

## **LSB CONSULTATION: ORAL & WRITTEN REPRESENTATIONS AND EVIDENCE AND THE ALTERATION OF RESERVED LEGAL ACTIVITIES**

### **Question 1 – Do you agree with the approach taken to making oral representations and giving oral evidence?**

In general we are in favour of the approach taken to making oral representations and we presume that if the date given by the Board for the oral representations is, for legitimate reasons, inconvenient to the applicant then there will be the possibility of it being rescheduled.

We do however note a subtle difference between the wording of Rule 9 in the draft rules and Rule 45 of the draft Rules for New Body Designation Applications contained in the consultation paper 'Designating new approved regulators and approving rule changes.'

Rule 45 begins '*The Board may, at its sole discretion authorise an applicant to make oral representations at its own expense*' whereas the first sentence of Rule 9 reads '*The Board may, at its sole discretion authorise a Representing Person to make oral representations or supply oral evidence*'

We note the change from 'applicant' to 'representing person' and importantly that there is no longer any reference to the expense. We said in our response to the earlier consultation that we thought Rule 43 was ambiguous in that it was not clear from the wording whether the expense would be born by the Board or the applicant. However we believe that if there is to be a cost where this cost will lie should be spelt out.

### **Question 2 – Bearing in mind the Regulatory Objectives, the Better Regulation Principles and the need to operate efficiently in relation to the Freedom of Information Act, please could you suggest improvements to the process.**

We have no further comments to make.