

Direction 133 issued under Part 3 of Schedule 4 to the Legal Services Act 2007 to all approved regulators

1. This is a direction issued pursuant to paragraph 19(3) of Schedule 4 to the Legal Services Act 2007 (the Act).
2. Unless stated otherwise, words defined in the Act have the same meaning when used in this direction.
3. In this direction 'exit day' has the same meaning as in section 20(1) of the European Union (Withdrawal Act) 2018.
4. In accordance with paragraph 19(3) of Schedule 4 to the Act, the Legal Services Board (the Board) directs that the alterations to regulatory arrangements, detailed at paragraph 5 below, are exempt alterations for the purposes of paragraph 19(2)(c) of Schedule 4.
5. Alterations to an approved regulator's regulatory arrangements relating to:
 - (a) provisions within the Mutual Recognition of Professional Qualifications Directive¹ (2005/36/EC), as implemented in domestic legislation before exit day;
 - (b) provisions within the Lawyers' Establishment Directive (98/5/EC) and the Lawyers' Services Directive (77/249/EEC), as implemented in domestic legislation before exit day;
 - (c) provisions within the Services Directive (2006/123/EC), as implemented in domestic legislation before exit day;
 - (d) the carrying on of reserved legal activities after exit day by European Economic Area nationals; and
 - (e) any other consequential alterations to regulatory arrangements connected to or necessary to implement the European Union (Withdrawal) Act 2018 and related rules.
6. All approved regulators intending to make alterations to their regulatory arrangements under this direction must notify the Board at least 14 calendar days prior to making the changes.
7. The Board reserves the right to determine that a proposed alteration to an approved regulator's regulatory arrangements does not fall within this exemption.

¹ The Government published a technical notice on 12 October 2018 'Providing services including those of a qualified professional if there's no Brexit deal' <https://www.gov.uk/government/publications/providing-services-including-those-of-a-qualified-professional-if-theres-no-brexit-deal/providing-services-including-those-of-a-qualified-professional-if-theres-no-brexit-deal>

8. Where the Board determines that a proposed alteration does not fall within this exemption, an approved regulator will need to seek the Board's approval of that alteration. In such cases, the approved regulator must make an exemption direction request or rule change application in accordance with the Board's Rules for Designations and Alterations to Regulatory Arrangements.
9. This direction is to be deemed to be effective from the date of issue of this notice and will expire on a date to be determined by the Board.

For and on behalf of the Legal Services Board

20 February 2019