence must be received by the Board within the applicable period set for making representations (the "Representations Period") indicated in column 5 of Annex A. Representations and Evidence that are out in ~~Rule [19].~~ Representations out of this time of these times will not be considered unless, exceptionally and at the sole discretion of the Board, they appear to raise matters of substance relevant to the ~~Application~~ Procedure in question which are not already under consideration.

Oral representations and oral evidence

- ~~10.8.~~ The Board may, at its sole discretion, authorise an Applicant or any Representative Body a Representing Person to make oral representations at their own expense. ~~Or~~ provide oral Evidence. However, for the avoidance of doubt, on grounds of cost, efficiency, transparency and consistency of treatment between Applicants and

~~Representative Bodies~~Representing Persons, the Board will not normally accept oral representations or oral Evidence unless the particular circumstances of the ~~Applicant or Representative Body~~Representing Person or the complexity of the ~~issues~~issue merit an exception to the normal process in individual cases. If the Board grants such an exception, it will publish its reasons for doing so.

9. Notwithstanding Rule 8, so far as reasonably practicable, the Board will allow oral representations to be made by Affected Practitioners and any bodies that represent Affected Practitioners, in accordance with paragraph 13(3) to Schedule 6.

~~11.10.~~ Should the Board authorise ~~an Applicant or Representative Body~~a Representing Person to make oral representations or give oral Evidence, the representations or the giving of Evidence will take place at a hearing to be held either by telephone, video conference or in person. The Board will ~~usually~~ give the ~~Applicant or Representative Body~~Representing Person not less than ten business ~~days~~days' notice that there will be a hearing. If the hearing is to be held in person, the notice will specify the place and time at which the hearing will be held. If the hearing is to be held by telephone or video conference, the notice will specify the time of the telephone call or video conference and also the arrangements for facilitating the telephone call or video conference.

~~12.11.~~ Hearings conducted in person (rather than by telephone or video conference) will normally be ~~held in~~open to the public. However, ~~the Applicant or Representative Body~~within the period ending four business days prior to the scheduled date of the hearing, the Representing Person may submit to the Board a written request, with reasons, that aspects of the hearing be held in private. The Board will consider the reasons given and will then publish the reasons for any decision that it reaches. Where the hearing is held in private, the Board ~~may admit such persons as it considers appropriate~~will only admit persons, other than representatives of the Representing Person and the Board, after obtaining the agreement of the Representing Person.

~~13.12.~~ The ~~Applicant or Representative Body~~Representing Person must appear at the hearing, either in person ~~or~~, by telephone or by video conference (as the case may be), and may be represented by any persons whom they may appoint for the purpose. The proceeding of the hearing will be recorded on behalf of the Board and will be transcribed onto paper.

~~14.13.~~ Where oral representations are made or oral Evidence is given, the Board will prepare a report of those representations or Evidence which will be based on the transcription of the hearing made in accordance with Rule ~~[32].12~~. Before preparing the report, the Board:

- ~~a)~~ must give the ~~Applicant or Representative Body~~Representing Person a reasonable opportunity to comment on a draft of the report; and
- ~~b)~~ must have regard to any comments duly made by the ~~Applicant or Representative Body~~Representing Person.

~~45.14. Subject to~~ In accordance with the requirements, Procedure Rules and provisions of the Act, referenced in column 2 of Annex B (as applicable), the Board reserves the right to extend ~~processes~~ the Procedure Time Limits in order to take account of the need to transcribe and verify oral submissions ~~and to require the Applicant or Representative Body to pay for the cost of the transcription service.~~

~~46.15.~~ The Board may from time to time adjourn the hearing.

D. COSTS FOR ORAL REPRESENTATIONS AND ORAL EVIDENCE

16. Subject to Rule 17, the Representing Person will:

- a) bear its own costs for the making of oral representations or the giving of oral Evidence; and
- b) directly pay the transcription provider for the reasonable cost of the transcription service.

17. The Board may, at its sole discretion, pay such costs of a Representing Person as the Board considers reasonable for the purpose of facilitating the giving of oral Evidence or the making of oral representations, including provision of a transcript, by or on behalf of a Representing Person.

E. FURTHER INFORMATION

18. If you have any questions about the process for making oral or written representations, or giving oral or written Evidence you should contact the Representations Administrator in the matter set out in Rule 6 above.

Annex A

These Rules are made by the Board under the following provisions of the Act:

<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>	<u>Column 5</u>
<u>Procedure</u>	<u>Provisions under which these rules are made</u>	<u>Who can Make Representations?</u>	<u>Applicable Procedure Rules</u>	<u>Representations Period</u>
<u>Approved Regulators: designation of bodies by Order</u>	<u>Sch 4, part 2, paragraph 11(3)</u>	<u>The Applicant in accordance with Sch 4, part 2, paragraph 11(2)</u>	<u>Rules for applications for Approved Regulator and Qualifying Regulator Designation</u>	<u>The period set out at Sch 4, part 2, paragraph 11(4) to the Act</u>
<u>Approved Regulators: Alteration of approved regulator's regulatory arrangements</u>	<u>Sch 4, part 3, paragraph 23(3)</u>	<u>The approved regulator in accordance with Sch 4, part 3, paragraph 23(2), including for the avoidance of doubt, and for the purposes of s178 of the Act, the Tribunal and the Law Society</u>	<u>Rules for Rule Change Applications</u>	<u>The period set out at Sch 4, part 3, paragraph 23(4) to the Act</u>
<u>Alteration of Reserved Legal Activities</u>	<u>Sch 6, paragraphs 12(2), 13(1) and 14(2)</u>	<u>Any person wishing to make representations or provide evidence (as appropriate) to the Board for the purposes of Sch 6, including for the avoidance of doubt, and for</u>	<u>None</u>	<u>In accordance with Sch 6, paragraph 12 to the Act: within 3 months of the Board giving notice under paragraph 9(2) of Schedule 6 to the Act, or within such</u>

		<u>the purposes of paragraph 13(3) of sch 6, an Affected Practitioner and any body which represents an Affected Practitioner</u>		<u>other time as the Board may specify.</u> <u>In accordance with Sch 6, paragraphs 13 and 14 to the Act: within 2 months of the Board publishing its Provisional Report, or within such other time as the Board may specify</u>
<u>Directions: Procedure</u>	<u>Sch 7, paragraphs 2(5) and 10(3)</u>	<u>The approved regulator in accordance with Sch 7, paragraphs 2(4) and 10(2), including for the avoidance of doubt, and for the purposes of s179 of the Act, the Tribunal and the Law Society</u>	<u>None</u>	<u>The period set out at sch 7, paragraph 2 to the Act or</u> <u>The period set out at sch 7, paragraph 10(4) to the Act, whichever is relevant</u>
<u>Intervention Directions: Procedure: Giving Intervention Directions</u>	<u>Sch 8, part 1, paragraphs 2(5) and 10(5)</u>	<u>The approved regulator in accordance with Sch 8, part 1, paragraphs 2(4) and 10(2), together with any body within paragraph 10(3) or any other person within paragraph 10(4)</u>	<u>Intervention directions: Section 41(5) and 42(10) rules</u>	<u>The period set out at Sch 8, part 1, paragraph 2(6) of the Act; or</u> <u>The period set out at Sch 8, part 1, paragraph 10(6) to the Act, whichever is relevant</u>

<u>Intervention Directions: Revoking Interventions Directions</u>	<u>Sch 8, part 2, paragraph 21(5)</u>	<u>The approved regulator in accordance with Sch 8, part 2, paragraph 21(2) together with any body within paragraph 21(3) or any other person within paragraph 21(4)</u>	<u>Intervention directions: Rules for applications to revoke</u>	<u>The period set out at Sch 8, part 2, paragraph 21(6) to the Act</u>
<u>Cancellation of designation as Approved Regulator</u>	<u>Sch 9, paragraphs 2(5) and 9(5)</u>	<u>The approved regulator in accordance with Sch 9, paragraphs 2(4) and 9(2), together with any body within paragraph 9(3) or any other person within paragraph 9(4)</u>	<u>Cancellation of designation: Rules on powers of entry</u>	<u>The period set out at Sch 9, paragraph 2(6) to the Act; or</u> <u>The period set out at Sch 9, paragraph 9(6) to the Act, whichever is relevant</u>
<u>Designation of Approved Regulators as Licensing Authorities: Designation of approved regulators by order</u>	<u>Sch 10, part 1, paragraph 9(3)</u>	<u>The Applicant in accordance with Sch 10, part 1, paragraph 9(2)</u>	<u>Rules for applications to be designated as a Licensing Authority</u>	<u>The period set out at Sch 10, Part 1, paragraph 9(4) to the Act</u>
<u>Designation of approved regulators as licensing authorities:</u>	<u>Sch 10, part 2, paragraphs 18(5) and 25(5)</u>	<u>The licensing authority in accordance with Sch 10, part 2, paragraphs 18(4) and 25(2) together with any body within paragraph 25(3) or</u>	<u>Cancellation of designation: Rules on powers of entry</u>	<u>The period set out at Sch 10, part 2, paragraph 18(6) to the Act; or</u> <u>The period set out at Sch 10, part 2, paragraph 25(6)</u>

<u>cancellation of designation by order</u>		<u>any other person within paragraph 25(4)</u>		<u>to the Act, whichever is relevant</u>
<u>Qualifying Regulators designation of bodies by order</u>	<u>Sch 18, part 1, paragraphs 3(4) and 4</u>	<u>The Applicant in accordance with, Sch 18, part 1, paragraph 4, which adopts Sch 4, part 2, paragraph 11(2)</u>	<u>Rules for applications for Approved Regulator and Qualifying Regulator Designation</u>	<u>The period set out at Sch 4, part 2, paragraph 11(4) to the Act</u>

Annex B

<u>Column 1 - Procedure</u>	<u>Column 2 - Procedure Time Limits</u>
<u>Approved Regulators: designation of bodies by Order</u>	<u>Rules [44 and 45] of the Applicable Procedure Rules</u>
<u>Approved Regulators: Alteration of approved regulator's regulatory arrangements</u>	<u>Rules [29 and 30] of the Applicable Procedure Rules</u>
<u>Alteration of Reserved Legal Activities</u>	<u>Sch 6: paragraph 11 (the investigation period) and paragraph 17 (the final reporting period)</u>
<u>Designation of Approved Regulators as Licensing Authorities: designation of approved regulators by order</u>	<u>Rules [39 and 40] of the Applicable Procedure Rules</u>
<u>Qualifying Regulators: designation of bodies by Order</u>	<u>Rules [44 and 45] of the Applicable Procedure Rules</u>

~~Annex 4 – Cancellation of designation: rules on oral and written representations~~



Rules for Making Oral and Written Representations and Giving Oral and Written Evidence

Version

A. DEFINITIONS

1. Words defined in these Rules have the following meanings:

Act	the Legal Services Act 2007
<u>Affected Practitioner</u>	<u>has the meaning given in paragraph 13(4) of schedule 6 to the Act</u>
<u>Applicable Procedure Rules</u>	<u>has the meaning given in column 4 of Annex A</u>
Approved Regulator	has the meaning given in Section <u>section</u> 20(2) of the Act
Board	the Legal Services Board
<u>Evidence</u>	<u>has its ordinary meaning and refers exclusively to evidence submitted as part of an application for the alteration of reserved legal activities in accordance with schedule 6 of the Act</u>
Licensing Authority	has the meaning given in Section <u>section</u> 73 of the Act
<u>Procedure(s)</u>	<u>has the meaning given in Rule 2</u>
<u>Provisional Report</u>	<u>has the meaning given in paragraph 10(3) of schedule 6 to the Act</u>
<u>Qualifying Regulator</u>	<u>has the meaning given in paragraph 2 of schedule 18 to the Act</u>
<u>Representations Administrator</u>	<u>the person at the Legal Services Board to whom written representations should be submitted in accordance with Rule 6 below</u>

Representing Person ~~an Approved Regulator, a Licensing Authority or any other~~any person who can make representations to the Board in accordance with ~~Section 38(2) and Schedules 7 to 10 to the provisions of the Act listed in column 3 of Annex A~~

Tribunal ~~the Solicitors Disciplinary Tribunal.~~

B. WHO DO THESE RULES APPLY TO?

~~2. These Rules are the rules that the~~The Board has made these Rules to govern the making of oral and written representations and Evidence by a Representing Person during the course of the procedures of the Act listed in column 1 of Annex A (the "Procedure(s)). These rules are made in accordance with:

- ~~• Section 38(2) of the Act (**Financial Penalties**);~~
- ~~• paragraphs 2(5) and 10(3) of Schedule 7 the provisions of the Act (**Directions**);~~

~~2. paragraphs 2(5) and 10(5) of Schedule 8 listed in column 2 of the Act (**Intervention Directions**); Annex A.~~

~~3. paragraphs 2(5) and 9(5) of Schedule 9 of the Act (**Cancellation**These Rules must be read in conjunction with the Act, together with any other relevant provisions made by or by virtue of this Act, or any other enactment, particularly including but not limited to the Applicable Procedure Rules referenced in column 4 of Annex A, and any relevant policies and guidance produced by the Board from time to time.~~

- ~~• In the event of **Designation as Approved Regulator**);any inconsistency between these Rules and~~

~~4. paragraphs 18(5) and 25(5) of Schedule 10 the provisions of the Act, the provisions of the Act (**Cancellation of Designation of Approved Regulators as Licensing Authorities**)-prevail.~~

~~4.5.~~ The Board reserves the right to amend these Rules from time to time. If the amendments made to the Rules are, in the opinion of the Board, material, the Board will publish a draft of the amended Rules and will invite consultations in accordance with section 205 of the Act.

C. FORM OF REPRESENTATIONS

Written representations

2. Subject to ~~Rules 5 and~~ Rule 7, all representations ~~made and~~ Evidence given to the Board must be in writing and must be submitted to the Board by the Representing Person either by email, post or courier to the ~~relevant~~ address shown below:

a) if by email to: ~~contactus@legalservicesboard.org.uk~~

b) if by post or courier to:

Address: ~~Legal Services Board~~
~~7th Floor Victoria House~~
~~Southampton Row~~
~~London WC1B 4AD~~

6. ~~For of the Board, as set out on its website, and for the attention of: Enforcement the~~ Representations Administrator.

3. ~~The Representing Person must, unless otherwise agreed with the Board, submit all written representations to the Board using the online tool at www.legalservicesboard.org.uk, once this has been developed.~~

4.7. ~~All representations and Evidence must be received by the Board within the relevant applicable period set out in for making representations (the Act- "Representations Period") indicated in column 5 of Annex A. Representations and Evidence that are out of this time these times will not be considered unless, exceptionally and at the sole discretion of the Board, they appear to raise matters of substance relevant to the process Procedure in question which are not already under consideration.~~

Oral representations and oral evidence

5.8. ~~The Board may, at its sole discretion, authorise a Representing Person to make oral representations. The Representing Person must bear its own costs in relation to any such representations. On or provide oral Evidence. However, for the avoidance of doubt, on~~ grounds of cost, efficiency, transparency and consistency of treatment between Representing Persons, the Board will not normally accept oral representations or oral Evidence unless the particular circumstances of the Representing Person or the complexity of the issue merit an exception to the normal process in individual cases. If the Board grants such an exception, it will publish its reasons for doing so.

9. Notwithstanding Rule 8, so far as reasonably practicable, the Board will allow oral representations to be made by Affected Practitioners and any bodies that represent Affected Practitioners, in accordance with paragraph 13(3) to Schedule 6.

6.10. Should the Board authorise a Representing Person to make oral representations or give oral Evidence, the representations or the giving of Evidence will take place at a

hearing to be held either by telephone, video conference or in person. The Board will give the Representing Person not less than ten business ~~days~~^{days} notice that there will be a hearing. If the hearing is to be held in person, the notice will specify the place and time at which the hearing will be held. If the hearing is to be held by telephone or video conference, the notice will specify the time of the telephone call or video conference and also the arrangements for facilitating the telephone call or video conference.

~~7.11.~~ Hearings conducted in person (rather than by telephone or video conference) will normally be open to the public. However, within the period ending four business days prior to the scheduled date of the hearing, the Representing Person may submit to the Board a written request, with reasons, that aspects of the hearing be held in private. The Board will consider the reasons given and will then publish the reasons for any decision that it reaches. Where the hearing is held in private, the Board will only admit persons, other than representatives of the Representing Person and the Board, after obtaining the agreement of the Representing Person.

~~8.12.~~ The Representing Person must appear at the hearing, either in person, by telephone or by video conference (as the case may be) and may be represented by any persons whom ~~it~~^{they} may appoint for the purpose. The proceeding of the hearing will be recorded on behalf of the Board and will be transcribed onto paper.

~~9.13.~~ Where oral representations are made or oral Evidence is given, the Board will prepare a report of those representations or Evidence which will be based on the transcription of the hearing made in accordance with Rule ~~40~~¹². Before preparing the report, the Board:

- a) must give the Representing Person a reasonable opportunity to comment on a draft of the report; and
- b) must have regard to any comments duly made by the Representing Person.

~~10.14.~~ ~~Subject to complying~~In accordance with the ~~requirements~~Procedure Rules and provisions of the Act, ~~referenced in column 2 of Annex B (as applicable)~~, the Board reserves the right to extend ~~processes~~the Procedure Time Limits in order to take account of the need to transcribe and verify oral submissions ~~and to require the Representing Person to directly pay the transcription provider for the cost of the transcription service.~~

~~11.15.~~ The Board may from time to time adjourn the hearing.

D. COSTS FOR ORAL REPRESENTATIONS AND ORAL EVIDENCE

16. Subject to Rule 17, the Representing Person will:

- a) bear its own costs for the making of oral representations or the giving of oral Evidence; and

b) directly pay the transcription provider for the reasonable cost of the transcription service.

17. The Board may, at its sole discretion, pay such costs of a Representing Person as the Board considers reasonable for the purpose of facilitating the giving of oral Evidence or the making of oral representations, including provision of a transcript, by or on behalf of a Representing Person.

D.E. FURTHER INFORMATION

12-18. If you have any questions about the process for making oral or written representations, or giving oral or written Evidence you should contact the ~~Board~~ at:Representations Administrator in the matter set out in Rule 6 above.

~~Address: _____ Legal Services Board
_____ 7th Floor Victoria House
_____ Southampton Row
_____ London WC1B 4AD~~

~~Email: _____ contactus@legalservicesboard.org.uk~~

~~Telephone: _____ 020 7271 0050~~

Annex A

These Rules are made by the Board under the following provisions of the Act:

<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>	<u>Column 5</u>
<u>Procedure</u>	<u>Provisions under which these rules are made</u>	<u>Who can Make Representations?</u>	<u>Applicable Procedure Rules</u>	<u>Representations Period</u>
<u>Approved Regulators: designation of bodies by Order</u>	<u>Sch 4, part 2, paragraph 11(3)</u>	<u>The Applicant in accordance with Sch 4, part 2, paragraph 11(2)</u>	<u>Rules for applications for Approved Regulator and Qualifying Regulator Designation</u>	<u>The period set out at Sch 4, part 2, paragraph 11(4) to the Act</u>
<u>Approved Regulators: Alteration of approved regulator's regulatory arrangements</u>	<u>Sch 4, part 3, paragraph 23(3)</u>	<u>The approved regulator in accordance with Sch 4, part 3, paragraph 23(2), including for the avoidance of doubt, and for the purposes of s178 of the Act, the Tribunal and the Law Society</u>	<u>Rules for Rule Change Applications</u>	<u>The period set out at Sch 4, part 3, paragraph 23(4) to the Act</u>
<u>Alteration of Reserved Legal Activities</u>	<u>Sch 6, paragraphs 12(2), 13(1) and 14(2)</u>	<u>Any person wishing to make representations or provide evidence (as appropriate) to the Board for the purposes of Sch 6, including for the avoidance of doubt, and for</u>	<u>None</u>	<u>In accordance with Sch 6, paragraph 12 to the Act; within 3 months of the Board giving notice under paragraph 9(2) of Schedule 6 to the Act, or within such</u>

		<u>the purposes of paragraph 13(3) of sch 6, an Affected Practitioner and any body which represents an Affected Practitioner</u>		<u>other time as the Board may specify.</u> <u>In accordance with Sch 6, paragraphs 13 and 14 to the Act: within 2 months of the Board publishing its Provisional Report, or within such other time as the Board may specify</u>
<u>Directions: Procedure</u>	<u>Sch 7, paragraphs 2(5) and 10(3)</u>	<u>The approved regulator in accordance with Sch 7, paragraphs 2(4) and 10(2), including for the avoidance of doubt, and for the purposes of s179 of the Act, the Tribunal and the Law Society</u>	<u>None</u>	<u>The period set out at sch 7, paragraph 2 to the Act or</u> <u>The period set out at sch 7, paragraph 10(4) to the Act, whichever is relevant</u>
<u>Intervention Directions: Procedure: Giving Intervention Directions</u>	<u>Sch 8, part 1, paragraphs 2(5) and 10(5)</u>	<u>The approved regulator in accordance with Sch 8, part 1, paragraphs 2(4) and 10(2), together with any body within paragraph 10(3) or any other person within paragraph 10(4)</u>	<u>Intervention directions: Section 41(5) and 42(10) rules</u>	<u>The period set out at Sch 8, part 1, paragraph 2(6) of the Act; or</u> <u>The period set out at Sch 8, part 1, paragraph 10(6) to the Act, whichever is relevant</u>

<u>Intervention Directions: Revoking Interventions Directions</u>	<u>Sch 8, part 2, paragraph 21(5)</u>	<u>The approved regulator in accordance with Sch 8, part 2, paragraph 21(2) together with any body within paragraph 21(3) or any other person within paragraph 21(4)</u>	<u>Intervention directions: Rules for applications to revoke</u>	<u>The period set out at Sch 8, part 2, paragraph 21(6) to the Act</u>
<u>Cancellation of designation as Approved Regulator</u>	<u>Sch 9, paragraphs 2(5) and 9(5)</u>	<u>The approved regulator in accordance with Sch 9, paragraphs 2(4) and 9(2), together with any body within paragraph 9(3) or any other person within paragraph 9(4)</u>	<u>Cancellation of designation: Rules on powers of entry</u>	<u>The period set out at Sch 9, paragraph 2(6) to the Act; or</u> <u>The period set out at Sch 9, paragraph 9(6) to the Act, whichever is relevant</u>
<u>Designation of Approved Regulators as Licensing Authorities: Designation of approved regulators by order</u>	<u>Sch 10, part 1, paragraph 9(3)</u>	<u>The Applicant in accordance with Sch 10, part 1, paragraph 9(2)</u>	<u>Rules for applications to be designated as a Licensing Authority</u>	<u>The period set out at Sch 10, Part 1, paragraph 9(4) to the Act</u>
<u>Designation of approved regulators as licensing authorities:</u>	<u>Sch 10, part 2, paragraphs 18(5) and 25(5)</u>	<u>The licensing authority in accordance with Sch 10, part 2, paragraphs 18(4) and 25(2) together with any body within paragraph 25(3) or</u>	<u>Cancellation of designation: Rules on powers of entry</u>	<u>The period set out at Sch 10, part 2, paragraph 18(6) to the Act; or</u> <u>The period set out at Sch 10, part 2, paragraph 25(6)</u>

<u>cancellation of designation by order</u>		<u>any other person within paragraph 25(4)</u>		<u>to the Act, whichever is relevant</u>
<u>Qualifying Regulators designation of bodies by order</u>	<u>Sch 18, part 1, paragraphs 3(4) and 4</u>	<u>The Applicant in accordance with, Sch 18, part 1, paragraph 4, which adopts Sch 4, part 2, paragraph 11(2)</u>	<u>Rules for applications for Approved Regulator and Qualifying Regulator Designation</u>	<u>The period set out at Sch 4, part 2, paragraph 11(4) to the Act</u>

Annex B

<u>Column 1 - Procedure</u>	<u>Column 2 - Procedure Time Limits</u>
<u>Approved Regulators: designation of bodies by Order</u>	<u>Rules [44 and 45] of the Applicable Procedure Rules</u>
<u>Approved Regulators: Alteration of approved regulator's regulatory arrangements</u>	<u>Rules [29 and 30] of the Applicable Procedure Rules</u>
<u>Alteration of Reserved Legal Activities</u>	<u>Sch 6: paragraph 11 (the investigation period) and paragraph 17 (the final reporting period)</u>
<u>Designation of Approved Regulators as Licensing Authorities: designation of approved regulators by order</u>	<u>Rules [39 and 40] of the Applicable Procedure Rules</u>
<u>Qualifying Regulators: designation of bodies by Order</u>	<u>Rules [44 and 45] of the Applicable Procedure Rules</u>