

## THE CHARTERED INSTITUTE OF PATENT ATTORNEYS

### LSB CONSULTATION ON ORAL AND WRITTEN REPRESENTATIONS AND THE ALTERATION OF RESERVED LEGAL ACTIVITIES

1. CIPA welcomes the opportunity to comment on the proposals. In general, we find that the proposals provide the appropriate framework for investigations concerning consideration whether an unreserved legal activity should become a “reserved legal activity” or a reserved legal activity should become unreserved. However, we do have a small number of concerns that the draft Rules are not as clear as they should be.
2. **Rule 1:** We believe that the definition of “Representing Person” is not as clear as it should be. The normal understanding of the expression would be “a person representing another”, but it would appear from the wording of Rule 2 that the expression is intended to mean “any person wishing to make representations or to provide evidence to the Board for the purposes ...”. We therefore suggest that the words “any person who can” at the start of the definition should be altered to “any person wishing to”. An alternative (while keeping the suggested change to the definition) would be to change the expression to something more easily recognisable, such as “Respondent”.
3. **Rule 6:** We suggest that to make the wording of the rule clearer and more elegant, the words “Once developed” be deleted and the words “, once this has been developed” be added to the end of the Rule. As written, the words would appear to relate to “the Representing Person”.
4. **Rule 7:** Notices issued under paragraph 9(2) of Schedule 6 following a decision by the Board to conduct an investigation, and provisional reports issued under paragraph 10 of the Schedule will be in the nature of consultations by the Board. We believe that anyone wishing to respond to either consultation should have the usual period of 3 months allowed for responses to government consultations. In the case of the publication of the provisional report, the Act makes specific provision for “Affected Practitioners” to make representations and give oral evidence to the Board and we believe that the period of 2 months is too short for this purpose. While the Approved Regulators will presumably have the publication of the provisional report drawn to their attention by the Board, it will take some time for news of the publication to filter down to the affected practitioners, thus shortening their period for response.
5. **Rule 10:** We note that paragraph 13(3) requires the Board to make provision for both Affected Practitioners and bodies which represent Affected Practitioners to make oral representations to the Board. However, as drafted, Rule 10 provides only for Affected Practitioners to do so. Accordingly, we believe that the words “and bodies representing Affected Practitioners” should be added at the end of Rule 10.