

Sent by email only: Paul Greening:
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uk

Your ref		Direct line	(020) 7211 8263
Our ref		Fax	(020) 7211 8505
Date	29 October 2010	Email	mark.pratt@oft.gsi.gov.uk

Dear Paul,

Application by the Institute of Legal Executives (ILEX) to become an approved regulator to award rights to conduct litigation and rights of audience to members of ILEX

Thank you for sending us the above applications and formally requesting our advice in accordance with the provisions of the Legal Services Act 2007 ('the Act').

In providing our advice we have to consider whether an application, if granted, would (or would be likely to) prevent, restrict or distort competition within the market for reserved legal services to any significant extent¹.

We have considered the application and, if granted, we advise that we find no evidence or theory to suggest that ILEX becoming an approved regulator to award rights to conduct litigation and rights of audience to members of ILEX would (or would be likely to) prevent, restrict or distort competition within the market.

From a competition perspective, where a new application relates to a sector of the legal services market in which there is an existing approved regulator, unless there is compelling evidence to show a significant detriment to competition and/or consumer protection, the OFT is unlikely to raise any substantive objection since it is likely to increase choice for consumers.

The OFT, therefore, considers that allowing ILEX members authorisation to conduct litigation and to have rights of audience, within the parameters outlined

¹ Schedule 4 Part 2 section 6(2) of the Act

in the application, may strengthen competition for these services. For example, ILEX members could act as an alternative supply to solicitors in the conduct of litigation and solicitors and barristers in civil and family court proceedings. This could, potentially, place competitive pressure on the pricing of these services and broaden access to justice.

Should you have any queries regarding the content of this letter, please do not hesitate to contact me or my colleague Hassan Bakay, who led on the review of the ILEX application.

Yours sincerely,

A handwritten signature in black ink that reads "Mark Pratt". The signature is written in a cursive style with a large, stylized 'P'.

Mark Pratt
Team Leader, Legal Services