

Approval of the Regulations for the Appointment and Service of Council Members 2019 made by the Council for Licensed Conveyancers (CLC) to the Legal Services Board (LSB) under paragraph 4(3) of Schedule 3 to the Administration of Justice Act 1985 (“AJA”)

1. The LSB has approved an application made by the CLC to the LSB under paragraph 4(3) of Schedule 3 to the AJA.
2. In accordance with paragraph 4(3) of Schedule 3 to the AJA, the Board has approved amendments to the scheme prepared by the CLC that makes provisions for eligibility, appointment and tenure of persons to its Council:

CLC Regulations for the Appointment and Service of Council Members 2019 (“Appointment Regulations”)

Proposed changes

3. The proposed amendments carry over the CLC Regulations for the Appointment and Service of Council Members 2015 (the 2015 Appointment Regulations) with two key changes:
 - to provide that the Chair of the CLC Council must be a lay person and;
 - for the CLC’s Chief Executive Officer to be appointed as a member of the Council

Lay Chair

4. The proposed alterations requiring the CLC Council Chair to be a lay person will implement rule 7 of the LSB Internal Governance Rules 2019. Rule 7 provides that an approved regulator’s board or equivalent body which makes decisions about how to exercise regulatory functions must be comprised of a majority of lay persons and the Chair of that body must be a lay person. To this end, a new definition of “Lay Chair” is being inserted in regulation 1.3, to mean “the Chair of the Council who has never been a Licensed Conveyancer, a Licensed CLC practitioner nor an authorised person in relation to an activity which is a reserved legal activity”. The CLC’s application states that the CLC Council has had a lay Chair since 2010 so this amendment will formally put in place what is already in practice. The 2015 Appointment Regulations already provide for a lay majority on the Council.
5. Very minor consequential changes are proposed to other parts of the Appointment Regulations. In particular, the definition of “Lay Member” is amended to specifically exclude Licensed CLC Practitioners.

Chief Executive Officer a member of the Council

6. The propose alterations provide for the Chief Executive Officer to be a member of the Council by virtue of position (regulations 2.2, 4.3 and 5.1(d)).

LSB assessment

7. The proposed amendments to the Appointment Regulations are made in order for the CLC to comply with rule 7 of the LSB’s Internal Governance Rules 2019. They also provide for the CLC’s CEO to be a member of its Council. It is not considered that either change raises grounds to refuse the application.

8. A copy of the proposed amendments to the regulations was submitted to the Board on 29 August 2019.
9. The LSB's decision is to approve the amendments. This approval is to be deemed made on and to be effective from 18 October 2019.

**For and on behalf of the Legal Services Board
18 October 2019**