

Intervention directions: rules for applications to revoke

Version 1: 15 December 2009

A. PREAMBLE

1. These Rules are made by the Board (as defined below) under paragraphs 13(2) and 21(5) of part 2 of schedule 8 to the Act (as defined below).

B. DEFINITIONS

2. 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
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 OFT, the Consumer Panel and the Lord Chief Justice
OFT	the Office of Fair Trading
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
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

C. WHO DO THESE RULES APPLY TO?

3. 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.
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 D**);
 - b) the processes and procedures that the Board will undertake in considering the Application (**see Section E**);
 - c) the manner in which the Applicant and any Representative Body can make representations to the Board about an Application (**see Section F**); and
 - d) who an Approved Regulator should contact if it has a question in relation to the Application process (**see Section G**).
5. The Board reserves the right to amend these Rules from time to time. If the amendments made to the Rules are, in the opinion of the Board, material the Board will publish a draft of the amended Rules and will invite consultations in accordance with section 205 of the Act.

D. CONTENTS OF APPLICATION

6. 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).
7. Information provided in accordance with Rule 6 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.

E. PROCESSES AND PROCEDURE

Sending the Application

8. Subject to Rule 9 below, the Applicant must submit their Application either by email, post or courier to the relevant address shown below:

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

b) If by post or courier to:

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

For the attention of: Enforcement Administrator

9. The Applicant must, unless otherwise agreed with the Board, submit their Application to the Board using the online tool at www.legalservicesboard.org.uk, once this has been developed.
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. The Board will exercise this discretion 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 OFT, 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, published and variable dependent on the volume and complexity of the Application received.

15. The Lord Chancellor, the OFT, 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 OFT, 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

20. The Applicant and any Representative Body has **28 days** beginning on the day on which a copy of the advice referred to in Rule 19 has been published on the Board's website, or such longer period as the Board may specify in a particular case, to make representations to the Board about the advice. Any representations made by the Applicant or any Representative Body must be made in accordance with Section F of these Rules.

Publication of Representations

21. As soon as practicable after the end of the period within which representations under Rule 20 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 under Rule 34).
22. Prior to the publication of any written representations (and any report of oral representations prepared under Rule 34) the Board will ensure, so far as practicable, that such materials exclude any matter 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

23. After considering the Application (and any additional information received under Rule 11), the advice received from the Consultees and any representations by the Applicant or any Representative Body and 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.

F. FORM OF REPRESENTATIONS

Written representations

27. Subject to Rules 28 and 30, all representations made to the Board must be in writing and must be submitted to the Board either by email, post or courier to the to the relevant address set out at Rule 8.
28. The Applicant or Representative Body must, unless otherwise agreed with the Board, submit all representations to the Board using the online tool at www.legalservicesboard.org.uk, once this has been developed.
29. All representations must be received by the Board within the period set out in Rule 20. Representations out of this time will not be considered unless, exceptionally and at the sole discretion of the Board, they appear to raise matters of substance relevant to the Application which are not already under consideration.

Oral representations

30. The Board may, at its sole discretion authorise an Applicant or any Representative Body to make oral representations at their own expense. On grounds of cost, efficiency, transparency and consistency of treatment between Applicants and Representative Bodies, the Board will not normally accept oral representations unless the particular circumstances of the Applicant or Representative Body or the complexity of the issues merit an exception to the normal process in individual cases. If the Board grants such an exception, it will publish its reasons for doing so.
31. Should the Board authorise an Applicant or Representative Body to make oral representations, the representations will take place at a hearing to be held either by telephone, video conference or in person. The Board will give the Applicant or Representative Body not less than ten business days notice that there will be a hearing. If the hearing is to be held in person the notice will specify the place and time at which the hearing will be held. If the hearing is to be held by telephone or video conference, the

notice will specify the time of the telephone call or video conference and also the arrangements for facilitating the telephone call or video conference.

32. Hearings conducted in person (rather than by telephone or video conference) will normally be open to the public. However, within the period ending four business days prior to the scheduled date of the hearing, the Applicant or Representative Body may submit to the Board a written request, with reasons, that aspects of the hearing be held in private. The Board will consider the reasons given and will then publish the reasons for any decision that it reaches. Where the hearing is held in private, the Board will only admit persons other than representatives of the Applicant or the Representing Body (as relevant) and the Board, after obtaining the agreement of the Applicant or the Representing Body (as relevant).
33. The Applicant or Representative Body must appear at the hearing, either in person or by telephone (as the case may be), and may be represented by any persons whom they may appoint for the purpose. The proceeding of the hearing will be recorded on behalf of the Board and will be transcribed onto paper.
34. Where oral representations are made, the Board will prepare a report of those representations which will be based on the transcription of the hearing made in accordance with Rule 33. Before preparing the report, the Board:
 - a) must give the Applicant or Representative Body a reasonable opportunity to comment on a draft of the report; and
 - b) must have regard to any comments duly made by the Applicant or Representative Body.
35. Subject to the requirements of the Act, the Board reserves the right to extend processes to take account of the need to transcribe and verify oral submissions and to require the Applicant or Representative Body to directly pay the transcription provider for the reasonable cost of the transcription service.
36. The Board may from time to time adjourn the hearing.

F. FURTHER INFORMATION

37. If you have any questions about the Application process or the preparation of an Application, you should contact the Board at:

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

Email: contactus@legalservicesboard.org.uk

Telephone: 020 7271 0050