

Enforcement processes: rules on oral and written representations – **Version 2 (November 2010)**

Following the consultation on 29 October 2010 on the application of sections 178-79 of the Legal Services Act 2007, the LSB revised the Rules on Oral and Written Representations. Changes to the original rules are in red text.

A - PREAMBLE

1. These Rules are made by the Board (as defined below) under section 7 of the Act (as defined below) and paragraphs 2(5) and 10(3) of Schedule 7, paragraphs 2(5) and 10(5) of Schedule 8 and paragraphs 2(5) and 9(5) of Schedule 9 to the Act (as defined below).

B - DEFINITIONS

2. Words defined in these Rules have the following meanings:

Act	the Legal Services Act 2007
Approved Regulator	has the meaning given in section 20(2) of the Act
Board	the Legal Services Board
Representing Person	an Approved Regulator or any other person, including the Tribunal , who can make representations to the Board in accordance with section 38(2) and Schedules 7 to 9 to the Act ¹
Tribunal	the Solicitors Disciplinary Tribunal

C - WHO DO THESE RULES APPLY TO?

3. These Rules are the rules that the Board has made to govern the making of oral and written representations by a Representing Person in accordance with paragraphs 2(5) and 10(3) of Schedule 7 to the Act (**Directions**);
4. 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 - FORM OF REPRESENTATIONS

Written representations

¹ 'Representing Person' includes the Solicitors Disciplinary Tribunal where the Tribunal has made rules under section 46(9)(b) of the Solicitors Act 1974 where the Board is satisfied the Tribunal has failed to perform any of its functions to an adequate standard (or at all), but only in relation to 'Directions'

5. Subject to Rules 6 and 8, 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 relevant address shown below:

- if by email to : contactus@legalservicesboard.org.uk

- if by post or courier to:

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

- For the attention of: Enforcement Administrator

6. The Representing Person must, unless otherwise agreed with the Board, submit all written representations to the Board using the online tool at www.legalservicesboard.org.uk, once this has been developed.

7. All representations must be received by the Board within the relevant period set out in the Act. 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 process in question which are not already under consideration.

Oral representations

8. The Board may, at its sole discretion authorise a Representing Person to make oral representations. The Representing Person must bear its own costs in relation to any such representations. On grounds of cost, efficiency, transparency and consistency of treatment between Representing Persons, the Board will not normally accept oral representations unless the particular circumstances of the Representing Person or the complexity of the issue 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.

9. Should the Board authorise a Representing Person 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 Representing Person 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.

10. 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 Representing Person may submit to the Board a 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 Representing Person and the Board, after obtaining the agreement of the Representing Person.

11. The Representing Person must appear at the hearing, either in person, by telephone or by video conference (as the case may be) and may be represented by any persons

whom it may appoint for the purpose. The proceeding of the hearing will be recorded on behalf of the Board and will be transcribed onto paper.

12. 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 11. Before preparing the report, the Board:
 - must give the Representing Person a reasonable opportunity to comment on a draft of the report; and
 - must have regard to any comments duly made by the Representing Person.
13. Subject to complying with 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 Representing Person to directly pay the transcription provider for the cost of the transcription service.
14. The Board may from time to time adjourn the hearing.

E - FURTHER INFORMATION

15. If you have any questions about the process for making oral or written representations 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