

**Legal Services Board consultation paper ‘Oral and
written representations and evidence and the
alteration of reserved legal activities’**

Response from the Solicitors Regulation Authority

October 2009

Legal Services Board consultation paper “Oral and written representations and evidence and the alteration of reserved legal activities” (August 2009)

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1. Introduction

1.1 The Solicitors Regulation Authority (SRA) is the independent regulatory arm of the Law Society for England and Wales. We regulate individual solicitors, certain other lawyers and non lawyers with whom they practise, solicitors’ firms and their staff.

1.2 We welcome this consultation paper from the Legal Services Board (LSB) and are supportive of the broad approach. Our specific comments are set out below.

2. SRA comments

Q1. Do you agree with the approach taken to making oral representations and giving oral evidence?

2.1 We believe that the proposed authorisation process supporting Representing Persons who prefer to provide evidence orally is an integral part of the rules package made under Schedule 6 of the Legal Services Act 2007. We agree with the broad approach set out in the consultation paper.

2.2 Paragraph 12 (page 14) of the consultation paper highlights the process for handling requests relating to private oral hearings. We are unclear whether the intention here is that the request itself can also be made orally, or whether the request has to be in writing, and this is perhaps something that could be made clear in the final version of the Schedule 6 rules.

2.3 We are also uncertain as to the stage at which a Representing Person can request that their oral hearing (if approved) is conducted in private, specifically whether this needs to be made clear at the application stage or whether there is scope to request a private hearing once the application has been approved? Again, it would be helpful for the final version of the Schedule 6 rules to set this out.

Q2. Bearing in mind the Regulatory Objectives, the Better Regulation Principles and the need to operate efficiently to the Freedom of Information Act, please could you suggest improvements to the process.

2.4 Paragraphs 11 – 17 (page 14) of the consultation paper set out the practical mechanics of the proposed process, and the considerations that will guide the LSB’s thought process in managing hearings and oral representations made under Schedule 6. Some reference is already made to the discretion available to the LSB in determining various aspects of the hearings process, and in accommodating some of the requests that may be made by Representing Persons. However, we recommend that the final version of the Schedule 6

rules is explicit about accommodating (as far as is reasonable) each individual's personal circumstances, particularly where hearings are conducted in person. This could be achieved by including a reference such as "the Board will ask the Representing Person if any reasonable adjustments can be made for them."

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