

ORAL AND WRITTEN REPRESENTATIONS AND EVIDENCE AND THE  
ALTERATION OF RESERVED LEGAL ACTIVITIES

RESPONSE ON BEHALF OF THE MASTER OF THE FACULTIES,  
AN APPROVED REGULATOR

Question 1. - The draft rules under Schedule 6 of the Legal Services Act 2007 provides for a “Representing Person” to make representations and provide evidence to the Board when considering a provisional report to either designate or cancel the designation of an activity as a reserved legal activity. The definitions section clarifies, for the avoidance of doubt, that an Affected Practitioner and any body which represents an Affected Practitioner is a Representing Person. Although paragraph 13(3) of the Act requires the LSB to include Affected Practitioners within the meaning of Representing Person, it does not exclude the possibility of another person or body making a representation. Paragraph 2 of Schedule 6 permits any “person” to request the Board to hold such an investigation. The Act does not provide who might make representations on such an application, except that Affected Practitioners must be included. We consider that an Approved Regulator should be able to make representations once the LSB has decided to hold an investigation about the alteration in designation of reserved legal activities. A new rule should be added to say “The Board shall notify the Approved Regulators of its decision to hold an investigation under these Rules and shall give the Approved Regulators the opportunity to make representations in the same way as if they were a Representing Person.” Rule 9 should be amended to say “...the Board will allow oral representations to be made by Affected Practitioners and Approved Regulators.” These changes will permit an

Approved Regulator to make representations on an application which might have an effect on its regulatory activities.

Question 2. – We do not have any suggestions for improvements to the process.