

LSB rules of procedure

A notice issued by the Board under section 205 of the Legal Services Act 2007 to invite representations on rules of procedure.

Representations are invited to be made by 5pm on Tuesday 20 February 2018.

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Introduction

1. The Legal Services Board (LSB) is the independent body responsible for overseeing the regulation of lawyers in England and Wales. We are independent of both government and the profession. We are funded by the legal profession. We hold to account the nine approved regulators for the different branches of the legal profession and the Office for Legal Complaints.
2. On 11 August 2017 the LSB sought representations on proposed revisions to its enforcement policy and the following rules of procedure:
 - making oral and written representations and giving oral and written evidence
 - powers of entry following cancellation of designation
 - applications to cancel designation as a licensing authority.
3. Representations were invited to be made until 12 October 2017. The LSB received responses from the Law Society and the General Council of the Bar, with the latter providing more substantive comments that were addressed in a paper to the LSB at a meeting on 23 November 2017. Copies of the LSB's notice to invite representations, together with the representations received and the LSB's response are available at:
http://www.legalservicesboard.org.uk/what_we_do/consultations/closed/index.htm
4. The LSB's revised enforcement policy and three sets of procedural rules listed in paragraph 2 above are now fully finalised and will be published once the deadline for making representations under this notice has passed.

Consequential revisions to further of the LSB's rules of procedure

5. Following completion of the above revisions, the LSB has now made a series of consequential, non-material amendments to 11 sets of other LSB rules (at Annexes A-K), which are as follows:

Designation

- A. Rules for approved regulator and qualifying regulator designation applications
- B. Rules for licensing authority designation applications

Alternative Business Structures

- C. Rules for LSB review of decisions about licence applications made to it
- D. Registers of licensed bodies: section 87(4) rules
- E. Schedule 13: ownership of licensed bodies rules: prescribed time periods

- F. Schedule 13: rules for the prescribed period for the making of appeals against licensing authority decisions relating to ownership of licensed bodies

Enforcement

- G. Intervention directions: section 41(5) and 42(10) rules
H. Intervention directions: rules for applications to revoke
I. Rules on the period for the making of appeals against decisions of a licensing authority in relation to financial penalties

Alterations

- J. Rules for applications to alter regulatory arrangements

Cancellation of Designation

- K. Rules for applications to cancel designation as an approved regulator

6. The consequential changes made to the above rules are set out in detail in a table of changes at Annex L, and in summary, comprise of:

- Correction of any pre-existing typographical errors
- Deletion of provisions on written and oral representations, which were originally contained within various procedures rules, and are now contained within the amalgamated rules referred to at paragraph 2 above.
- Updates to the details for the LSB
- Harmonisations with drafting techniques now used in the three sets of rules referred to at paragraph 2 above. Themes include:
 - Harmonised formatting (inclusion of an LSB logo on the front page, use of Ariel 11 for the main text, a single approach to capitalised terms (now all bolded, previously policies varied).
 - Removal of preambles to avoid repetition.
 - Harmonisation of sub-headings to achieve uniformity.
 - Insertion of the following two boilerplate clauses throughout all rules:
“These rules are to 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, rules, policies or guidance produced by the Board from time to time”.

“In the event of any inconsistency between these rules and the provisions of the Act, the provisions of the Act prevail”.

Representations

7. Under Section 205 of the Act, if the Board proposes to make any rules, it must publish a draft of the proposed rules and seek representations. This paper

therefore constitutes a notice under section 205 of the Act in relation to the above 11 sets of draft rules.

8. We welcome representations about the proposals set out in the draft rules at Annexes A-K by 5pm on Tuesday 20 February 2018.

Next steps

9. Once the LSB has considered representations on Annexes A-K, we will publish final versions of these rules, together with the revised enforcement policy and other rules of procedure referred to in paragraphs 2 to 4 above. If these differ from the drafts in a material way, we will publish details of the differences.

How to respond

1. Any representations on Annexes A-K should be made to the Board by 5pm on Tuesday 20 February 2018.
2. We would prefer to receive responses electronically (in MS Word format), but hard copy responses by post or fax are also welcome.
3. Responses should be sent to:
 - Email: consultations@legalservicesboard.org.uk
 - Post: Legal Services Board, One Kemble Street, London, WC2B 4AN
 - Fax: 020 7271 0051
4. We intend to publish all responses on our website unless a respondent explicitly requests that a response (or a specific part of it) should be kept confidential. We will record the identity of the respondent and the fact that they have submitted a confidential response in our summary of responses.
5. If you wish to discuss any aspect of this paper, or need advice on how to respond to the consultation, please contact the LSB by telephone (020 7271 0050) or by one of the methods described above.
6. Any complaints or queries about this process should be directed to the Consultation Co-ordinator, Ian Wilson, at the following address:

Consultation Co-ordinator
Legal Services Board
One Kemble Street
London WC2B 4AN

Email: consultations@legalservicesboard.org.uk

Annexes

- Annex A: Rules for approved regulator and qualifying regulator designation applications
- Annex B: Rules for licensing authority designation applications
- Annex C: Rules for LSB review of decisions about licence applications made to it
- Annex D: Registers of licensed bodies: section 87(4) rules
- Annex E: Schedule 13: ownership of licensed bodies rules: prescribed time periods
- Annex F: Schedule 13: rules for the prescribed period for the making of appeals against licensing authority decisions relating to ownership of licensed bodies
- Annex G: Intervention directions: section 41(5) and 42(10) rules
- Annex H: Intervention directions: rules for applications to revoke
- Annex I: Rules on the period for the making of appeals against decisions of a licensing authority in relation to financial penalties
- Annex J: Rules for applications to alter regulatory arrangements
- Annex K: Rules for applications to cancel designation as an approved regulator
- Annex L: Table of detailed non-consequential changes to LSB rules in Annexes A-K



Rules for approved regulator and qualifying regulator designation applications

Version 2, [month] 2018

A. DEFINITIONS

1. Words defined in these **rules** have the following meanings:

1999 Act	the Immigration and Asylum Act 1999
2007 Act	the Legal Services Act 2007
applicant	a body that submits an application
application	an approved regulator application and/or a qualifying regulator application
approved regulator	has the meaning given in section 20 of the 2007 Act
approved regulator application	an application to be designated as an approved regulator in relation to one or more reserved legal activities that is submitted to the Board in accordance with these rules
authorised person	has the meaning given in section 18 of the 2007 Act
better regulation principles	the five principles of good regulation (being proportionality, accountability, consistency, transparency and targeting) as set out in both sections 3(3) and 28(3) of the 2007 Act
Board	the Legal Services Board
CMA	the Competition and Markets Authority
consultees	the mandatory consultees and any optional consultee
Consumer Panel	the panel of persons established and maintained by the Board in accordance with section 8 of the 2007 Act
designation order	has the meaning given in paragraph 1 of Schedule 18 to the 2007 Act

existing AR applicant	an applicant who is already an approved regulator in respect of certain reserved legal activities and who is submitting an application to be designated as an approved regulator in relation to one or more additional reserved legal activities or to become a qualifying regulator for the purposes of Part 5 of the 1999 Act
mandatory consultees	the CMA, the Consumer Panel and the Lord Chief Justice
OLC	the Office of Legal Complaints established in accordance with section 114 of the 2007 Act
ombudsman scheme	the scheme referred to in section 115 of the 2007 Act
optional consultee	any person (other than a mandatory consultee) whom the Board considers it reasonable to consult regarding an application . This may include the Immigration Services Commissioner for qualifying regulator applications
prescribed fee	the fee that must accompany an application as described in Section D of these rules
qualifying regulator	means a body which is a qualifying regulator for the purposes of section 86A of the 1999 Act by virtue of Part 1 of Schedule 18 to the 2007 Act (approved regulators approved by the Board in relation to immigration matters)
qualifying regulator application	an application to become a qualifying regulator for the purposes of Part 5 of the 1999 Act , that is submitted to the Board in accordance with these rules
regulatory arrangements	has the meaning given in section 21 of the 2007 Act
regulatory objectives	has the meaning given in section 1 of the 2007 Act
representations period	has the meaning given in rule 7 of the representations rules
representations rules	the Board's rules for making oral and written representations and giving oral and written evidence
reserved legal activity	has the meaning given in section 12 of and Schedule 2 to the 2007 Act
reserved legal services	has the meaning given in section 207 of the 2007 Act

B. WHO DO THESE RULES APPLY TO?

2. These are the **rules** that apply:
 - a) if a body wishes to apply to the **Board**, under Part 2 of Schedule 4 to the **2007 Act**, for the **Board** to recommend to the Lord Chancellor that an order be made to designate the body as an **approved regulator** in relation to one or more **reserved legal activities**; and
 - b) to approve what the body proposes as its **regulatory arrangements** if such an order is made; and/or
 - c) if a body wishes to apply to the **Board**, under Part 1 of Schedule 18 of the **2007 Act**, for the **Board** to designate the body as a **qualifying regulator** for the purposes of Part 5 of the **1999 Act**; and
 - d) to approve what the body proposes as its **regulatory arrangements** if a **designation order** is made.
3. A body may only make an **application** under these **rules** to become a **qualifying regulator** if in accordance with paragraph 3(3) of Schedule 18 to the **2007 Act**:
 - a) it is an **approved regulator** (other than the **Board**), or
 - b) it has made an **application** as described in **rule 2(a)** above.
4. There are therefore four categories of bodies that these **rules** may apply to:
 - a) potential new **approved regulators**.
 - b) potential new **approved regulators** wishing to regulate immigration advice and services in addition to one or more **reserved legal activities**.
 - c) current **approved regulators** wishing to regulate additional **reserved legal activities**.
 - d) current **approved regulators** wishing to regulate immigration advice and services.
5. These **rules** set out:
 - a) the required content of any **application** to the **Board** and some guidance in relation to that content (**see Section C**);
 - b) the amount of the **prescribed fee** that must accompany any **application** (**see Section D**);
 - c) the processes and procedures that the **Board** will undertake in considering the **application** (**see Section E**);
 - d) the **Board's** criteria for determining **applications** (**see Section F**); and
 - e) who a body should contact if it has a question in relation to the **application** process (**see Section G**).

6. These **rules** are to be read in conjunction with the **2007 Act**, together with any other relevant provisions made by or by virtue of the **2007 Act**, or any other enactment, rules, policies or guidance produced by the **Board** from time to time.
7. In the event of any inconsistency between these **rules** and the provisions of the **2007 Act**, the provisions of the **2007 Act** prevail.
8. The **Board** reserves the right to amend these **rules** from time to time. When amendments are made, the **Board** will, when required to do so under section 205 of the Act, publish a draft of the amended **rules** and invite representations.

C. CONTENTS OF THE APPLICATION

9. The **2007 Act** requires the **Board** to consider certain factors and to consult with other parties in order to reach its determination. Accordingly, the **application** must contain sufficient information to allow the **Board** to make a proper consideration of the **application** and to provide sufficient information to the **consultees** to enable them to consider the **application** in a meaningful way. Attached as a Schedule to these **rules** is:
 - a) details of the administrative information that must be provided to enable processing of an **application** (see Part 1 of the Schedule to these **rules**) and guidance on the possible evidence that could be provided to satisfy these requirements;
 - b) guidance on the kind of evidence which the **Board** may consider in determining whether an **applicant's** proposed **regulatory arrangements** are sufficient to guarantee delivery of the **regulatory objectives** (see Part 2 of the Schedule to these **rules**); and
 - c) guidance on how the **Board** expects to treat **applications** (see Part 3 of the Schedule to these **rules**).
10. The **Board** does not prescribe the form which an **application** should take. The onus is on the **applicant** to supply all materials completely and accurately in the format that it thinks fit.

D. PRESCRIBED FEE

11. Any **application** must be accompanied by the **prescribed fee** set out in **rule 12** below (as applicable). The **prescribed fee** must be paid by electronic funds transfer to the bank account specified from time to time by the **Board** using the following reference:

Reference: **[applicant name]/designation application**

12. The **prescribed fee** that must accompany an **application** will depend on the type of **application** being made. The different levels of the **prescribed fee** are as follows:
 - a) if the **applicant** is applying for **approved regulator** status, the **prescribed fee** is £22,000;
 - b) if the **applicant** is applying simultaneously for **approved regulator** status and **qualifying regulator** status, the **prescribed fee** is £22,000;

- c) if the **applicant** is an **existing AR applicant** applying to regulate one or more new **reserved legal activities**, the **prescribed fee** is £16,000;
 - d) If the **applicant** is an **existing AR applicant** applying for **qualifying regulator** status, the **prescribed fee** is £16,000;
13. The amounts specified in **rule 12** above are each the average costs that the **Board** anticipates it will incur in considering these different types of **application**. The **prescribed fee** for an **existing AR applicant** is based on a day rate of £562 over 28.5 business days. The **prescribed fee** for an **applicant** who is not an **existing AR applicant** is based on a day rate of £562 over 39 business days.
14. The **Board** reserves the right to charge an additional amount in excess of the amounts set out in **rule 12** above in the following circumstances:
- a) if the **Board** requests further information from the **applicant** in accordance with **rule 17** below and the **Board's** costs in processing this information exceeds the relevant amount specified in **rule 12** above. In these circumstances, any such additional costs will be charged at the day rate of £562; or
 - b) the nature of the **application** means that the **Board** has to seek external advice and the cost of this advice would mean that the **Board's** cost in processing the **application** would exceed the relevant amount specified in **rule 12** above; or
 - c) if the **applicant** seeks to make oral representations on the advice given to the **Board** and the **Board** has determined in accordance with the **representations rules** that the cost of such representations is to be met by the **applicant**.

E. PROCESSES AND PROCEDURE

Sending the application

15. The **applicant** must submit their **application** (and, proof of transmission of the **prescribed fee**) as set out below:
- a) if by email to: schedule4approvals@legalservicesboard.org.uk
 - b) if by post or courier to: the relevant address of the **Board** as set out on its website.
- For the attention of: Designations Administrator.
16. On receipt of the **application** and the **prescribed fee**, an acknowledgement email will be sent to the **applicant** by the **Board**.
17. The **Board** will consider the **application** and may ask the **applicant** for such additional information as the **Board** may reasonably require.
18. The **Board** has the discretion to refuse to consider, or to continue its consideration of, an **application**. The **Board** will exercise this discretion if it believes that it has not received all the information it requires.

19. Where the **Board** decides to refuse to consider, or to continue its consideration of an **application**, it will give the **applicant** notice of that decision and the reasons for it. Any such notice will be published by the **Board** on its website.
20. An **applicant** may at any time withdraw or amend their **application** by giving notice to that effect to the **Board**.

Obtaining advice

21. On receipt of an **application** (including the **prescribed fee**), and all further information that the **Board** may require under **rule 17** above, the **Board** will send a copy of the **application** (together with any further information received) to the **consultees**.
22. The **Board** will specify to the **CMA**, the **Consumer Panel** and any **optional consultee** a time period in which each body must provide their advice on the **application** to the **Board**. The **Board** intends to request that these bodies provide their advice within a time period which is reasonable, dependent on the volume and complexity of the **application** received.
23. The **CMA**, the **Consumer Panel** and any **optional consultee** will then each consider the **application** within the specified time period and will provide their advice to the **Board**.
24. In providing their advice to the **Board**, each **consultee** may ask the **applicant** (or any other person) to provide such additional information as may be required.
25. The **Board** will then provide the advice it receives from the **CMA**, the **Consumer Panel** and any **optional consultee** to the Lord Chief Justice and will specify to the Lord Chief Justice a time period in which he must provide his advice on the **application** to the **Board**. Again, the time period that the **Board** will specify will depend on the particular circumstances of the **application**.
26. The Lord Chief Justice will then consider the **application** and will provide his advice to the **Board**.
27. Once the **Board** has received the advice of the Lord Chief Justice, it will provide to the **applicant** a copy of all the advice that has been given by the **consultees**.

Representations about the advice

28. Any representations made by the **applicant** about the advice referred to in **rules 21** to **27** above must be made in accordance with the **Board's representations rules** which are located at:

http://www.legalservicesboard.org.uk/what_we_do/regulation/index.htm

29. For the avoidance of doubt, the **representations rules** only apply to representations made to the **Board** by the **applicant** in relation to the advice provided by the **consultees**.

Publication of advice

30. As soon as practicable after the end of the **representations period** for **applications** made under these **rules**, the **Board** will publish on its website:

- a) the advice received from the **consultees**; and
 - b) subject to **rule 31** below, any written representations duly made by the **applicant** (and the report of oral representations (if any) prepared in accordance with the **representations rules**).
31. Prior to the publication of any written representations (and the report of oral representations (if any) prepared in accordance with the **representations rules**) the **Board** will decide whether any parts of the representations shall remain private and, if so why, taking account of representations from the **applicant**.
 32. The **Board** will, so far as practicable, exclude any material which relates to the private affairs of a particular individual, the publication of which, in the opinion of the **Board**, would or might seriously and prejudicially affect the interests of that individual.

The Board's decision

33. After considering the items listed in paragraph 14(1) of Schedule 4 to the **2007 Act** for **approved regulator applications** and the items listed in paragraph 6(1) of Schedule 18 to the **2007 Act** for **qualifying regulator applications**, the **Board** will decide whether to grant the **application**.
34. If the **Board** decides to grant an **approved regulator application**, it will notify the **applicant** and will recommend to the Lord Chancellor that an order be made.
35. If the **Board** decides to grant a **qualifying regulator application** it will notify the **applicant** and will recommend to the Home Secretary that an order be made under section 86A of the **1999 Act**. Under that part of the **1999 Act**, the Home Secretary can only make such an order following consultation with the Immigration Services Commissioner and with the approval of the Lord Chancellor.
36. If the **Board** decides to grant an **approved regulator application** and a **qualifying regulator application** to the same **applicant** at the same time, the order by the Home Secretary and approval by the **Board** of the **regulatory arrangements** for a **qualifying regulator application** are conditional upon the Lord Chancellor making an order under paragraph 17 of Schedule 4 to the **2007 Act** to designate the **applicant** as an **approved regulator** in relation to one or more of the **reserved legal activities**.
37. If the **Board** decides not to grant the **application**, the **Board** will write to the **applicant** with the reasons for its decision.
38. The **Board** will publish on its website a copy of any decision that it gives to the **applicant**.
39. Where an **application** relates to more than one **reserved legal activity**, the **Board** may grant the **application** in relation to all or any of them.

The Lord Chancellor's decision for approved regulator applications

40. The Lord Chancellor has up to 90 days from the date on which the **Board** makes its recommendation in accordance with **rule 34** to notify the **applicant** of whether or not he will make an order in accordance with the recommendation.
41. Where the **Board's** recommendation relates to more than one **reserved legal activity**, the Lord Chancellor may make an order in relation to all or any of them.

42. If the Lord Chancellor decides not to make an order in accordance with the **Board's** recommendation, the Lord Chancellor's notice to the **applicant** must state the reasons for that decision. The Lord Chancellor will publish any notice given under **rule 40**.

Time Limits

43. Under the provisions of the **2007 Act** the **Board** has 12 months from the date of the **application** to give its decision to the **applicant**. The **Board** will also make a recommendation to the Lord Chancellor (or Home Secretary) if appropriate. The **Board** may extend this period up to a maximum of 16 months from the date of **application** by giving notice to the **applicant**. The **Board** may only give such a notice if it has first consulted with the **mandatory consultees** in relation to such an extension. Such notice will state the **Board's** reasons for extending the period and will also be published by the **Board** on its website.
44. Notwithstanding **rule 43**, the **Board** will aim to deal with an **application** within six months from the later of:
- a) the date of submission of the **application** (it being understood that the **Board** will not accept an **application** if a submission is made which the **Board** regards as being incomplete and/or in a format that is not reasonably practicable to consider efficiently); and
 - b) the final date of submission of any further information that the **Board** may request under **rule 17**.

F. CRITERIA FOR DETERMINING APPLICATIONS

45. The **Board** will only grant an **application** if it is satisfied that the criteria in paragraphs 13(2) and 13(3) of Schedule 4 to the **2007 Act** for **approved regulator applications**, and paragraphs 5(2) and 5(3) of Schedule 18 for **qualifying regulator applications** are met.
46. In addition, when considering an **application**, the **Board** will consider how consistent an **applicant's** proposed **regulatory arrangements** are with the requirements of section 28 of the **2007 Act** (duty to promote the **regulatory objectives**, pursue best regulatory practice, etc).

G. FURTHER INFORMATION

47. If you have any questions about the **application** process or the preparation of an **application**, you should contact the Designations Administrator in the manner set out in **rule 15** above.

SCHEDULE

Part 1 - Administrative information needed to enable processing of an application

	What is required	Section of 2007 Act	Possible Evidence
1.	Background information	N/A	Contact details for the person(s) the Board should contact in relation to the application , including job title, email address and phone number, a physical address for communication and the applicant's registered office address (if different from communication address) and company registration number if applicable
2.	A statement of the reserved legal activity or activities to which the application relates and/or whether the application relates to immigration advice and services	Sch. 4, paragraph 3(3)(a) Sch.18 paragraph 3(4)(b)	Specification of: <ul style="list-style-type: none"> • Which of the reserved legal activities set out in section 12 and Schedule 2 to the 2007 Act the applicant proposes to regulate¹ • The context within which the applicant proposes to regulate such activities (i.e. will the applicant only be providing authorisation to provide the reserved legal activities or immigration advice and services in limited circumstances?)
3.	Details of the applicant's proposed regulatory arrangements	Sch. 4, paragraph 3(3)(b) Sch.18, paragraph 3(4)(a)	Relevant documentation on how the applicant proposes to establish and discharge its regulatory arrangements , as defined in section 21 of the 2007 Act , i.e.: <ul style="list-style-type: none"> • Authorisation processes • Practice rules • Code of conduct • Disciplinary arrangements • Qualification regulations • Indemnification arrangements • Compensation arrangements • Licensing rules • Other related rules <p>A clear explanation of how the applicant's regulatory arrangements actively contribute to the achievement of the regulatory objectives and remove risks to their delivery</p>

¹ For applications under schedule 18, Part 1, **applicants** should state their intention to regulate immigration advice and services.

	What is required	Section of 2007 Act	Possible Evidence
4.	Such explanatory material (including material about the applicant's constitution and activities) as the applicant considers is likely to be needed for the purposes of Part 2 of Schedule 4 and for applications under Part 1 of Schedule 18 if relevant	Sch. 4, paragraph 3(3)(c) Sch.18, paragraph 3(4)(b)	<p>Memorandum and articles of association or equivalent constitutional documentation</p> <p>Current details of legal entity structure, ownership, list of directors</p> <p>Statement of the non-regulatory activities the applicant intends to carry out and how these will be managed in accordance with the requirements of the 2007 Act and such rules as the Board shall make from time to time</p> <p>A business plan for the activity to be regulated, demonstrating the proposed governance and funding arrangements and sensitivity analysis showing how it relates to different forecasts</p>
5.	Details of the authority which the applicant proposes to give persons to carry on activities which are reserved legal activities	Sch. 4, paragraph 3(5)(a)	See Item 3
6.	Details of the nature of the persons to whom each aspect of the authority is to be given	Sch. 4, paragraph 3(5)(a)	See Item 3
7.	Regulations (however they may be described) as to the education and training which persons must receive, and any other requirements which must be met by or in respect of them, in order for them to be authorised	Sch. 4, paragraph 3(5)(b) Sch.18 paragraph 5(2)(d)	<p>Details might include:</p> <ul style="list-style-type: none"> • Split between general principles (i.e. duty to the Supreme Court) and specific activity (i.e. staff training, client money handling etc) • Split between mandatory elements and guidance • Explanation of any variation with the practices adopted by others currently regulating the activity
8.	Rules (however they may be described) as to the conduct required of persons in carrying on any activity by virtue of the authority	Sch. 4, paragraph 3(5)(c) Sch.18 paragraph 5(2)(d)	Details of the activities within each relevant reserved legal activity and, where relevant, immigration advice and services, (e.g. conducting CPD eligible training, handling client money, supervising trainees, supervising lawyers or other disciplines)
9.	In deciding what advice to give, the CMA must, in particular, have regard to whether an order ... would (or would be likely to) prevent, restrict or distort competition within the market for reserved legal services (or immigration advice and services for qualifying regulator applications) to any significant extent	Sch. 4, paragraph 6(2) Sch.18, paragraph 4(b)	The CMA is considering whether to issue its own guidance on the issues to which it is likely to have regard in giving advice

	What is required	Section of 2007 Act	Possible Evidence
10.	In deciding what advice to give, the Consumer Panel must, in particular, have regard to the likely impact on consumers of the making of an order	Sch. 4, paragraph 7(2) Sch.18, paragraph 4(a)	Explanation of how the regulatory arrangements will: <ul style="list-style-type: none"> • Protect and promote the interests of consumers generally • Meet the specific requirements in terms of indemnification and complaint handling
11.	An optional consultee may give the Board such advice as the it thinks fit in respect of the application	Sch. 4, paragraph 8 Sch.18, paragraph 4	Information on any matters specified by an optional consultee
12.	The Lord Chief Justice must, in particular, have regard to the likely impact on the courts in England and Wales of the making of an order	Sch. 4, paragraph 9(3) Sch.18, paragraph 4(a)	Information on any matters specified by the LCJ
13.	The Board may grant an application only if it is satisfied that, if the relevant order were to be made, the applicant would have appropriate internal governance arrangements in place at the time the order takes effect	Sch.4, paragraph 13(2)(a) Sch.18, paragraph 5(2)(a)	See Item 4
14.	The Board may grant an application only if it is satisfied that, if the relevant order were to be made, the applicant would be competent, and have sufficient resources, to perform the role of approved regulator in relation to the reserved legal activity at that time or the role of designated qualifying regulator within the meaning of section 86A of the 1999 Act	Sch. 4, paragraph 13(2)(b) Sch.18, paragraph 5(2)(b)	Statement from authorised staff/officeholders in the organisation that there are sufficient resources, an explanation of how this has been assessed Documents signed off by an external accountant as being calculated, presented and supported to a standard that could pass a statutory audit Business Plan for coming year and 3 year forward look Risk management strategy Staff development and retention strategies
15.	The Board may grant an application only if it is satisfied that, the applicant's proposed regulatory arrangements make appropriate provision	Sch. 4, paragraph 13(2)(c) Sch.18, paragraph 5(2)(d)	Assessment of how the proposed regulatory arrangements are consistent with better regulation principles

	What is required	Section of 2007 Act	Possible Evidence
16.	Compliance with the requirement imposed by sections 52 and 54 (resolution of regulatory conflict)	Sch. 4, paragraph 13(2)(d)	A statement identifying regulators with whom conflict might arise and the work undertaken to date and proposed to avoid this, in particular in relation to the interaction between an individual regulated by one approved regulator and an employing entity regulated by another approved regulator
17.	Compliance with the requirements imposed by sections 112 and 145 (requirements imposed in relation to the handling of complaints)	Sch. 4, paragraph 13(2)(e) Sch.18, paragraph 5(2)(e)	Current or draft policies showing compliance with any rules made under sections 112 and 145 of the 2007 Act and any OLC guidance
18.	The rules made for the purposes of paragraphs 2 and 4 of these rules must in particular require the Board to be satisfied that the exercise of the applicant's regulatory functions would not be prejudiced by any of its representative functions	Sch. 4, paragraph 13(3)(a) Sch.18, paragraph 5(3)(a)	Statement on how the arrangements comply with the principles of the 2007 Act and such rules as the Board may make from time to time
19.	The rules made for the purposes of paragraphs 2 and 4 of these rules must in particular require the Board to be satisfied that decisions relating to the exercise of the applicant's regulatory functions would so far as reasonably practicable be taken independently from decisions relating to the exercise of the applicant's representative functions	Sch. 4, paragraph 13(3)(b) Sch.18, paragraph 5(3)(b)	See Item 18
20.	For qualifying regulator applications the Board must additionally be satisfied that the arrangements made by the applicant for authorising persons to provide immigration advice and services provide that persons may not be so authorised unless they are also authorised by the applicant to carry on activities which are reserved legal activities	Sch.18 paragraph 5(2)(c)	Relevant documentation, such as a Code of Conduct.

Part 2 – Evidence in relation to regulatory arrangements

Principles (each principle may relate to more than one risk)	Risks	Relates to regulatory objectives (see section 1(1))	Relates to regulatory arrangement (see section 21(1))	Evidence to underpin approval of designation as an approved regulator
Clients' money must be protected	Clients' money is misused by regulated person or unprotected from entity failure	(d), (f), (h)	(h)	<p>Approved regulators must ensure that authorised persons must keep clients' money separate from own</p> <p>Approved regulators must be able to compensate clients as per section 21(2)</p> <p>May involve client account rules; insurance requirements; compensation fund or insurance or alternatives</p>
Authorised persons must act in clients' interests subject to duty to court	Authorised persons do not or are unable to act in the clients interest	(a), (b), (d), (e), (h)	(g), (d)	<p>Approved regulators must demonstrate how regulated persons and entities are indemnified against losses arising from claims in relation to any description of civil liability incurred by them, or by employees or former employees of theirs, in connection with their activities as such regulated persons or entities</p> <p>Approved regulators must have a code of conduct that enshrines the primacy of acting in the client interest and subjugates other pressures, be they commercial or otherwise to that principle</p>
Reserved legal services and immigration advice and services should only be delivered by regulated persons of appropriate skill and competence	Reserved legal services and/or immigration advice and services are not of the appropriate quality	(c), (d), (e), (h)	(a), (b), (c)	<p>Approved regulators must ensure that definitions of appropriate skill and competence are proportionate in order to ensure both value and professionalism</p> <p>Easily accessible redress should be in place</p>
Compliance with professional principles should be enshrined in regulation	Reserved legal services and/or immigration advice and services are not delivered in accordance with professional principles	(a), (d), (h)	(d), (f)	<p>Approved regulators must have a code of conduct that defines the professional principles that are compulsory for regulated community</p>

Principles (each principle may relate to more than one risk)	Risks	Relates to regulatory objectives (see section 1(1))	Relates to regulatory arrangement (see section 21(1))	Evidence to underpin approval of designation as an approved regulator
Compliance with professional principles should be enshrined in regulation	Authorised persons and entities do not comply with regulation	(a), (b), (c), (d), (e), (f), (g), (h)	(e)	Approved regulator must have a disciplinary remit and processes that allow for setting standards and managing compliance of authorised persons and entities, efficient investigatory systems and disciplinary powers in the event of breaches of the regulatory framework
Responsibilities for front line complaints handling and interactions with the OLC should be clear	Consumers do not receive timely complaint investigation or redress when justified	(a), (b), (c), (d), (h)	(c), (d), (h)	Approved regulator must have rules specifying how rights to complain and redress can be accessed, including the right of access to the OLC at an appropriate stage
Regulatory arrangements should advance the objective of supporting competition	Regulatory requirements act as a barrier to competition by restricting legitimate entry	(d), (e)	(c), (d)	Approved regulator should be able to demonstrate that their rules are the minimum necessary to address the full set of objectives and do not have unintended consequences in terms of restricted entry
Representative and regulatory functions should be discharged and decisions made, so far as reasonably practicable, independently of each other	Decisions lack credibility and independence because of actual or perceived influence from the representative arm of an approved regulator	(a), (d), (f)	(c), (d)	Approved regulators should have arrangements which implement the 2007 Act and such rules as the Board make on the issue in relation to regulatory strategy, decisions and resourcing of the regulatory arm
Regulation should clearly support the rules of law	Commercial considerations undermine duty to the court	(b), (c), (d), (f)	(a), (c), (d)	Approved regulators' rules and processes should unequivocally give priority to this duty
The legal professions make up should reflect the population it serves	Public confidence is lost if the profession appears to be a "closed shop"	(c), (d), (f)	(a), (b), (f)	Approved regulators should be able to demonstrate processes which address diversity concerns
Consumers should be actively involved in decision making throughout their dealings with the profession	Consumers poor understanding restricts their ability to access justice	(a), (c), (d), (g)	(a), (d), (h)	Approved regulators can demonstrate how their processes address public legal education

Part 3 – How the Board expects to treat applications

1. The **Board** expects carefully prepared documentation which the executives and/or honorary officers of the **applicant** (and the **applicant's** independent advisors when applicable) are prepared to put their name to in stating that the information supplied is accurate or, in the case of forecast data, is a best estimate based on good research and informed professional judgement. If the **applicant** cannot demonstrate this level of executive and advisory confidence then it is not appropriate for an **application** to be made.
2. The **Board** expects that some parts of this Schedule will be less relevant to an **applicant** who is already an **approved regulator** which is applying to add an additional **reserved legal activity** or immigration advice and services to its competences or to a new **applicant** which has a strong record of regulatory performance in a related sector than to a wholly new organisation. Hence, the **Board** will take a proportionate view of risk in deciding precisely how much information to seek in any given case.
3. All documents supplied will be subject to publication and to the scrutiny of the **consultees** whom the **2007 Act** prescribes must consider **applications**. Consequently **applicants** should have regard to this in relation, in particular, to supplying information which might be commercially sensitive and/or contain personal data. The **Board** will consider limited requests for redaction of information from documents that are published on these grounds but will not be able to redact information from materials sent to the **mandatory consultees**. The **Board** requires successful **applicants** to maintain a publicly accessible internet space containing all of the materials that are submitted by the **applicant** in its **application**.
4. The **Board** will normally expect to see evidence of consultation with other **approved regulators** and the OLC on matters (such as code of conduct) where there is likely to be an interaction between the **applicant** and the existing **approved regulators**. The **applicant** should also consult with members of, and representative bodies for, professions that may be affected by the **application** and with the regulators of these professions. The **Board** will also normally expect the **applicant** to consider, and if appropriate consult with, any other relevant stakeholders including consumers.
5. The **Board** reserves the right to retain advisors to consider the information supplied. The retention of such advisors may result in an increase to the **prescribed fee** as described in **rule 16**. **Applicants** are encouraged to consider how in preparing, presenting and in certifying the information that they submit, they can minimise the need for the **Board** to take external advice.
6. The **Board's** decision will take account of professional guidance, **consultee** responses received and on the overall competence, completeness and executive and advisor endorsement of the **applications** received. The **Board**, as an oversight regulator, will not usually reanalyse the information supplied unless there are compelling reasons for doing so.
7. **Board** approval of a new body as an **approved regulator** and/or **qualifying regulator**, or of an **existing AR applicant** as an **approved regulator** in relation to an additional **reserved legal activity**, or a **qualifying regulator** in relation to immigration advice and services represents an assessment that:
 - a) the **applicant** appears well prepared and appears to understand the roles and responsibilities granted to **approved regulators** and/or **qualifying regulators** under the **2007 Act**; and

- b) no valid objections have been made to the **applicant's application** by the **consultees**.

DRAFT



Rules for licensing authority designation applications

Version 3, [month] 2018

A. DEFINITIONS

1. Words defined in these **rules** have the following meanings:

Act	the Legal Services Act 2007
applicant	a body that submits an application
application	an application to be designated as a licensing authority in relation to one or more reserved legal activities that is submitted to the Board in accordance with these rules
approved regulator	has the meaning given in section 20(2) of the Act
AR applicant	a body that submits an application to be designated as an approved regulator in relation to one or more reserved legal activities that is submitted to the Board in accordance with the Board's rules for approved regulator designation applications, as in force from time to time
authorised person	has the meaning given in section 18 of the Act
Board	the Legal Services Board
CMA	the Competition and Markets Authority
consultees	the mandatory consultees and any optional consultee
Consumer Panel	the panel of persons established and maintained by the Board in accordance with section 8 of the Act
existing LA applicant	an applicant that is already a licensing authority in respect of certain reserved legal activities and is submitting an application to be designated as a licensing authority in relation to one or more additional reserved legal activities

licensable body	has the meaning given in section 72 of the Act
licensed activity	has the meaning given in section 111(1) of the Act
licensed body	has the meaning given in section 71(2) of the Act
licensing authority	has the meaning given in section 73(1) of the Act
licensing rules	has the meaning given in section 83 of the Act
mandatory consultees	the CMA , the Consumer Panel and the Lord Chief Justice
optional consultee	any person (other than a mandatory consultee) whom the Board considers it reasonable to consult regarding an application
prescribed fee	the fee that must accompany an application as described in Section D of these rules
regulatory objectives	has the meaning given in section 1 of the Act
representations period	has the meaning given in rule 7 of the representations rules
representations rules	the Board's rules for making oral and written representations and giving oral and written Evidence
reserved legal activity	has the meaning given in section 12 of Schedule 2 to the Act
reserved legal services	has the meaning given in section 207 of the Act

B. WHO DO THESE RULES APPLY TO?

2. These are the **rules** that apply if a body wishes to apply to the **Board**, under Part 1 of Schedule 10 to the **Act**, for the **Board**:
 - a) to make a recommendation to the Lord Chancellor that an order be made that the body be designated as a **licensing authority** in relation to one or more activities which constitute one or more **reserved legal activities**; and
 - b) to approve what the body proposes as its **licensing rules** if such an order is made.

3. A body may only make an **application** under these **rules** in relation to a **reserved legal activity** if:
 - a) it is an **approved regulator** in relation to the **reserved legal activity** which is the subject of the **application** under these **rules**; or
 - b) it has made an **application** under Part 2 of Schedule 4 to the **Act** for the **Board** to recommend that an order be made by the Lord Chancellor designating the body as an **approved regulator** in relation to the **reserved legal activity** which is the subject of the **application** under these **rules**.
4. These **rules** set out:
 - a) the required content of any **application** to the **Board** and some guidance in relation to that content (**see Section C**);
 - b) the amount of the **prescribed fee** that must accompany any **application** (**see Section D**);
 - c) the processes and procedures that the **Board** will undertake in considering the **application** (**see Section E**);
 - d) the **Board's** criteria for determining **applications** (**see Section F**); and
 - e) who a body should contact if it has a question in relation to the **application** process (**see Section G**).
5. These **rules** are to 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, rules, policies or guidance produced by the **Board** from time to time.
6. In the event of any inconsistency between these **rules** and the provisions of the **Act**, the provisions of the **Act** prevail.
7. The **Board** reserves the right to amend these **rules** from time to time. When amendments are made, the **Board** will, when required to do so under section 205 of the Act, publish a draft of the amended **rules** and invite representations.

C. CONTENTS OF THE APPLICATION

7. The **Act** requires the **Board** to consider certain factors and to consult with other parties in order to reach its determination. Accordingly, the **application** must contain sufficient information to allow the **Board** to make a proper consideration of the **application** and to provide sufficient information to the **consultees** to enable them to consider the **application** in a meaningful way. Attached as a Schedule to these **rules** are:

- a) the administrative information needed to enable processing of an **application** (see Part 1 of the Schedule to these **rules**) and guidance on the possible evidence that could be provided to satisfy these requirements;
 - b) the items that the **Act** mandates should be included in a **licensing authority's licensing rules** (see Part 2 of the Schedule to these **rules**); and
 - c) Guidance on how the **Board** expects to treat **applications** (see Part 3 of the Schedule to these **rules**).
8. The **Board** does not prescribe the form which an **application** should take. The onus is on the **applicant** to supply all materials completely and accurately in the format that it thinks fit.

D. PRESCRIBED FEE

9. Any **application** must be accompanied by the **prescribed fee** set out in **rule 10** below. The **prescribed fee** must be paid by electronic funds transfer to the bank account specified from time to time by the LSB using the following reference:

Reference: **[applicant name]/licensing authority application**

10. The **prescribed fee** that must accompany an **application** will depend on the type of **application** being made. The different levels of the **prescribed fee** are as follows:
- a) if the **applicant** is an **existing LA applicant**, or if the **applicant** is also an **AR applicant**, the **prescribed fee** is £16,000; and
 - b) if the **applicant** is not an **existing LA applicant** the **prescribed fee** is £22,000.
11. The amounts specified in **rule 10** above are each the average costs that the **Board** anticipates it will incur in considering these different types of **application**. The **prescribed fee** for an **existing LA applicant** this is based on a day rate of £562 over 28.5 business days. In respect of a **prescribed fee** for an **applicant** who is not an **existing LA applicant**, this is based on a day rate of £562 over 39 business days.
12. The **Board** reserves the right to charge an additional amount in excess of the amounts set out in **rule 10** above in the following circumstances:
- a) if the **Board** requests further information from the **applicant** in accordance with **rule 15** and the **Board's** costs in processing this information exceeds the relevant amount specified in **rule 10** above. In these circumstances, any such additional costs will be charged at the day rate of £562; or
 - b) the nature of the **application** means that the **Board** has to seek external advice and the cost of this advice would mean that the **Board's** cost in processing the

application would exceed the relevant amount specified in **rule 10** above. In this case, the full cost of the advice will be charged to the **applicant**; or

- c) if the **applicant** seeks to make oral representations on the advice given to the **Board** and the **Board** has determined in accordance with the **representations rules** that the cost of such representations is to be met by the **applicant**.

E. PROCESSES AND PROCEDURE

Sending the application

- 13. The **applicant** must submit their **application** (and, proof of transmission of the **prescribed fee**) as set out below:
 - a) if by email to: schedule10approvals@legalservicesboard.org.uk
 - b) if by post or courier to: the relevant address of the **Board** as set out on its website.

For the attention of: LA Designations Administrator.

- 14. On receipt of the **application** and the **prescribed fee**, an acknowledgement email will be sent to the **applicant** by the **Board**.
- 15. The **Board** will consider the **application** and may ask the **applicant** for such additional information as the **Board** may reasonably require.
- 16. The **Board** has the discretion to refuse to consider, or to continue its consideration of, an **application**. The **Board** will exercise this discretion if it believes that it has not received all the information it requires.
- 17. Where the **Board** decides to refuse to consider, or to continue its consideration of, an **application** it will give the **applicant** notice of that decision and the reasons for it. Any such notice will be published by the **Board** on its website.
- 18. An **applicant** may at any time withdraw or amend their **application** by giving notice to that effect to the **Board**.

Obtaining advice

- 19. On receipt of an **application** (including the **prescribed fee**), and all further information that the **Board** may require under **rule 15**, the **Board** will send a copy of the **application** (together with any further information received) to the **consultees**.
- 20. The **Board** will specify to the **CMA**, the **Consumer Panel** and any **optional consultee** a time period in which each body must provide their advice on the **application** to the **Board**. The **Board** intends to request that these bodies provide their advice within a

time period which is reasonable depending on the volume and complexity of the **application** received.

21. The **CMA**, the **Consumer Panel** and any **optional consultee** will then each consider the **application** within the specified time period and will provide their advice to the **Board**.
22. In providing their advice to the **Board**, each Consultee may ask the **applicant** (or any other person) to provide such additional information as may be required.
23. The **Board** will then provide the advice it receives from the **CMA**, the **Consumer Panel** and any **optional consultee** to the Lord Chief Justice and will specify to the Lord Chief Justice a time period in which he must provide his advice on the **application** to the **Board**. Again, the time period that the **Board** will specify will depend on the particular circumstances of the **application**.
24. The Lord Chief Justice will then consider the **application** and will provide his advice to the **Board**.
25. Once the **Board** has received the advice of the Lord Chief Justice, it will provide a copy of all the advice that has been given by the **consultees** to the **applicant**.

Representations about the advice

26. Any representations made by the **applicant** about the advice referred to in **rules** 19 to 25 above must be made in accordance with the **Board's representations rules**, which are located at:

http://www.legalservicesboard.org.uk/what_we_do/regulation/index.htm
27. For the avoidance of doubt, the **representations rules** only apply to representations made to the **Board** by the **applicant** in relation to the advice provided by the **consultees**.

Publication of advice

28. As soon as practicable after the end of the **representations period** for **applications** made under these **rules**, the **Board** will publish on its website:
 - a) the advice received from the **consultees**; and
 - b) subject to **rule** 29, any written representations duly made by the **applicant** (and the report of oral representations (if any) prepared in accordance with the **representations rules**).
29. Prior to the publication of any written representations (and the report of oral representations (if any) prepared in accordance with the **representations rules**) the

Board will decide whether any parts of the representations shall remain private and, if so why, taking account of representations from the **applicant**.

30. The **Board** will, so far as practicable, exclude any material which relates to the private affairs of a particular individual, the publication of which, in the opinion of the **Board**, would or might seriously and prejudicially affect the interests of that individual.

The Board's decision

31. After considering the items listed in paragraph 12(1) of Schedule 10 to the **Act**, the **Board** will decide whether to grant the **application**.
32. If the **Board** decides to grant the **application**, it will notify the **applicant** and will recommend to the Lord Chancellor that an order be made.
33. If the **Board** decides not to grant the **application**, the **Board** will write to the **applicant** with the reasons for its decision.
34. The **Board** will publish on its website a copy of any decision that it gives to the **applicant**.
35. Where an **application** relates to more than one **reserved legal activity**, the **Board** may grant the **application** in relation to all or any one of them.

The Lord Chancellor's decision

36. The Lord Chancellor has up to 90 days from the date on which the **Board** makes its recommendation in accordance with **rule 32** to notify the **applicant** of whether or not he will make an order in accordance with the recommendation.
37. Where the **Board's** recommendation relates to more than one **reserved legal activity**, the Lord Chancellor may make an order in relation to all or any of them.
38. If the Lord Chancellor decides not to make an order in accordance with the **Board's** recommendation, the Lord Chancellor's notice to the **applicant** must state the reasons for that decision. The Lord Chancellor will publish any notice given under **rule 36**.

Time Limits

39. Under the provisions of the **Act** the **Board** has 12 months from the date of the **application** to give its decision to the **applicant** and its recommendation to the Lord Chancellor (if appropriate). The **Board** may extend this period up to a maximum of 16 months from the date of **application** by giving notice to the **applicant**. The **Board** may only give such a notice if it has first consulted with the **mandatory consultees** in relation to such an extension. Such notice will state the **Board's** reasons for extending the period and will also be published by the **Board** on its website.

40. Notwithstanding **rule 39**, the **Board** will aim to deal with an **application** within six months from the later of:
- a) the date upon which the **Board** accepts submission of the **application** (it being understood that the **Board** will not accept an **application** if a submission is made which the **Board** regards as being incomplete and/or in a format that is not reasonably practicable to consider efficiently); and
 - b) the final date of submission of any further information that the **Board** may request under **rule 15**.

F. CRITERIA FOR DETERMINING APPLICATIONS

41. The **Board** will only grant an **application** in relation to a particular **reserved legal activity** if it is satisfied that the criteria in paragraphs 11(2) and 11(3) of Schedule 10 to the **Act**, are met.
42. In addition, when considering an **application** the **Board** will consider how consistent an **applicant's** proposed **licensing rules** are with the requirements of section 28 of the **Act** (duty to promote the **regulatory objectives**, pursue best regulatory practice, etc.) and with the **Board's** guidance on **licensing rules**. In this regard, and in accordance with the requirements of section 82 of the **Act**, an **applicant** must also prepare and issue a statement of policy as to how, in exercising its functions under Part 5 of the **Act**, it will comply with the requirements of section 28 of the **Act**.

G. FURTHER INFORMATION

43. If you have any questions about the **application** process or the preparation of an **application**, you should contact the LA Designations Administrator in the manner set out in **rule 13** above.

SCHEDULE

Part 1 - Administrative information needed to enable processing of an application

	What is required	Section of Act	Possible Evidence
1.	Background information	N/A	Contact details in relation to the person(s) the Board should contact in relation to the application , including job title, email address and phone number, a physical address for communication and the applicant's registered office address (if different from communication address) and company registration number if applicable
2.	A statement of the reserved legal activity or activities to which the application relates	Sch. 10, paragraph 1(4) (a)	Specification of which of the reserved legal activities set out in section 12 and Schedule 2 to the Act the application applies to
3.	Details of the applicant's proposed licensing rules	Sch. 10, paragraph 1(4) (b)	An explanation of how the proposed licensing rules comply with section 83(5), Schedule 11 to the Act (see Part 2 of this Schedule for further details) and the LSB's guidance on licensing rules
4.	Such explanatory material as the applicant considers is likely to be needed for the purposes of Part 1 of Schedule 10	Sch. 10, paragraph 1(4) (c)	<p>An applicant must be able to demonstrate how it has prepared properly and thoroughly for its role as a licensing authority and has appropriate arrangements in place to competently license ABS, in particular it must:</p> <ul style="list-style-type: none"> - show that it has appropriate regulatory arrangements to ensure that it can act, so far as reasonably practicable, in a way which is compatible with the regulatory objectives, and have regard to standards of openness, accountability and transparency and best regulatory practice; - demonstrate an understanding of the types of ABS it will be regulating and the services provided by those ABS. In particular it must show that it has suitable processes and systems in place to identify and dealing with the complexity, risk and volume of expected ABS; - demonstrate that it is a solid, stable, well structured, adequately financed and professionally operated body with the governance and institutional stability to discharge its functions on a proper basis. This includes (but is not limited to) sufficient and appropriate staffing and staffing arrangements to ensure good quality regulation and a sufficiently robust and flexible business plan, including appropriate contingency arrangements that is able to adapt to: <ul style="list-style-type: none"> - changes in demand for licences; - changes in complexity of ABS models; - new threats to the regulatory objectives; and - changes in the operating and/or regulatory environment.

What is required				Section of Act	Possible Evidence
					An applicant must also provide an assessment of its progress against its implementation plan to become a licensing authority
5.	In deciding what advice to give, the CMA must, in particular, have regard to whether an order ... would (or would be likely to) prevent, restrict or distort competition within the market for reserved legal activity to any significant extent	Sch. 10, paragraph 4(2)			The CMA is considering whether to issue its own guidance on the issues to which it is likely to have regard in giving advice
6.	In deciding what advice to give, the Consumer Panel must, in particular, have regard to the likely impact on consumers of the making of an order	Sch. 10, paragraph 5(2)			Explanation of how the proposed licensing rules will: <ul style="list-style-type: none"> • protect and promote the interests of consumers generally • meet the specific requirements in terms of indemnification and complaint handling
7.	A consultee may give the Board such advice as it thinks fit in respect of the application	Sch. 10, paragraph 8			Information on any matters specified by a selected consultee
8.	The Lord Chief Justice must, in particular, have regard to the likely impact on the courts in England and Wales of the making of an order	Sch. 10, paragraph 7(3)			Information on any matters specified by the LCJ
9.	The Board may grant an application in relation to a particular reserved legal activity only if it is satisfied that, the applicant's proposed licensing rules in relation to the reserved legal activity comply with the requirements of section 83 of the Act	Sch.10, paragraph 11(2)(a)			See Item 3
10.	The Board may grant an application in relation to a particular reserved legal activity only if it is satisfied that, if an order were to be made designating the applicant in relation to the reserved legal activity , there would be a body with power to hear and determine appeals which, under Part 5 of the Act or under the applicant's proposed licensing rules , may be made against decisions of the applicant	Sch. 10, paragraph 11(2)(b)			The applicant must include a statement about the appellate body that the applicant proposes to use for appeals against financial penalties and conditions imposed on a licensable body The applicant should also include a statement for the appellate body that it agrees to hear those appeals
11.	The Board may grant an application in relation to a particular reserved legal activity only if it is satisfied that,	Sch. 10, paragraph 11(2)(c)			Such explanatory material (including material about the applicant's constitution and activities) as the applicant considers is likely to be needed to show how its internal governance arrangements comply

	What is required	Section of Act	Possible Evidence
	if an order were to be made designating the applicant in relation to the reserved legal activity , the applicant would have appropriate internal governance arrangements in place at the time the order takes effect		with the Board's most recently published policy on internal governance
12.	The Board may grant an application in relation to a particular reserved legal activity only if it is satisfied that, if an order were to be made designating the applicant in relation to the reserved legal activity , the applicant would be competent, and have sufficient resources, to perform the role of licensing authority in relation to the reserved legal activity at the time the order takes effect	Sch. 10, paragraph 11(2)(d)	<p>Statement from authorised staff/officeholders in the organisation that there are sufficient resources, an explanation of how this has been assessed</p> <p>Documents signed off by an external accountant as being calculated, presented and supported to a standard that could pass a statutory audit</p> <p>Business Plan for coming year and 3 year forward look</p> <p>Risk management strategy</p> <p>Staff development and retention strategies</p>
13.	The rules made for the purposes of sub-paragraph 2(c) must in particular require the Board to be satisfied that the exercise of the applicant's regulatory functions would not be prejudiced by any of its representative functions	Sch. 10, paragraph 11(3)(a)	Statement on how the arrangements comply with the principles of the Act and such rules as the Board may make from time to time
14.	The rules made for the purposes of sub-paragraph 2(c) must in particular require the Board to be satisfied that decisions relating to the exercise of the applicant's regulatory functions would so far as reasonably practicable be taken independently from decisions relating to the exercise of the applicant's representative functions	Sch. 10, paragraph 11(3)(b)	See Item 13

Part 2 – Licensing rules requirements

	What is required	Section of Act	Guidance
SECTION 83 REQUIREMENTS			
<i>For all these points, applicants must explain how their licensing rules are likely to achieve the outcomes and other requirements that may be specified in any guidance issued by the LSB. If the licensing authority's rules are inconsistent with the guidance, there should be an explanation together with evidence to explain why.</i>			
1.	Licensing rules of a licensing authority MUST contain appropriate qualification regulations in respect of licensable bodies to which the licensing authority proposes to issue licences	section 83(5)(a)	
2.	Licensing rules of a licensing authority MUST contain provision as to how the licensing authority , when considering the regulatory objectives (in compliance with its duties under section 3(2) or 28(2)) in connection with an application for a licence, should take account of the objective of improving access to justice	section 83(5)(b)	
3.	Licensing rules of a licensing authority MUST contain appropriate arrangements (including conduct rules, discipline rules and practice rules) under which the licensing authority will be able to regulate the conduct of bodies licensed to it, and their managers and employees	section 83(5)(c)	
4.	Licensing rules of a licensing authority MUST contain appropriate indemnification arrangements	section 83(5)(d)	
5.	Licensing rules of a licensing authority MUST contain appropriate compensation arrangements	section 83(5)(e)	
6.	Licensing rules of a licensing authority MUST contain the provision required by sections 52 and 54 (resolution of regulatory conflict) (including those provisions as applied by section 103)	section 83(5)(f)	
7.	Licensing rules of a licensing authority MUST contain the provision required by sections	section 83(5)(g)	

What is required				Section of Act		Guidance	
	112 and (145) (requirements imposed in relation to the handling of complaints)						
8.	Licensing rules of a licensing authority MUST contain any other provision required to be contained in licensing rules by the Act	section 83(5)(h)					
SCHEDULE 11 REQUIREMENTS							
<i>Applications for licences</i>							
9.	Licensing rules MUST make provision about the form and manner in which applications for licences are to be made, and the fee (if any) which is to be accompany any application	Sch. 11, paragraph 1(1)					
10.	Licensing rules MAY make provision about: <ul style="list-style-type: none"> the information which applications must contain; and the documents which must accompany applications 	Sch. 11, paragraph 1(2)					
<i>Determination of applications</i>							
11.	Licensing rules MUST make provision for those items set out in Schedule 11, paragraph 2	Sch. 11, paragraph 2(1)					
<i>Review of determination</i>							
12.	Licensing rules MUST make provision for review by the licensing authority of: <ul style="list-style-type: none"> a decision to refuse an application for a licence; if a licence is granted, the terms of the licence 	Sch. 11, paragraph 3					
<i>Period of licence and renewal</i>							
13.	The licensing rules MAY make provision: <ul style="list-style-type: none"> limiting the period for which any licence is (subject to the provision of Part 1 of Schedule 11 and of the 	Sch. 11, paragraph 4(1)					

What is required				Section of Act		Guidance	
	<p>licensing rules) to remain in force;</p> <ul style="list-style-type: none"> about the renewal of licences, including provision about the form and manner in which an application for renewal is to be made, and the fee (if any) which is to accompany an application 						
14.	<p>The licensing rules MAY make provision about:</p> <ul style="list-style-type: none"> the information which applicants for renewal must contain; and the documents which must accompany applications 	Sch. 11, paragraph 4(2)					
15.	<p>Licensing rules MUST provide that a licence issued to a licensed body by the licensing authority ceases to have effect if the licensed body is issued with a licence by another licensing authority</p>	Sch. 11, paragraph 4(3)					
<i>Continuity of licences</i>							
16.	<p>Licensing rules MAY make provision about the effect, on a licence issued to a partnership or other unincorporated body ("the existing body"), of any change in the membership of the existing body</p>	Sch. 11, paragraph 5(1)					
17.	<p>Such provision referred to above includes provision for the existing body's licence to be transferred where the existing body ceases to exist and another body succeeds to the whole or substantially the whole of its business.</p>	Sch. 11, paragraph 5(2)					
<i>Modification of licences</i>							
18.	<p>Licensing rules MUST make provision about the form and manner in which applications are to be made for modifications of the terms of a licence under section 86, and the fee (if any) which is to accompany the application</p>	Sch.11, paragraph 6(1)					

What is required				Section of Act		Guidance	
19.	Licensing rules MAY make provision as to the circumstances in which the licensing authority may modify the terms of a licence under section 86 without an application being made	Sch. 11, paragraph 6(2)					
20.	Licensing rules MUST make provision for review by the licensing authority of: <ul style="list-style-type: none"> a decision to refuse an application for modification of the terms of a licence; if the licensing authority makes licensing rules under sub-paragraph 6(2), a decision under those rules to modify the terms of a licence 	Sch. 11, paragraph 6 (3)					
<i>Management</i>							
21.	Licensing rules MUST require a licensed body to comply with the requirements set out in Schedule 11, paragraph 9	Sch.11, paragraph 9(1)					
22.	Licensing rules MAY make further provision as to: <ul style="list-style-type: none"> the managers of licensed bodies; and the arrangements for the management by them of the licensed body and its activities 	Sch. 11, paragraph 10(1)					
23.	Licensing rules MUST NOT require all managers of a licensed body to be authorised persons in relation to reserved legal activity	Sch. 11, paragraph 10(2)					
<i>Head of Legal Practice</i>							
24.	Licensing rules MUST include the requirements set out in Schedule 11, paragraph 11	Sch. 11, paragraph 11(1)					
25.	Licensing rules MUST make provision: <ul style="list-style-type: none"> about the procedures and criteria that will be applied 	Sch. 11, paragraphs 12(1) and (2)					

	What is required	Section of Act	Guidance
	<p>by the licensing authority when determining under Schedule 11, paragraph 11(4) whether an individual is a fit a proper person;</p> <ul style="list-style-type: none"> • for a review by the licensing authority of a determination under Schedule 11, paragraph 11(4) that an individual is not a fit and proper person; • about the procedures and criteria that will be applied by the licensing authority under Schedule 11, paragraph 11(6) whether to withdraw its approval; • for a review by the licensing authority of a determination under Schedule 11. paragraph 11(6) to withdraw its approval; • about the procedure which is to apply where a licensed body ceases to comply with the requirement imposed by virtue of Schedule 11, paragraph 11(2). Rules made MAY in particular provide that the requirement imposed by virtue of Schedule 11, paragraph 11(2) is suspended until such time as may be specified by the licensing authority if the licensed body complies with such other requirements as may be specified in the rules 		
<i>Head of Finance and Administration</i>			
26.	<p>Licensing rules MUST include the requirements set out in Schedule 11, paragraph 13</p>	Sch. 11, paragraph13(1)	
27.	<p>Licensing rules MUST make provision:</p> <ul style="list-style-type: none"> • about the procedures and criteria that will be applied by the licensing authority when determining under Schedule 11, paragraph 	Sch. 11, paragraph14(1)	

	What is required	Section of Act	Guidance
	<p>13(4) whether an individual is a fit and proper person;</p> <ul style="list-style-type: none"> for a review by the licensing authority of a determination under Schedule 11, paragraph 13(4) that an individual is not a fit and proper person; about the procedures and criteria that will be applied by the licensing authority in determining under Schedule 11, paragraph 13(6) whether to withdraw its approval; for a review by the licensing authority of a determination under Schedule 11, paragraph 13(6) to withdraw its approval; about the procedure which is to apply where a licensed body ceases to comply with the requirement imposed by virtue of Schedule 11, paragraph 13(2). Rules made MAY in particular provide that the requirement imposed by virtue of Schedule 11, paragraph 13(2) is suspended until such time as may be specified by the licensing authority if the licensed body complies with such other requirements as may be specified in the rules 		
<i>Practising address</i>			
28.	<p>Licensing rules MUST require a licensed body at all times to have a practising address in England and Wales.</p> <p>The above does not apply to a licensed body:</p> <ul style="list-style-type: none"> which is a company or limited liability partnership; and the registered office of which is situated in England and Wales 	Sch. 11, paragraph 15(1)	

What is required				Section of Act		Guidance	
<i>Licensed activities</i>							
29.	Licensing rules MUST provide that a licensed body may carry on a licensed activity only through a person who is entitled to carry on the activity.	Sch. 11, paragraph 16					
<i>Compliance with regulatory arrangements etc</i>							
30.	Licensing rules MUST include the requirements set out in Schedule 11, paragraph 17	Sch. 11, paragraph 17(1)					
<i>Disqualified employees</i>							
31.	Licensing rules MUST include the requirement that a licensed body may not employ a person who under Part 3 of Schedule 11 is disqualified from being an employee of a licensed body	Sch. 11, paragraphs 18(1) and (2)					
<i>Indemnification arrangements and compensation arrangements</i>							
32.	For the purpose of giving effect to indemnification arrangements and compensation arrangements, licensing rules MAY : <ul style="list-style-type: none"> authorise or require the licensing authority to establish and maintain a fund or funds; authorise or require the licensing authority to take out and maintain insurance with authorised insurers; require licensed bodies or licensed bodies or any specific description to take out and maintain insurance with authorised insurers 	Sch. 11, paragraph 19(1)					
<i>Accounts</i>							
33.	The licensing rules MUST make provision: <ul style="list-style-type: none"> as to the treatment of money (including money held on trust) which is 	Sch. 11, paragraph 20(1)					

What is required				Section of Act	Guidance
	<p>received, held or dealt with by the licensed body, its managers and employees for clients or other persons; and</p> <ul style="list-style-type: none"> the keeping of accounts in respect of such money 				
<i>Fees</i>					
34.	The licensing rules MUST require licensed bodies to pay periodical fees to the licensing authority	Sch. 11, paragraph 21(1)			
35.	The licensing rules MAY provide for the payment of different fees by different descriptions of licensed body	Sch. 11, paragraph 21(2)			
<i>Financial penalties</i>					
36.	<p>The licensing rules MUST make provision as to:</p> <ul style="list-style-type: none"> the acts and omissions in respect of which the licensing authority may impose a penalty under section 95; the criteria and procedure to be applied by the licensing authority in determining whether to impose a penalty under that section, and the amount of any penalty 	Sch.11, paragraph 22			
<i>Disqualifications</i>					
37.	Licensing rules MUST make provision as to the criteria and procedure to be applied by the licensing authority in determining whether a person should be disqualified under section 99	Sch. 11, paragraph 23(1)			
38.	<p>Licensing rules MUST make provision:</p> <ul style="list-style-type: none"> for a review by the licensing authority of a determination by the licensing authority that a person should be disqualified; 	Sch. 11, paragraph 23(2)			

What is required				Section of Act	Guidance
	<ul style="list-style-type: none"> as to the criteria and procedure to be applied by the licensing authority in determining whether a person's disqualification should cease to be in force; and requiring the licensing authority to notify the Board of any determination by the licensing authority that a person should be disqualified, of the result of any review of that determination, and of any decision by the licensing authority that a person's disqualification should cease to be in force 				
<i>Supervision or revocation of licence under section 101</i>					
39.	Licensing rules MUST make provision for the items set out in Schedule 11, paragraph. 24	Sch. 11, paragraph 24(1)			
40.	Licensing rules MAY make provision about other circumstances in which the licensing authority may exercise its powers under section 101 to suspend or revoke a licence	Sch. 11, paragraph 25			
41.	Licensing rules MUST make provision about the criteria and procedure the licensing authority will apply in deciding whether to suspend or revoke a licence, or to end the suspension of a licence, under section 101	Sch. 11, paragraph 26(1)			
42.	Licensing rules MUST make provision for a review by the licensing authority of a decision by the licensing authority to suspend or revoke a licence	Sch. 11, paragraph 26(2)			

Part 3 – How the Board expects to treat applications

1. The **Board** expects carefully prepared documentation which the executives and/or honorary officers of the **applicant** (and the **applicant's** independent advisors when applicable) confirm that the information supplied is accurate or, in the case of forecast data, is a best estimate based on good research and informed professional judgement. If the **applicant** cannot demonstrate this level of executive and advisory confidence then it is not appropriate for an **application** to be made.
2. The **Board** expects that some parts of this Schedule would be less relevant to an **applicant** that is already a **licensing authority** which is applying to add an additional **reserved legal activity** to its competences. Hence, the **Board** will take a proportionate view of risk in deciding precisely how much information to seek in any given case.
3. All documents supplied will be subject to publication and to the scrutiny of the **consultees** whom the **Act** prescribes must consider **applications**. Consequently **applicants** should have regard to this, particularly in relation to supplying information which might be commercially sensitive and/or contain personal data. The **Board** will consider limited requests for redaction of information from documents that are published on these grounds but will not be able to redact information from materials sent to the **mandatory consultees**. The **Board** requires **applicants** to maintain a publicly accessible internet space containing all of the materials that are submitted by the **applicant** in its **application**.
4. The **Board** reserves the right to retain advisors to consider the information supplied. The retention of advisors may result in an increase to the **prescribed fee** as described in **rule 10**. **Applicants** are encouraged to consider how in preparing, presenting and in certifying the information that they submit, they can minimise the need for the **Board** to take external advice.
5. The **Board's** decision will take account of professional guidance, **consultee** responses received and on the overall competence, completeness and executive and advisor endorsement of the **applications** received. The **Board**, as an oversight regulator, will not usually re-analyse the information supplied unless there are compelling reasons for doing so.
6. **Board** approval of a new body as a **licensing authority**, or of an existing **licensing authority** as a **licensing authority** in relation to an additional **reserved legal activity** represents an assessment that:
 - the **applicant** appears well prepared and appears to understand the roles and responsibilities granted to **licensing authorities** under the **Act**; and
 - no valid objections have been made to the **applicant's application** by the **consultees**.



Rules for LSB review of decisions about licence applications made to it

Version 2, [month] 2018

A. DEFINITIONS

1. Words defined in these **rules** have the following meanings:

Act	the Legal Services Act 2007
applicant	a licensable body that submits an application
application	an application submitted to the Board under paragraph 1 of Schedule 12 to the Act for a decision that the applicant is entitled to apply for a licence to LSB(LA)
Board	the Legal Services Board (acting otherwise than in its capacity as a licensing authority)
competent licensing authority	has the meaning given in Schedule 12, paragraph 5 to the Act
licensable body	has the meaning given in section 72 of the Act
licensing authority	has the meaning given in section 73(1) of the Act
LSB(LA)	the Legal Services Board (acting in its capacity as a licensing authority)
potentially competent licensing authority	has the meaning given in Schedule 12, paragraph 6 to the Act

B. WHO DO THESE RULES APPLY TO?

2. These **rules** are the rules that the **Board** has made in compliance with paragraph 2(4) of Schedule 12 to the **Act** to set out the grounds on which the **Board** may review any decision made by it about an **application**.
3. These **rules** are to 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, rules, policies or 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. When amendments are made, the **Board** will, when required to do so under section 205 of the Act, publish a draft of the amended **rules** and invite representations.

C. GROUNDS FOR THE BOARD TO REVIEW ITS DECISION

6. If the **Board** granted the **application**, it may review its decision if the ground on which the **application** was granted ceases to be made out before the **LSB(LA)** determines any **application** for a licence made by the **applicant**.
7. If the **Board** refuses to grant the **application**, it may at its discretion review its decision following receipt of a written request from the **applicant** which sets out the reasons why it considers the **Board** has made an incorrect decision.
8. The **Board** may review its decision about an **application** if it considers it appropriate to do so.

The outcome of a review

9. After reviewing its decision the **Board** will give a notice to the **applicant** stating the outcome of the review and giving reasons for its decision.
10. The **Board** will publish on its website a copy of any notice that it gives to the **applicant**.

Timing

11. If the **Board** decides to review its decision, it will do so as soon as reasonably practicable.

D. FURTHER INFORMATION

12. If you have any questions about these **rules** you should contact the **Board** as set out below:

- a) if by email, to: schedule10approvals@legalservicesboard.org.uk
- b) if by post or courier, to: the relevant address of the **Board** as set out on its website

For the attention of: LA Designations Administrator



Registers of licensed bodies: section 87(4) rules

Version 2, [month] 2018

A. DEFINITIONS

1. Words defined in these **rules** have the following meanings:

Act	the Legal Services Act 2007
Board	the Legal Services Board
licensed body	a body granted a licence by a licensing authority
licensing authority	within the definition of 73 of the Act
reserved legal activity	has the meaning given in section 207 of the Act

B. WHAT DO THESE RULES APPLY TO?

2. These **rules** are the rules that the **Board** has made in compliance with section 87(4) of the **Act** in order to specify the information to be held on the registers of **licensed bodies**.
3. These **rules** are to 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, rules, policies or 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. When amendments are made, the **Board** will, when required to do so under section 205 of the **Act**, publish a draft of the amended **rules** and invite representations.

C. REQUIREMENTS FOR THE PURPOSES OF SECTION 87(4)

6. The register of **licensed bodies** that each **licensing authority** holds under section 87(1) of the **Act** shall contain at least the following information:
 - a) the name of the **licensed body**
 - b) whether the licence is suspended or revoked and the date on which suspension or revocation took place

- c) enforcement action or sanction on the **licensed body**, its owner or any employee not including administrative fines
 - d) trading name of the **licensed body**
 - e) previous names of the **licensed body**
 - f) all company registration numbers, charity numbers or equivalent
 - g) the date the licence was issued
 - h) the registered address of the **licensed body**
 - i) the practising address(es) of the **licensed body**
 - j) the names of the head of legal practice and the head of finance and administration
 - k) the authorising body of the head of legal practice
 - l) the **reserved legal activities** that the **licensed body** is authorised to undertake.
7. In addition to the requirements on the **licensing authority** under 87(3) the register should be available electronically via the **licensing authority's** website, or similar.

D. FURTHER INFORMATION

8. If you have any questions about these **rules** you should contact the **Board** as set out below:
- a) if by email, to: contactus@legalservicesboard.org.uk
 - b) if by post or courier, to: the relevant address of the **Board** as set out on its website

For the attention of: Licensing Authority Administrator



Schedule 13: ownership of licensed bodies rules: prescribed time periods

Version 2, [month] 2018

A. DEFINITIONS

1. Words defined in these **rules** have the following meanings:

Act	the Legal Services Act 2007
Board	the Legal Services Board
licensed body	has the meaning given in section 71(2) of the Act
licensing authority	has the meaning given in section 73(1) of the Act

B. WHAT DO THESE RULES APPLY TO?

2. These **rules** are the rules that the **Board** has made in compliance with paragraph 8 to Schedule 13 to the **Act** in order to specify the prescribed period for certain actions of **licensing authorities** and others.
3. These **rules** are to 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, rules, policies or 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 modify these rules from time to time. When amendments are made, the **Board** will, when required to do so under section 205 of the Act, publish a draft of the amended **rules** and invite representations.

C. PRESCRIBED PERIODS

6. The prescribed period is 90 days for:

- (i) paragraph 25(2);
- (ii) paragraph 33(2)(b);
- (iii) paragraph 36(2); and
- (iv) paragraph 44(4)(b) of Schedule 13 to the **Act**.

7. The prescribed period is 28 days for:

- (i) paragraph 17(4)(b);
- (ii) paragraph 17(5);
- (iii) paragraph 19(3)(b);
- (iv) paragraph 19(4);
- (v) paragraph 28(5)(b);
- (vi) paragraph 28(6);
- (vii) paragraph 31(4)(b);
- (viii) paragraph 31(5);
- (ix) paragraph 33(2)(b);
- (x) paragraph 33(5)(b);
- (xi) paragraph 33(6);
- (xii) paragraph 36(5)(b);
- (xiii) paragraph 36(6);
- (xiv) paragraph 43(3);
- (xv) paragraph 46(3);
- (xvi) paragraph 49(4)(b); and
- (xvii) paragraph 49(5) of Schedule 13 to the **Act**.

D. FURTHER INFORMATION

8. If you have any questions about these **rules** you should contact the **Board** as set out below:

- a) if by email, to: contactus@legalservicesboard.org.uk
- b) if by post or courier, to: the relevant address of the **Board** as set out on its website

For the attention of: Licensing Authority Administrator



Schedule 13: rules for the prescribed period for the making of appeals against licensing authority decisions relating to ownership of licensed bodies

Version 3, [month] 2018

A. DEFINITIONS

1. Words defined in these **rules** have the following meanings:

Act	the Legal Services Act 2007
Board	the Legal Services Board
licensed body	has the meaning given in section 71(2) of the
licensing authority	has the meaning given in section 73(1) of the
Act	
relevant appellate body	has the meaning given in section 111(1) of the Act but excludes the First Tier Tribunal (whose proceedings are governed by the Tribunals, Courts and Enforcement Act 2007)

B. WHAT DO THESE RULES APPLY TO?

2. These **rules** are the rules that the **Board** has made in compliance with paragraph 8 of Schedule 13 to the **Act** in order to prescribe the periods within which appeals against **licensing authority** decisions must be taken.
3. These **rules** are to 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, rules, policies or 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 modify these **rules** from time to time. When amendments are made, the **Board** will, when required to do so under section 205 of the Act, publish a draft of the amended **rules** and invite representations.

C. PRESCRIBED PERIODS FOR APPEALS

6. The prescribed period for the making of an appeal to the **relevant appellate body** is 28 days for:
 - (i) paragraph 18(1)
 - (ii) paragraph 20(1)
 - (iii) paragraph 29(1)
 - (iv) paragraph 32(1)
 - (v) paragraph 34(1)
 - (vi) paragraph 37(1), and
 - (vii) paragraph 50(1) of Schedule 13 to the **Act**.
7. Each prescribed period set out in **rule 3** above is from the date on which the notice of the decision of the **licensing authority** is given to the applicant, investor or other person subject to the **licensing authority's** decision.
8. The prescribed period for the making of an appeal against the decision of the **relevant appellate body** to the High Court on a point of law arising from the decision of the **relevant appellate body** (but only with permission of the High Court) is 28 days for:
 - (i) paragraph 18(3);
 - (ii) paragraph 20(3);
 - (iii) paragraph 29(3);
 - (iv) paragraph 32(3);
 - (v) paragraph 34(3);
 - (vi) paragraph 37(4); and
 - (vii) paragraph 50(3) of Schedule 13 to the **Act**.
9. The prescribed period of 28 days is from the date on which a party to an appeal referred to in paragraph 8 above is given notice of the decision of the **relevant appellate body**.

D. FURTHER INFORMATION

10. If you have any questions about these **rules** you should contact the **Board** as set out below:
 - a) if by email, to: contactus@legalservicesboard.org.uk
 - b) if by post or courier, to: the relevant address of the **Board** as set out on its website

For the attention of: Licensing Authority Administrator



Intervention directions: section 41(5) and 42(10) rules

Version 2, [month] 2018

A. DEFINITIONS

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

Act	the Legal Services Act 2007
approved regulator	has the meaning given in section 20(2) of the Act
Board	the Legal Services Board
intervention direction	a direction given by the Board to an approved regulator in accordance with section 41 of the Act
representations rules	the Board's rules for making oral and written representations and giving oral and written evidence
specified person	has the meaning given in section 42(9) of the Act

B. WHO DO THESE RULES APPLY TO?

2. These **rules** are the rules that the **Board** has made in compliance with:
- section 41(5) of the **Act** in order to specify the persons that the **Board** may nominate for the purposes of section 41(2)(a) of the **Act**;
 - section 42(10) of the **Act** in order to set out the persons that a **specified person** may appoint for the purposes of section 42(3) of the **Act**.
3. In accordance with paragraphs 2(5) and 10(5) of Schedule 8 to the **Act** the **Board** has made **representations rules**, which are located at:
- http://www.legalservicesboard.org.uk/what_we_do/regulation/index.htm
4. The rules that the **Board** has made in accordance with paragraph 13(2) of Schedule 8 to the **Act** in relation to the revocation of an **intervention direction** are in the **Board's** rules on the revocation of **intervention directions**, which are also located at the above link.

5. These **rules** are to 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, rules, policies or guidance produced by the **Board** from time to time.
6. In the event of any inconsistency between these **rules** and the provisions of the **Act**, the provisions of the **Act** prevail.
7. The **Board** reserves the right to amend these **rules** from time to time. When amendments are made, the **Board** will, when required to do so under section 205 of the Act, publish a draft of the amended **rules** and invite representations.

C. NOMINATIONS FOR THE PURPOSES OF SECTION 41(2)(a)

8. The **Board** may nominate such a person as it considers to be competent to exercise the regulatory function of the **approved regulator**, and this may include another **approved regulator** or other competent person, such as a professional adviser (for example an accountancy firm).

D. APPOINTMENTS FOR THE PURPOSES OF SECTION 42(3)

9. A **specified person** may appoint any person that it considers competent to be able to:
 - enter and search the premises of an **approved regulator**;
 - take possession of any written or electronic records found on the premises.
10. In considering whether a person is suitable for appointment under **rule 9**, the **specified person** will have regard to the extent to which the person has experience of exercising entry and search functions.

E. FURTHER INFORMATION

11. If you have any questions about these **rules** you should contact the **Board** as set out below:

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

b) if by post or courier, to: the relevant address of the **Board** as set out on its website

For the attention of: Enforcement Administrator



Intervention directions: rules for applications to revoke

Version 2, December 2017

A. DEFINITIONS

1. Words defined in these **rules** have the following meanings:

Act	the Legal Services Act 2007
applicant	an approved regulator who submits an application
application	an application to revoke an intervention direction that is submitted to the Board in accordance with these rules
approved regulator	has the meaning given in section 20(2) of the Act
Board	the Legal Services Board
CMA	the Competition and Markets Authority
consultees	the mandatory consultees and any optional consultee
Consumer Panel	the panel of persons established and maintained by the Board in accordance with section 8 of the Act
intervention direction	a direction given by the Board to an approved regulator in accordance with section 41 of the Act
mandatory consultees	the Lord Chancellor, the CMA , the Consumer Panel and the Lord Chief Justice
optional consultee	any person (other than a mandatory consultee) who the Board considers it reasonable to consult regarding an application
regulatory objectives	has the meaning given in section 1 of the Act
representations rules	the Board's rules for making oral and written representations and giving oral and written evidence
representative body	a body that represents persons authorised by the applicant to carry on activities which are reserved legal activities

reserved legal activity

has the meaning given in section 12 of and Schedule 2 to the **Act**

B. WHO DO THESE RULES APPLY TO?

2. These are the **rules** that apply if an **approved regulator** wishes to apply to the **Board**, under Part 2 of Schedule 8 to the **Act**, for the **Board** to revoke an **intervention direction** given to the **approved regulator**.
3. These **rules** set out:
 - a) the required content of any **application** to the **Board** and some guidance in relation to that content (**see Section C**);
 - b) the processes and procedures that the **Board** will undertake in considering the **application** (**see Section D**); and
 - c) who an **approved regulator** should contact if it has a question in relation to the **application** process (**see Section E**).
4. These **rules** are to 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, rules, policies or guidance produced by the **Board** from time to time.
5. In the event of any inconsistency between these **rules** and the provisions of the **Act**, the provisions of the **Act** prevail.
6. The **Board** reserves the right to amend these **rules** from time to time. When amendments are made, the **Board** will, when required to do so under section 205 of the **Act**, publish a draft of the amended **rules** and invite representations.

C. CONTENTS OF APPLICATION

7. An **application** must include such information as the **applicant** believes necessary to satisfy the **Board** that:
 - a) all the issues relating to the act or omission which resulted in the imposition of the **intervention direction** have been appropriately dealt with; and
 - b) it is appropriate for the **Board** to revoke the **intervention direction** in all the circumstances of the case (including in particular the impact of revoking the **intervention direction** on the **regulatory objectives**).
8. Information provided in accordance with Rule 7 may include evidence of:

- a) the remedies that have been taken by the **applicant** to correct the act or omission in question
- b) the mechanisms that have been put in place by the **applicant** to mitigate against a repeat act or omission or similar or more serious act or omission

D. PROCESSES AND PROCEDURES

Sending the application

9. The **applicant** must submit their **application** set out below:

- a) if by email to: contactus@legalservicesboard.org.uk
- b) if by post or courier to: the relevant address of the **Board** as set out on its website.

For the attention of: Enforcement Administrator.

10. On receipt of the **application**, an acknowledgement email will be sent to the **applicant** by the **Board**.

11. The **Board** will consider the **application** and may ask the **applicant** for such additional information as the **Board** may reasonably require.

12. The **Board** has the discretion to refuse to consider, or to continue its consideration of, an **application** if it believes that it has not received all the information it requires.

Obtaining advice

13. On receipt of an **application**, and all further information that the **Board** may require under **rule 11**, the **Board** will send a copy of the **application** (together with any further information received) to the **consultees**.

14. The **Board** will specify to the Lord Chancellor, the **CMA**, the **Consumer Panel** and any **optional consultee** a time period in which each body must provide their advice on the **application** to the **Board**. The **Board** intends to:

- a) request that these bodies provide their advice within a time period which is reasonable, published and variable dependent on the volume and complexity of the **application** received; and

- b) request that these bodies agree that if they do not provide their advice within the specified time period, then they will be deemed to have elected not to provide any advice.
15. The Lord Chancellor, the **CMA**, the **Consumer Panel** and any **optional consultee** will then each consider the **application** within the specified time period and will provide their advice to the **Board**.
16. The **Board** will then provide the advice it receives from the Lord Chancellor, the **CMA**, the **Consumer Panel** and any **optional consultee** to the Lord Chief Justice and will specify to the Lord Chief Justice a time period in which he must provide his advice on the **application** to the **Board**. Again, the time period that the **Board** will specify will depend on the particular circumstances of the **application**.
17. The Lord Chief Justice will then consider the **application** and will provide his advice to the **Board**.
18. In providing their advice to the **Board**, each **consultee** may ask the **applicant** (or any other person) to provide them with such additional information as they may require.

Publication of advice

19. Once the **Board** has received the advice of the Lord Chief Justice, it will:
- a) provide a copy of all the advice that has been given by the **consultees** to the **applicant**;
 - b) publish a copy of all the advice that has been given by the **consultees** on its website.

Representations about the advice

20. Any representations made by the **applicant** or any **representative body** about the advice referred to in **rules 13 to 19** above must be made in accordance with the **representations rules** which are located at:

http://www.legalservicesboard.org.uk/what_we_do/regulation/index.htm

Publication of representations

21. As soon as practicable after the end of the period within which representations under the **representations rules** may be made, subject to **rule 22**, the **Board** will publish on its website, any written representations duly made by the **applicant** or any **representative body** (and any reports of oral representations prepared in accordance with the **representations rules**).
22. Prior to the publication of any written representations (and any report of oral representations prepared in accordance with the **representation rules**) the **Board** will

ensure, so far as practicable, that such materials exclude any matter relating to the private affairs of a particular individual, the publication of which, in the opinion of the **Board**, would or might seriously and prejudicially affect the interests of that individual.

The Board's decision

23. After considering:

- (a) the **application** and any additional information received under **rule 11**
- (b) the advice received from the **consultees**
- (c) any representations by the **applicant** or any **representative body**, and
- (d) any other information that the **Board** considers relevant to the **application**,

the **Board** will decide whether to grant the **application**.

24. If the **Board** decides to grant the **application**, it will notify the **applicant** and will state the time from which the revocation of the **intervention direction** is to take effect.

25. If the **Board** decides not to grant the **application**, the **Board** will write to the **applicant** with the reasons for its decision.

26. The **Board** will publish on its website a copy of any decision that it gives to the **applicant**.

E. FURTHER INFORMATION

27. If you have any questions about the **application** process or the preparation of an **application**, you should contact the **Board** in the manner set out in **rule 9** above.



Rules on the period for the making of appeals against decisions of a licensing authority in relation to financial penalties

Version 3, [month] 2018

A. DEFINITIONS

1. Words defined in these **rules** have the following meanings:

Act	the Legal Services Act 2007
Board	the Legal Services Board
licensing authority	has the meaning given in section 73 of the Act
relevant appellate body	has the meaning given in section 111(1) of the Act but excludes the First Tier Tribunal (whose proceedings are governed by the Tribunals, Courts and Enforcement Act 2007)

B. WHAT DO THESE RULES APPLY TO?

- These **rules** are made by the **Board** under section 96(1) of the **Act** to prescribe the period within which a person on whom a financial penalty is imposed by a **licensing authority** under section 95(1) of the **Act** may appeal to the **relevant appellate body** on one or more of the appeal grounds.
- These **rules** are to 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, rules, policies or guidance produced by the **Board** from time to time.
- In the event of any inconsistency between these **rules** and the provisions of the **Act**, the provisions of the **Act** prevail.
- The **Board** reserves the right to modify these **rules** from time to time. When amendments are made, the **Board** will, when required to do so under section 205 of the Act, publish a draft of the amended **rules** and invite representations.

C. PRESCRIBED PERIOD FOR MAKING AN APPEAL

6. A person on whom a **licensing authority** has imposed a financial penalty under section 95(1) of the **Act** may appeal to the **relevant appellate body** within 28 days from the date on which the notice of the decision to impose the financial penalty is given to the appellant.

D. FURTHER INFORMATION

7. If you have any questions about these **rules** you should contact the **Board** as set out below:

- a) if by email, to: contactus@legalservicesboard.org.uk
- b) if by post or courier, to: the relevant address of the **Board** as set out on its website

For the attention of: Enforcement Administrator

DRAFT



Rules for applications to alter regulatory arrangements

Version 2, [month] 2018

A. DEFINITIONS

1. Words defined in these **rules** have the following meanings:

Act	the Legal Services Act 2007
alteration	has the meaning given in paragraph 19(5) of Schedule 4 to the Act
applicant	an approved regulator who submits an application and the Tribunal where it makes an alteration to its rules under section 46(9)(b) of the Solicitors Act 1974 and seeks the Board's approval to the alteration by virtue of sections 178(2) and (3) of the Act
application	an application to approve an alteration to the regulatory arrangements of an approved regulator that is submitted to the Board in accordance with Part 3 of Schedule 4 to the Act and these rules ; and an application submitted by the Tribunal to the Board to approve an alteration to the Tribunal's rules in accordance with Part 3 of Schedule 4 to the Act .
approval notice	has the meaning given in rule 17
approved regulator	has the meaning given in section 20(2) of the Act
better regulation principles	the five principles of good regulation (being transparency, accountability, proportionality, consistency and targeting) as set out in both sections 3(3) and 28(3) of the Act
Board	the Legal Services Board
designation requirements	the requirements set out in paragraph 25(4) of Schedule 4 to the Act
exempt alteration	an alteration to an approved regulator's regulatory arrangements , or the Tribunal's rules, that the Board has directed (in accordance with paragraphs

19(3) and (4) of Schedule 4 to the **Act**) is to be treated as exempt from the approval requirements contained in Part 3 of Schedule 4 to the **Act**

initial decision period	has the meaning given in rule 17
licensing authority	has the meaning given in section 73 of the Act
licensing rules	has the meaning given in section 83 of the Act
regulatory arrangements	has the meaning given in section 21 of the Act
regulatory objectives	has the meaning given in section 1 of the Act
representations period	has the meaning given in rule 7 of the representations rules
representations rules	the Board's rules for making oral and written representations and giving oral and written evidence
reserved legal activity	has the meaning given in section 12 of and Schedule 2 to the Act
Tribunal	the Solicitors Disciplinary Tribunal
warning notice	has the meaning given in rule 17

B. WHO DO THESE RULES APPLY TO?

2. These **rules** apply if an **approved regulator** wishes to make an **alteration** to its **regulatory arrangements** under part 3 of Schedule 4 to the **Act**. These **rules** also apply where the **Tribunal** seeks the **Board's** approval to an **alteration** of a rule it has made under section 46(9)(b) of the Solicitors Act 1974.
3. For the avoidance of doubt, these **rules** do not apply to any **alteration** of an **approved regulator's regulatory arrangements** to the extent that such **alteration** is governed by section 51 of the **Act**.
4. An **alteration** to an **approved regulator's regulatory arrangements**, and the **Tribunal's** rules (as appropriate) does not have effect unless:
 - a) it is an **alteration** approved as a result of the Lord Chancellor making an order to approve a body as an **approved regulator** in accordance with Part 2 of Schedule 4 to the **Act**;
 - b) it is an **alteration** made in compliance with a direction under section 32 of the **Act**;
 - c) it is approved by virtue of paragraph 16 of Schedule 10 to the **Act** (approval of **licensing rules** on designation by order as **licensing authority**);

- d) it is approved by virtue of paragraph 7 of Schedule 18 to the **Act** (approval of proposed regulatory arrangements when granting “qualifying regulator” status for the purposes of Part 5 of the Immigration and Asylum Act 1999 (c. 33));
 - e) it is an **exempt alteration**; or
 - f) it is an **alteration** approved by the **Board** in accordance with Part 3 of Schedule 4 to the **Act**.
5. These **rules** set out:
- a) how the **Board** will direct that an **alteration** is an **exempt alteration** (see **Section C**);
 - b) the required contents of an **application** to the **Board** for approval in accordance with Part 3 of Schedule 4 to the **Act** (see **Section D**);
 - c) the processes and procedures that the **Board** will undertake in considering the **application** (see **Section E**);
 - d) the **Board**'s criteria for determining **applications** (see **Section F**); and
 - e) who a body should contact if they have a question in relation to the **application** process (see **Section G**).
6. These **rules** are to 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, rules, policies or guidance produced by the **Board** from time to time.
7. In the event of any inconsistency between these **rules** and the provisions of the **Act**, the provisions of the **Act** prevail.
8. The **Board** reserves the right to amend these **rules** from time to time. When amendments are made, the **Board** will, when required to do so under section 205 of the Act, publish a draft of the amended **rules** and invite representations.

C. EXEMPT ALTERATIONS

9. In accordance with paragraph 19(3) of Schedule 4 to the **Act**, the **Board** may direct, from time to time, that an **alteration** to an **approved regulator's regulatory arrangements**, or to the **Tribunal's** rules, is an **exempt alteration**.
10. A direction given by the **Board** under paragraph 19(3) of Schedule 4 to the **Act** may be specific or general and will be published by the **Board** on the **Board's** website. A direction will, unless the **Board** specifically provides otherwise, take effect from the date beginning 14 days from the date of publication of the direction on the **Board's** website.

D. CONTENTS OF THE APPLICATION

11. An **applicant** must include the following information in their **application**:

- a) the name, address, telephone number and email address of the person whom the **Board** should contact in relation to the **application**;
- b) details of the proposed **alteration**;
- c) details of such of the **applicant's regulatory arrangements** or rules as are relevant to the **application** including a statement setting out:
 - i) the nature and effect of the existing **regulatory arrangements** or rules;
 - ii) the nature and effect of the proposed **alteration**; and
 - iii) an explanation as to why the **applicant** wishes to make the **alteration** in question;
- d) a statement in respect of each proposed **alteration** explaining how and why the **alteration** will either help to promote, be neutral towards or be detrimental to each of the **regulatory objectives**. If relevant, the **applicant** must explain why the benefit of the **alteration** in relation to some of the **regulatory objectives** outweighs its negative effect on other **regulatory objectives**;
- e) a statement explaining how and why the **applicant** feels that the **alterations** requested fulfil the **applicant's** obligations to comply with its obligations under section 28 of the **Act** to have regard to the **better regulation principles**;
- f) a statement explaining the desired outcome of the **alteration** and how the **applicant** intends to assess whether the desired outcome has been achieved;
- g) a statement explaining whether the proposed **alteration** is one that affects areas regulated by other **approved regulators**. If this is the case, the **applicant** should provide evidence of consultation with, and responses from, these other **approved regulators**. This consultation should deal with the possibility of any regulatory conflicts and also the possibility of harmonising the **regulatory arrangements** of **approved regulators** regulating the same **reserved legal activities**. The purpose of this requirement is to ensure that sections 52 to 54 of the **Act** are complied with and that best practice is shared in common areas of regulation;
- h) details of when the **applicant** hopes to implement the **alteration**;
- i) full details of all consultation processes undertaken and responses received by the **applicant** in relation to the **alteration**, which should include consultations of **approved regulators** and other appropriate regulators when applicable; and

- j) such other explanatory material as the **applicant** considers is likely to be needed for the purposes of Part 3 of Schedule 4 to the **Act**.
12. For reasons of efficiency and so that the effect of **alterations** can be seen cumulatively, any **application** should, unless otherwise agreed by the **Board**, be only in respect of related **alterations** to an **applicant’s regulatory arrangements** or rules. For example, all **alterations** relating to training requirements should be presented in one **application** but **alterations** to a code of conduct definition on “independence” and an **alteration** to “client money” handling rules that arise independently of one another should be made in separate **applications**. If in doubt, an **applicant** should contact the **Board** prior to making an **application**.

E. PROCESSES AND PROCEDURES

Sending the application

13. The **applicant** must submit their **application** as follows:
- a) if by email, to: schedule4approvals@legalservicesboard.org.uk
 - b) if by post or courier, to: the relevant address of the **Board** as set out on its website.
- For the attention of: Administrator for Regulatory Arrangements Alterations.
14. On receipt of the **application** a copy of the proposed **alterations** to the **applicant’s regulatory arrangements** or rules will be published on the **Board’s** website.
15. The **Board** will consider the **application** and may ask the **applicant** for such additional information as the **Board** may reasonably require.
16. The **Board** has the discretion to refuse to continue its consideration of an **application** if it believes that it has not received all the information it requires – this power is granted under paragraph 25(3)(f) of Schedule 4 to the **Act** as the **Board** will, in these circumstances, feel that the approval of the **alteration** would occur otherwise than in accordance with the procedures for review established by the **Board** under the **Act**.

Initial determination

17. On receipt of an **application**, the **Board** has **28 days** (beginning on the day the **Board** receives the **application**) (the “**initial decision period**”) to:
- a) grant the **application** and give the **applicant** notice to that effect (an “**approval notice**”) (paragraph 21(1)(a) of Schedule 4 to the **Act**);

- b) give the **applicant** a notice stating that the **Board** is considering whether to refuse the **application** (a “**warning notice**”) (paragraph 21(1)(b) of Schedule 4 to the **Act**); or
 - c) give neither an **approval notice** or a **warning notice** in which case, the **application** is deemed granted by the **Board** at the end of the **initial decision period** (paragraph 21(3) of Schedule 4 to the **Act**).
18. The **Board** will publish on its website any **approval notice** or any **warning notice** given to the **applicant**.
19. The **Board** may extend the **initial decision period** with the consent of the **applicant** or by giving an extension notice to the **applicant**. An extension notice must specify the period of the extension and must state the **Board’s** reasons for extending the **initial decision period**. Any period of extension specified in the notice must end no later than the end of the period of 90 days beginning on the day the **application** was made.

Advice

20. Where the **Board** has given the **applicant** a **warning notice**, the **Board** may invite such persons as it considers appropriate to give the **Board** advice regarding whether the **application** should be granted. A person to whom such an invitation is given may, for the purposes of giving their advice, ask the **applicant** (or any other person) to provide them with such additional information as they may require.
21. Once the **Board** has received any advice provided under **rule 20** above, it will provide a copy of that advice to the **applicant**.

Representations about the advice

22. Any representations made by the **applicant** about the advice referred to in **rules 20** and **21** above must be made in accordance with the **representations rules**, which are located at:

http://www.legalservicesboard.org.uk/what_we_do/regulation/index.htm

23. For the avoidance of doubt, the **representations rules** only apply to representations made to the **Board** by the **applicant** in relation to any advice provided under **rule 20**.

Publication of advice

24. As soon as practicable after the end of the **representations period** for **applications** made under these **rules**, the **Board** will publish on its website:
- a) any advice received pursuant to **rule 20**; and

- b) subject to **rule 25**, any written representations duly made by the **applicant** (and the report of oral representations (if any) prepared in accordance with the **representations rules**).
25. Prior to the publication of any written representations (and the report of oral representations (if any) prepared in accordance with the **representations rules**) the **Board** will decide whether any parts of the representations shall remain private and why, taking account of representations from the **applicant**. The **Board** will, so far as practicable, exclude any material which relates to the private affairs of a particular individual, the publication of which, in the opinion of the **Board**, would or might seriously and prejudicially affect the interests of that individual.

The Board's decision

26. After considering the items listed in paragraph 25(1) of Schedule 4 to the **Act**, the **Board** will decide whether to grant the **application**.
27. The **Board** will give notice of its decision to the **applicant**. Where the **Board** decides to refuse the **application**, the notice will specify the reasons for that decision.
28. The **Board** will publish on its website a copy of any decision that it gives to the **applicant**.
29. The **Board** may grant the **application** in whole or in part.
30. The **Board** is obliged to analyse and make its decision in accordance with the explicit provisions of paragraphs 25(3) of Schedule 4 to the **Act**, the details of which are specified in Section F of these **rules**.

Time Limits

31. Subject to **rule 32**, if the **Board** gives the **applicant** a **warning notice** it has 12 months (beginning with the day the **applicant** receives the **warning notice**) to give its decision to the **applicant**. If the **Board** fails to make a decision within this period, the **application** is deemed to have been granted by the **Board** at the end of that period.
32. The **Board**, may, on one or more occasions, give the **applicant** a notice extending the decision period from 12 months up to a maximum of 18 months from the day the **applicant** receives the **warning notice**. The **Board** will publish on its website any such notices.
33. The **Board** will endeavour to deal with an **application** within the **initial decision period**, however, where this is not possible and the **Board** has extended the **initial decision period** in accordance with **rule 19** or served a **warning notice** on the **applicant**, notwithstanding other provisions in these **rules**, the **Board** will aim to deal with:
- a) any **application** involving a simple **alteration** within 30 business days from the later of:

- (i) the date of submission of the **application**; and
 - (ii) the final date of submission of any further information that the **Board** may request under **rule 15**;
- b) any **application** involving a more complex **alteration** within 3 months from the later of:
 - (i) the date of submission of the **application**; and
 - (ii) the final date of submission of any further information that the **Board** may request under these **rules**.

F. CRITERIA FOR DETERMINING APPLICATIONS

34. In accordance with paragraph 25(3) of Schedule 4 to the **Act**, the **Board** may refuse an **application** only if it is satisfied that:
- 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**;
 - e) the **alteration** would enable the **approved regulator** to license 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**; or
 - 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**.

Paragraphs (d) and (e) of **rule 34** do not apply to an application by the **Tribunal** for approval of an **alteration** to a rule made by it under section 46(9)(b) of the Solicitors Act 1974.

G. FURTHER INFORMATION

35. If you have any questions about the **application** process or the preparation of an **application**, you should contact the **Board** in the manner set out in **rule 13** above.



LEGAL SERVICES
BOARD

Rules for applications to cancel designation as an approved regulator

Version 2, [month] 2018

A. DEFINITIONS

1. Words defined in these **rules** have the following meanings:

Act	the Legal Services Act 2007
affected authorised person	an authorised person who is regulated by the applicant in relation to a reserved legal activity which is the subject of an application
applicant	a body that submits an application
application	an application to cancel a body's designation as an approved regulator in relation to one or more reserved legal activity that is submitted to the Board in accordance with these rules
approved regulator	has the meaning given in section 20(2) of the Act
authorised person	has the meaning given in section 18 of the Act
Board	the Legal Services Board
cancellation notice	the notice published by the applicant in accordance with Section E of these rules
prescribed fee	the fee that must accompany an application as described in Section D of these rules
reserved legal activity	has the meaning given in section 12 of and Schedule 2 to the Act

B. WHO DO THESE RULES APPLY TO?

2. These **rules** apply if a body wishes to apply to the **Board**, under section 45(3) of the **Act**, for the **Board** to make a recommendation to the Lord Chancellor that an order be made cancelling a body's designation as an **approved regulator** in relation to one or more **reserved legal activity**.

3. These **rules** set out:
 - a) the required content of any **application** to the **Board** (see **Section C**)
 - b) the amount of the **prescribed fee** that must accompany any **application** (see **Section D**)
 - c) the **Board's** requirements in relation to the **applicant's** publication of a notice giving details of the **application** in accordance with section 45(3)(c) of the **Act** (see **Section E**)
 - d) the processes and procedures that the **Board** will undertake in considering the **application** (see **Section F**), and
 - e) who a body should contact if it has a question in relation to these **rules** (see **Section G**).
4. These **rules** are to 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, rules, policies or guidance produced by the **Board** from time to time.
5. In the event of any inconsistency between these **rules** and the provisions of the **Act** the provisions of the **Act** prevail.
6. The **Board** reserves the right to amend these **rules** from time to time. When amendments are made, the **Board** will, when required to do so under section 205 of the **Act**, publish a draft of the amended **rules** and invite representations.

C. CONTENTS OF APPLICATION

7. An **applicant** must include the following information in their **application**:
 - a) the name, address, telephone number and email address of the person whom the **Board** should contact in relation to the **application**
 - b) details of the **reserved legal activity** or **activities** to which the **application** relates
 - c) details as to why the **applicant** is making the **application**
 - d) details of any alternative courses of action, besides cancellation of designation, that have been considered or explored by the **applicant**
 - e) details of the **affected authorised persons** and whether any communication as been had with such persons in relation to the **application**, and
 - f) details of what arrangements the **applicant** proposes in relation to:

- (i) the transfer of the regulation of the **affected authorised persons** to another relevant **approved regulator** and whether that **approved regulator** has consented to such transfer
- (ii) the transfer of amounts held by the **applicant** which represent amounts paid to it by way of practising fees by the **affected authorised persons** to another relevant **approved regulator** and whether that **approved regulator** has consented to such transfer, and
- g) if the **applicant** is planning on winding-up all its activities, details as to how it proposes to do so in an orderly manner.

D. PRESCRIBED FEE

8. Any **application** must be accompanied by the **prescribed fee** set out in **rule 9** below. The **prescribed fee** must be paid by electronic funds transfer to the bank account specified from time to time by the **Board** using the following reference:

Reference: [applicant name]/cancellation **application**]

9. The **prescribed fee** that must accompany an **application** will depend on the type of **application** being made. The different levels of the **prescribed fee** are as follows:
- a) if the **application** is in respect of the cancellation of some but not all of the **reserved legal activities** regulated by the **applicant**, the **prescribed fee** is £4,500.
 - b) if the **application** is in respect of the cancellation of all of the **reserved legal activities** regulated by the **applicant**, the **prescribed fee** is £6,000.
10. The amounts specified in **rule 9** above are each the average costs that the **Board** anticipates it will incur in considering these different types of **application**. In respect of the **prescribed fee** set out in **rule 9(a)** above, this is based on a day rate of £562 over 8 business days. In respect of the **prescribed fee** set out in **rule 9(b)** above, this is based on a day rate of £562 over 11 business days.
11. The **Board** reserves the right to charge an amount in excess of the amounts set out in **rule 9** above in the following circumstances:
- a) if the **Board** requests further information from the **applicants** in accordance with **rule 16**, and the **Board's** costs in processing this information exceeds the relevant amount specified in **rule 9** above. In these circumstances, any such additional costs will be charged at the day rate of £562; and
 - b) the nature of the **application** means that the **Board** has to seek external advice and the cost of this advice would mean that the **Board's** cost in processing the **application** would exceed the relevant amount specified in **rule 9** above.

E. NOTICE REQUIREMENTS

12. On submitting an **application** to the **Board**, an **applicant** must publish a **cancellation notice** giving the following information:

- a) the date on which the **application** to the **Board** was made
- b) details of the **reserved legal activity** or **activities** to which the **application** relates
- c) details of why the **application** is being made
- d) details of the **affected authorised persons**
- e) details of what arrangements the **applicant** proposes in relation to the:
 - i) transfer of the regulation of the **affected authorised persons** to another relevant **approved regulator**, and
 - ii) transfer of amounts held by the **applicant** which represent amounts paid to it by way of practising fees by the **affected authorised persons** to another relevant **approved regulator**.

13. Any **cancellation notice** given in accordance with **rule** 12 must be published:

- a) on the **applicant's** website on the same day on which an **application** is submitted to the **Board**, and
- b) in any publication that the **Board** may specify from time to time within 5 working days of the **application** being submitted to the **Board**.

F. PROCESSES AND PROCEDURES

Sending the application

14. The **applicant** must submit their **application** as set out below:

- a) if by email, to: contactus@legalservicesboard.org.uk
- b) if by post or courier, to: the relevant address of the **Board** as set out on its website

For the attention of: Cancellation Administrator.

15. On receipt of the **application** and the **prescribed fee**, an acknowledgement email will be sent to the **applicant** by the **Board**.

16. The **Board** will consider the **application** and may ask the **applicant** for such additional information as the **Board** may reasonably require.

The Board's decision

17. After considering the **application** (and any additional information received under **rule 16**) and after satisfying itself that the requirements of Section E have been complied with, the **Board** will recommend to the Lord Chancellor that an order be made to cancel the **applicant's** designation as an **approved regulator** in relation to the one or more **reserved legal activities** set out in the **application**.

G. FURTHER INFORMATION

18. If you have any questions about the **application** process or the preparation of an **application**, you should contact the **Board** in the manner set out in **rule 14** above.

DRAFT

January 2018



EXPLANATORY MEMORANDUM

LSB Rules Review: Rules with non-material consequential changes

1. There are an additional 11 sets of LSB rules which required minor updates and amendments following the more substantial changes to:
 - Rules for making oral and written representations and giving oral and written evidence
 - Rules for powers of entry following cancellation of designation
 - Rules for applications to cancel designation as a Licensing Authority
2. These non-material consequential changes are with respect to the following rules:

Designation

- Rules for approved regulator and qualifying regulator designation applications
- Rules for licensing authority designation applications

Alternative Business Structures

- Rules for LSB review of decisions about licence applications made to it
- Register of licensed bodies: section 87(4) rules
- Schedule 13: ownership of licensed bodies rules: prescribed time periods
- Schedule 13: rules for the prescribed period for the making of appeals against licensing authority decisions relating to ownership of licensed bodies

Enforcement

- Intervention directions: section 41(5) and 42(10) rules
- Intervention directions: rules for applications to revoke
- Rules on the period for the making of appeals against decisions of a licensing authority in relation to financial penalties

Alterations

- Rules for applications to alter regulatory arrangements

Cancellation of Designation

- Rules for applications to cancel designation as an approved regulator

3. In summary, the consequential changes were as follows:

- Pre-existing typos have been corrected
- Provisions on written and oral representations which were originally contained within various procedures rules have been deleted and replaced with a link to the amalgamated rules.
- Contact details for the LSB have been updated
- Drafting techniques adopted as part of this review in the main three sets of rules at paragraph 1 above have been added into the other 11 sets of rules to achieve harmonisation. Key themes include:
 - Harmonised formatting (inclusion of an LSB logo on the front page, use of Ariel 11 for the main text, a single approach to capitalised terms (now all bolded, previously policies varied).
 - Removal of preambles to avoid repetition.
 - Harmonisation of sub-headings to achieve uniformity.
 - Insertion of the following two boilerplate clauses throughout all rules:

“These rules are to 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, rules, policies or guidance produced by the Board from time to time”.

“In the event of any inconsistency between these rules and the provisions of the Act, the provisions of the Act prevail”.

4. A table of the detailed changes made to the above rules is set out below. We have not been specific about where the LSB logo was or was not previously present, nor have we set out any changes to formatting or cross-referencing.

Rules	Title	Page	Change	Reason
All	All	Throughout	All defined terms bolded	In preference over capitalisation of defined terms
			Minor typographical errors corrected	Correction
		Boilerplate rule on section 205 of the Act	All existing rules addressing section 205 of the Act on seeking representations when the LSB amends its rules are modified as follows: “The Board reserves the right to amend these rules from time to time. When amendments are made, the Board will, when required to do so under section 205 of the Act, publish a draft of the amended rules and invite representations”	Updated for accuracy
All rules concerning any applications to be made to the LSB	See left	Varies	Removal of all references to an online tool for the submission of applications contemplated by the rules below	The online tool was never created
All rules formerly containing provisions on oral and written representations	See left	Varies	References to rules on oral and written representations have been removed from the list of topics set out in those rules	To reflect the creation of amalgamated rules on oral and written representations
A	Rules for approved regulator and qualifying regulator designation applications	1	Deletion of long preamble comprising old rules 1-7. The information in old rules 1 and 2 is now restated in new rules 2(a) and 2(c). Old rule 3 is now restated in new rule 2(b). Old rule 4 is restated in new rule 2(c). Old rule 5 is now restated in new rule 2(d). Old rule 6, which restated paragraph 7(3) of Schedule 18 to the Act, was deleted. It was replaced by the information in new rule 3 which refers instead to the information at paragraph 3(3) of Schedule 18. While the new rule 3 refers to a separate statutory provision, it relates to the same issue and is more relevant to these rules as	The preamble was moved to harmonise with the appearance of other rules.

		it sets out the required pre-conditions for an application to become a qualifying regulator. Old rule 6, while important overall, referred to a matter that was not relevant to the spirit of the rules, i.e. to set out the form and manner in which an application is to be made. Old rule 7 is restated in new rule 4.	
	1	“applicant” – definition wording amended with replacement of “who” with “that”	Correction
	1	<p>“application” definition changed from:</p> <p>“an application to be designated as an approved regulator in relation to one or more reserved legal activities (“approved regulator application”) and/or an application to become a qualifying regulator for the purposes of Part 5 of the 1999 Act that is submitted to the Board in accordance with these rules (“qualifying regulator application”)</p> <p>to,</p> <p>“an approved regulator application and/or a qualifying regulator application”.</p>	The original definition contained the definitions of “approved regulator application” and “qualifying regulator application”. These were both relocated to the main list of definitions for clarity. The definition of “application” now only refers to the defined terms and is much shorter.
	1	“approved regulator application” definition added (see above)	Relocated from within the definition of “application”
	1	“CMA” definition added	Update, references to the OFT were deleted to correspond with this change.
	1	“designation order” definition added	Correction of an error – this should have been included before
	2	“optional consultee” definition - replacement of “applications to become a qualifying regulator” with “qualifying regulator applications”	Change made to make use of the existing defined term: “qualifying regulator application”
	2	“qualifying regulator application” definition added (see above)	Relocated from within the definition of “application”
	2	“representations period” definition added	Term added to the rules in a change made at rule 30 (explained below) and

			had to be reflected in the list of defined terms
	2	“representations rules” definition added	New defined term for the new amalgamated rules for oral and written representations, which were previously restated in multiple locations across several sets of LSB rules
	2	“transitioned applications” deleted	Definition defunct, so deleted
	2-3	Rules 2-4 – the information in these rules were previously contained in the pre-amble, but are restated here with some minor modifications.	The location and wording of this information reflects the presentation in other rules
	4	Rule 6-7 added	Useful boilerplate clauses added across all rules (see paragraph 3 above)
	4	Section C (formerly Section D) - insertion of “the” to the title	Correction
	4	Below Section D heading, “Prescribed Fee” - deletion of former rule stating, “Any application must be accompanied by the prescribed fee set out in rule 13 below (as applicable)”	Removal of duplication, already contained in rule 11
	5	Rule 15 (formerly rule 17) – re-worded, no longer contains the LSB’s address	To future proof our contact instructions by refraining from having our address within the rules.
	6	Rule 21 (formerly rule 24) – insertion of “(including the Prescribed Fee)”	Consistent with other rules containing prescribed fees
	6	Rules 22, 23 and 25 (formerly rules 25, 26 and 28) – replaced OFT with CMA	Update.
	6	Rule 23 (formerly rule 26) – replacement of “its” with “their” within the wording “...and will provide <i>their</i> advice to the Board”	Correction
	6	Rule 24 (formerly rule 27) - as for rule 23 within the wording, “In providing <i>their</i> advice to the Board...”	Correction
	6	Sub-title “Representations about the advice” following wording added “...about the advice”	To reinforce the circumstance in which representations can be made.
	6	Rule 28 (formerly rule 31): First sentence, which specified the deadline for making representations, has been relocated to the	To reflect the creation of new, separate rules on the making of oral and written representations.

		<p>new amalgamated rules on oral and written representations and evidence.</p> <p>Second sentence has been changed from:</p> <p>“Any representations made by the applicant must be made in accordance with Section G of these rules”</p> <p>To</p> <p>“Any representations made by the applicant about the advice referred to in rules 21 to 27 above must be made in accordance with the Board’s representations rules which are located at: [link provided]”</p>	
	6	<p>Rule 29 (old rule 56) – whole rule modified and relocated from the deleted old Section G, which contained rules on representations.</p>	<p>This is the only surviving text from old provisions on representations that remains within these rules. The other provisions on oral and written representations and evidence have been replaced with new amalgamated rules.</p>
	6-7	<p>Rule 30 (old rule 32) – First line changed from:</p> <p>“As soon as practicable after the end of the period within which the representations referred to in Rule 31 may be made, the Board will publish on its website...”</p> <p>with, “As soon as practicable after the end of the representations period for applications made under these rules, the Board will publish on its website...”</p> <p>Rule 30(b) (old rule 32(b)) also reworded to account for the new amalgamated oral and written representations rules</p>	<p>Reworded for clarity and to reflect the creation of standalone oral and written representations rules.</p>
	7	<p>Rule 31 (old rule 33) – replacement of reference to old rule 53 with “...in accordance with the Representations Rules...”</p>	<p>To reflect new amalgamated oral and written representations rules.</p>

		7	Rule 32 (old rule 33 (second sentence)) – separated from old rule 33 as a standalone rule	To reflect drafting in corresponding licensing authority designation application rules.
		7	Rule 33 (old rule 34) – deletion of, “and reserved legal activity” from the sentence, “After considering the items listed in paragraph 14(1) of Schedule 4 to the 2007 Act for approved regulator and reserved legal activity applications...”	Deemed unnecessary as the old wording referred to the procedure under part 2 to Schedule 4, which is now covered by the defined term, “approved regulator applications”.
		7	Rule 36 (old rule 37) insertion of, “paragraph 17 of...” and “...more of the...” to the second and last lines	Correction – added for accuracy.
		8	Sub-heading above Rule 43 (old rule 44) Changed from “Timing” to “Time Limits”.	To accurately describe rules 43 and 44
		8	Rule 44(a) (old rule 45(a)), the following text added: “It being understood that the Board will not accept an application if a submission is made which the Board regards as being incomplete and/or in a format that is not reasonably practicable to consider efficiently...”	To reflect drafting in corresponding licensing authority designation application rules.
		8	Below Rule 44 (old rule 45) - removal of old Section G on written and oral representations	To reflect relocation to amalgamated rules
		8	Rule 45 (old rule 57) – removal of statutory provisions at paragraphs 13(2) and 13(3) of Schedule 4 to the Legal Services Act 2007. Replacement with references to the provisions only	To remove unnecessary text
		8	Rule 47 (old rule 59) new text on contacting the LSB	As for Rule 15 above
		9-15	Schedule: Very minor additions of commas or other similar corrections	Correction
B	Rules for licensing authority designation applications	1	Deletion of preamble, already contained in rule 2 (old rule 3)	Repetition
		1	“applicant” – replacement within definition of “who” with “that”	Correction
		1	“AR applicant” – replacement within definition of “who” with “that”	Correction
		1	“CMA” - definition added, OFT deleted	Update

		1	“existing LA applicant” – deletion of word from definition “who” from “...reserved legal activities and <i>who is...</i> ”	Correction
		2	“optional consultee” – replacement of “who” with “whom” within definition	Correction
		2	“representations rules” definition added	To account for new amalgamated oral and written representations rules
		3	Rules 5-6 added	Useful boilerplate clauses added across all rules
		3	Section C (formerly Section D) – addition of “the” to the title	Correction
		4	Below Section D (formerly Section E) heading – removal of, “Any application must be accompanied by the prescribed fee set out in Rule 11 below”	Removal of repetition
		5	Rule 13 (old rule 14) – no longer contains the address for the LSB	To future proof our contact instructions by refraining from having our address within the rules.
		5	Rule 20 – (formerly part of old rule 21), now separated	to harmonise with equivalent provisions on approved regulator/qualifying regulator designation application rules
		5-6	Rules 20, 21 and 23 (old rules 21, 22 and 24) – replacement of OFT with CMA	Update.
		6	Rule 21 (old rule 22) – replacement of “its” with “their” within the wording “...and will provide <i>their</i> advice to the Board”	Correction
		6	Rule 22 (old rule 23) - as for Rule 21 within the wording, “In providing <i>their</i> advice to the Board...”	Correction
		6	Sub-Title “Representations about the advice”, addition of “about the advice”.	Extra text added to confirm the circumstance in which representations can be made.
		6	Rule 26 (formerly rule 27): First sentence, which specified the deadline for making representations, has been relocated to the new amalgamated rules on oral and written representations and evidence.	To reflect the creation of new, separate rules on the making of oral and written representations.

		<p>Second sentence has been changed from:</p> <p>“Any representations made by the applicant must be made in accordance with Section G of these rules”</p> <p>To</p> <p>“Any representations made by the applicant about the advice referred to in rules 19 to 25 above must be made in accordance with the Board’s representations rules which are located at: [link provided]”</p>	
	6	<p>Rule 27 (old rule 51) – whole rule modified and relocated from the deleted old Section G, which contained rules on representations.</p>	<p>This is the only surviving text from old provisions on representations that remains within these rules. The other provisions on oral and written representations and evidence have been replaced with new amalgamated rules.</p>
	6-7	<p>Rule 28 (also old rule 28) – First line changed from:</p> <p>“As soon as practicable after the end of the period within which the representations referred to in Rule 27 may be made, the Board will publish on its website...”</p> <p>with, “As soon as practicable after the end of the representations period for applications made under these rules, the Board will publish on its website...”</p> <p>Rule 28(b) (old rule 28, second bullet point) also reworded to account for the new amalgamated oral and written representations rules</p>	<p>Reworded for clarity and to reflect the creation of standalone oral and written representations rules.</p>
	7	<p>Sub-heading above rule 39 (also old rule 39)</p> <p>Changed from “Timing” to “Time Limits”.</p>	<p>To accurately describe rules 39 and 40</p>
	8	<p>Below rule 40 (also old rule 40) - removal of old Section G on written and oral representations.</p>	<p>To reflect relocation to amalgamated rules on oral and written representations</p>
	8	<p>Rule 41 (old rule 52) – removal of statutory provisions at paragraphs 11(2) and 11(3) of Schedule 10 to the</p>	<p>To remove unnecessary text</p>

			Legal Services Act 2007. Replacement with references to the provisions only	
		8	Rule 43 (old rule 54) new text on contacting the LSB	As for Rule 13 above
		8	Schedule: Very minor additions of commas or other similar corrections	Correction
C	Rules for LSB review of decisions about licence applications made to it	1	Deletion of preamble, information now contained in new rule 2 (a more detailed version of old rule 3 (see below))	To avoid repetition
		1	“application” – wording of definition slightly re-ordered	Correction
		1	“licensable body” definition added	Correction
		1	Rule 2 - new text at the beginning (old rule 3): “These rules are the rules that the Board has made in compliance with paragraph 2(4) of Schedule 12 to the Act to...”	To reflect the approach in other rules
		1-2	Rules 3-4 – newly added	Useful boilerplate clauses added across all rules
		2	Rule 12 – newly added	To reflect inclusion of further information provisions in other rules
D	Registers of licensed bodies: section 87(4) rules	1	Deletion of preamble, information already contained in rule 2 (old rule 3)	To avoid repetition
		1	New rules 3-4	Useful boilerplate clauses added across all rules
		1-2	Rule 6 (old rule 5) – addition of “...of the Act...” after “...section 87(1)...”	Minor typographical correction
		2	Rule 8 (old rule 7) removal of LSB address	To future proof our contact instructions by refraining from having our address within the rules.
E	Schedule 13: ownership of	1	Deletion of preamble. Information relocated to new rule 2	To harmonise with the appearance of other LSB rules

	licensed bodies rules: prescribed time periods	1	Creation of a list of defined terms already used in these rules. Previously the rules stated that terms were as defined in the Legal Services Act 2007	To reflect the approach in other rules
		1	Rules 3-4 – newly added	Useful boilerplate clauses added across all rules
		1	Rule 5 (formerly old rule 7 which is now deleted alongside its title, old section D. Modification to rules)	Moved from separate location in old rules to reflect the approach in other rules
		2	Rule 10 – newly added	To reflect inclusion of further information provisions in other rules
F	Schedule 13: rules for the prescribed period for the making of appeals against licensing authority decisions relating to ownership of licensed bodies	1	Deletion of preamble. Information repeated in rule 2 (old rule 3)	To harmonise with the appearance of other LSB rules and avoid repetition
		1	Creation of a list of defined terms already used in these rules. Previously the rules stated that terms were as defined in the Legal Services Act 2007	To reflect the approach in other rules
		1	Rules 3-4 – newly added	Useful boilerplate clauses added across all rules
		1	Rule 5 (formerly old rule 6 which is now deleted alongside its title, old section D. Modification to rules)	Moved from separate location to reflect the approach in other rules
		2	Rule 8 – newly added	To reflect inclusion of further information provisions in other rules
G	Intervention directions: section 41(5) and 42(10) rules	1	Deletion of preamble, information repeated in rule 2 (old rule 3)	To avoid repetition
		1	“representation rules” – definition added	To account for new amalgamated oral and written representations rules
		1	Rule 3 (old rule 4) reworded to account for the new amalgamated oral and written representations rules, with the addition of a link to the LSB’s rules section of its website	Update
		1	Rule 4 (old rule 5) amended as above, with a reference to the same link	Update

		2	Rules 5-6 – newly added	Useful boilerplate clauses added across all rules
		2	Rule 8 (old rule 7) - deletion of “fit and” from “fit and competent”	To harmonise with rule 9 and equivalent search and entry rules for cancellation of designation as an approved regulator and/or a licensing authority.
		2	Rule 11 – LSB address removed	To future proof our contact instructions by refraining from having our address within the rules.
H	Intervention directions: rules for applications to revoke	1	Deletion of preamble, information stated at rule 2 (old rule 3)	To avoid repetition
		1	“CMA” - definition added	Update
		1	“representation rules” - definition added	To account for new amalgamated oral and written representations rules
		2	Rule 3 (old rule 4) – removal of old rule 4(c)	Refers to the deleted section on oral and written representations
		2	Rules 4-5 – newly added	Useful boilerplate clauses added across all rules
		3	Rule 9 – removal of LSB address	To future proof our contact instructions by refraining from having our address within the rules.
		3	Rule 14(b) – newly added to old rule 14	Added to clarify what will happen in the event that advice is not provided.
		3	Rules 14 – 16 (old rules 14 – 16) – replacement of OFT with CMA	Update.
		4	Sub-title “Representations about the advice” Wording, “about the advice” added	To confirm the circumstance in which representations can be made.
		4	Rule 20 (formerly old rule 20) First sentence, which specified the deadline for making representations, has been relocated to the new amalgamated rules on oral and written representations and evidence. Second sentence has been changed from:	To reflect the creation of new, separate rules on the making of oral and written representations.

			<p>“Any representations made by the applicant or any representative body must be made in accordance with Section F of these rules”</p> <p>To</p> <p>“Any representations made by the applicant or any representative body about the advice referred to in rules 13 to 19 above must be made in accordance with the Board’s representations rules which are located at: [link provided]”</p>	
		4	Rules 21-22 (old rules 21 and 22) amended by adding references to the representations rules	To indicate the existence of these representations rules as the source of rules on oral and written representations
		5	Rule 22 (old rule 22) replacement of “...any matter which relates...”, with “...any matter relating...”.	Correction
		5	Rule 23 (old rule 23), addition of lettering (a)-(d) to separate out the provisions of this rule	Clarification
		5	Old section F “Form of Representations” deleted	To reflect relocation to amalgamated rules on oral and written representations
		5	Rule 27 – LSB address removed	As for rule 9 above
I	Rules on the period for the making of appeals against decisions of a licensing authority in relation to financial penalties	1	Deletion of preamble, repeated in rule 2 (old rule 3)	To avoid repetition
		1	Creation of a list of defined terms already used in these rules. Previously the rules stated that terms were as defined in the Legal Services Act 2007	To reflect the approach in other rules
		1	Rules 3-4 – newly added	Useful boilerplate clauses added across all rules
		1	Rule 5 (formerly old rule 4 which is now deleted alongside its title, old section D. Modification to rules)	Moved from separate location in old rules to reflect the approach in other rules
		2	Rule 7 – newly added	To reflect inclusion of further information provisions in other rules

J	Rules for applications to alter regulatory arrangements	1	Amendment to title of rules from “Rules for Rules Change Applications” to “rules for applications to alter regulatory arrangements”	To reflect the name of this procedure in the Act
		1	Deletion of preamble, information repeated in rule 2 (old rule 3)	To harmonise with the appearance of other rules
		1	“authorised person” – definition removed	Never used in these rules
		2	“representations rules” definition added	To account for new amalgamated oral and written representations rules
		2	Rule 2 (old rule 3) after “regulatory arrangements”, addition of “...under part 3 of Schedule 4 to the Act	For accuracy
		2	Rule 3 (formerly part of old rule 3) – the following text was separated from old rule 3: “For the avoidance of doubt, these rules do not apply to any alteration of an approved regulator’s regulatory arrangements to the extent that such alteration is governed by section 51 of the Act”	Clarification
		3	Rule 5 (formerly old rule 5) - removal of references to a section on representations in these rule	No longer in these rules – now in amalgamated rules
		3	Rules 6-7 – newly added	Useful boilerplate clauses added across all rules
		3	Rule 10 (formerly rule 8) – insertion of “beginning” and “date of”	Clarification
		5	Rule 13 (formerly rule 11) removal of LSB address	To future proof our contact instructions by refraining from having our address within the rules.
		6	Sub-title “Representations about the advice”	Wording, “about the advice” added to confirm the circumstance in which representations can be made.
		6	Rule 22 (formerly old rule 21) First sentence, which specified the deadline for making representations, has been relocated to the new amalgamated rules on oral and written representations and evidence. Second sentence has been changed from:	To reflect the creation of new, separate rules on the making of oral and written representations.

			<p>“Any representations made by the applicant or any representative body must be made in accordance with Section G of these rules”</p> <p>To</p> <p>“Any representations made by the applicant or any representative body about the advice referred to in rules 20 and 21 above must be made in accordance with the Board’s representations rules which are located at: [link provided]”</p>	
		6	Rule 23 (old rule 42) – relocated from the deleted old Section G on oral and written representations rules	This is surviving text from old provisions on representations that have been replaced with the new amalgamated rules. This text confirms the context in which representations can be made.
		6	<p>Rule 24 replacement of:</p> <p>“...period within which representations under rule 21 may be made”</p> <p>With:</p> <p>“...representations period for applications made under these rules...”</p>	Updated to make use of the new defined term, “representations period”
		6	Rules 24-25, addition of “...in accordance with the Representations Rules...”	To reflect new amalgamated representations rules.
		7	Sub-title “Time Limits” (previously “Timing”)	For accuracy
		8	Old Section G “Form of Representations” deleted	To reflect relocation to amalgamated rules on making oral and written representations
		8	Rule 34 – LSB address removed	As for rule 13 above.
K	Rules for applications to cancel designation	1	Deletion of preamble, information repeated in rule 2 (old rule 3).	Removal of reference to Lord Chancellor consent for prescribed fees as this is not included in other rules where such consent must also be obtained.

	as an approved regulator	1	“applicant” – replacement of “who” with “that” within definition	Correction
		2	Rules 4-5 – newly added	Useful boilerplate clauses added across all rules
		2	Rule 7(c) (formerly rule 6(c)) – replacement of “of” with “as to”	Correction
		3	Rule 7(g) (formerly rule 6(g)) – as for rule 7(c) above	Correction
		4	Rule 14 (formerly rule 13) – removal of LSB address	To future proof our contact instructions by refraining from having our address within the rules.
		5	Rule 18 (also formerly rule 18) – LSB address removed	As for rule 14 above