



Chris Kenny
Chief Executive
Legal Services Board
One Kemble Street
London WC2B 4AN

27 November 2014

Dear Chris

BSB application to enable entity regulation – undertakings in relation to authorisation decisions

As you know, an essential component of the Bar Standards Board's (BSB) application to regulate entities is the ability of such bodies to appeal BSB decisions relating to authorisation. The intention is that once we have agreed an order under s69 of the Legal Services Act, these appeals will be heard by the General Regulatory Chamber of the First Tier Tribunal. In the meantime, the President of the Queen's Bench Division of the High Court has agreed that these appeals may be considered by the High Court. The High Court has jurisdiction to do so by virtue of s24 of the Crime and Courts Act 2013. I attach confirmation from the Civil Procedure Rules (CPR) Committee Secretary that the relevant Practice Direction of the CPR will be updated to take account of this at the next routine publication in April.

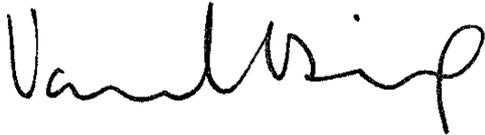
The BSB will not make authorisation decisions in relation to entities until a proper appeal jurisdiction for those decisions is in place. We therefore propose not to make any decisions until the CPR update has been published. In the meantime, and subject to your approval of our current rule change application, we propose to "launch" entity regulation in the New Year so that potential entities can start to submit draft applications. We propose to use that time to test our processes and discuss real applications with applicant entities, in order to prepare us for the formal launch of authorisation decisions in April.

I hope that the following undertakings will provide reassurance that the necessary appeal mechanism will be in place, whilst enabling us to proceed with some certainty to launch our entity regulation regime.

1. The BSB will not make any decisions relating to any element of or the overall outcome of applications by entities to be authorised and regulated by the BSB until such time as the necessary amendments (as detailed in the attached document) to the Practice Direction for the Civil Procedure Rules (CPR) enabling the High Court to hear appeals against BSB regulatory decisions in relation to entities are published and are in force.
2. The BSB will take steps to remain informed on the timetable for the necessary amendments referred to in point 1 being published and coming into force, and will immediately inform the Legal Services Board (LSB) in the event that it becomes aware of any change to the current timetable of April 2015.

3. The BSB acknowledges that the making of any decisions referred to in point 1 without appropriate appeal routes is likely to have an adverse impact on one or more of the regulatory objectives, including protecting and promoting the public interest, supporting the constitutional principle of the rule of law, improving access to justice and protecting and promoting the interests of consumers.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Vanessa Davies', written in a cursive style.

Dr Vanessa Davies
Director, Bar Standards Board

Lynne Callegari

From: Wright, Jane <Jane.Wright@justice.gsi.gov.uk>
Sent: 26 November 2014 15:39
To: Ewen MacLeod
Subject: RE: Confirmation of CPR change

Dear Mr MacLeod

Sorry, I have heard from Richards LJ and he confirms that he is content that your report back that the CPRC approved the proposal subject to minor revision of the wording. The Committee will consider the revised wording again on 5th December but this is only a technical issue. The wording the Committee are to consider is:

Appeals from decisions of the Bar Standards Board or Disciplinary Tribunals to the High Court

27.1A

(1) This paragraph applies to appeals to the High Court under Section 24 of the Crime and Courts Act 2013 from decisions of the Bar Standards Board on review under-

- a) the bar Training Rules or of Disciplinary Tribunals of the Council of the Inns of Court; and
- b) Part 3 Section E of its Handbook, relating to the authorisation of bodies to undertake reserved legal activities (including its approval of specific roles within those bodies).

(2) The appellant must file the appellant's notice in the Administrative Court.

(3) Unless the court otherwise orders, the appellant must serve the appellant's notice on—

- (a) every party to the proceedings before the Bar Standards Board or the Disciplinary Tribunal as appropriate; and
- (b) the Council of the Inns of Court in the case of appeals from decisions of the Disciplinary Tribunal.

Jane

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