



JUDICIARY OF
ENGLAND AND WALES

THE RIGHT HONOURABLE THE LORD JUDGE

Ms. Dawn Reid,
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LEGAL SERVICES

16 NOV 2010

BOARD

12 November 2010

Dawn Dawn Reid,

Application by the Institute of Legal Executives to become an Approved Regulator for the awarding of rights of audience and rights to conduct litigation to Associate Prosecutor members of ILEX

Thank you for your letter of the 1st of October which constitutes the statutory consultation required by Schedule 4 of the Legal Services Act 2007. As required under that legislation, I have considered the application and the possible impact its approval would have on the courts of England and Wales.

You will be aware that I have asked my officials to obtain further information from ILEX as to two matters:

1. The scope of s.7A of the Prosecution of Offences Act 1985 (particularly whether it entitles Associate Prosecutors to prosecute offences which are punishable with a term of imprisonment); and
2. The scope of ILEX's application in respect of the ability of Associate Prosecutors to prosecute the above types of offences. This question was raised particularly with regard to the certification rules included as part of ILEX's proposed regulatory arrangements.

I am content to advise you the application appears unlikely to have an adverse impact on the courts of England and Wales on the basis that there is no extension to what is presently permitted by statute.

It is noted however, that ILEX's proposed regulatory arrangements envisage a future extension of the scope of s.7A(2)(a)(ii) so as to permit Associate Prosecutors to deal with prosecutions which are punishable with a term of imprisonment. Such an amendment to the statutory scheme, if and when proposed, must be subject to full and proper consultation with the judiciary and other interested parties.

Yours sincerely,

Dyer Judge

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