

Direction 148 issued under section 178(2)(b) of the Legal Services Act 2007 to the Solicitors Disciplinary Tribunal (SDT)

1. This is a direction issued pursuant to section 178(2)(b) of the Legal Services Act 2007 (the Act).
2. Unless stated otherwise, words defined in the Act have the same meaning when used in this direction.
3. In accordance with section 178(2)(b) of the Act, the Legal Services Board (the Board) directs that the following regulatory arrangements are exempt alterations:
 1. *Draft Solicitors (Disciplinary Proceedings) (Amendment) Rules 2020*
 2. *Draft correction slip to the Solicitors (Disciplinary Proceedings) Rules 2019*
4. The alterations will amend the Solicitors (Disciplinary Proceedings) Rules 2019 ("the Rules"), which were approved by the Board on 25 July 2019.

Proposed amendments

5. The proposed regulatory arrangements will amend the Rules to:
 - Replace 'exit day' with 'IP [Implementation Period] completion day' so that the meaning of Registered European Lawyers (RELs) aligns with the provisions of the European (Withdrawal Agreement) Act 2020 (2020 Act).
 - Rectify drafting errors reported by the Joint Committee on Statutory Instruments (JCSI).
 - Make further minor drafting changes for clarity and consistency.
6. The SDT states that the change relating to RELs will ensure such persons are appropriately covered by the Rules until the end of the Implementation Period under the 2020 Act.
7. All other changes proposed will maintain the existing position or provide a correction which reflects the SDT's policy intent. The rules to be amended are:

Change No:	Rule to be changed	Summary of changes
1.	Rule 3 (Interpretation)	Rule 3(1) under "lay application" replace "(d)" and "(e)" with "(a)" and "(b)" and move the definition of "prescribed form" to the correct alphabetical position Rule 3(4)(a)(i) & (5) replace "exit day" with "IP completion day"

		Rule 3(5) replace “any period” with “the period”
2.	Rule 4 (the overriding objective)	Rule 4(2) replace “will” with “must”
3.	Rule 5 (standard of proof)	Replace “will” with “must” Replace “the standard of proof applicable in civil proceedings” with “the civil standard of proof”
4.	Rule 8 (The Clerk to the Tribunal)	After “administrative staff” replace “;” with “,”
5.	Rule 14 (Supplementary statements)	Rule 14(1) after “paragraph” replace “(4)” with “(5)”
6.	Rule 16 (adjournment pending Law Society investigation)	Rule 16(1) replace “panel” with “Tribunal”
7.	Rule 17 (applications for restoration)	Rule 17(1) replace “the Act” with “the 1974 Act”
8.	Rule 20 (standard directions)	Rule 20(3) replace “will” with “may”
9.	Rule 22 (Procedural applications)	Rule 22(3) replace “paragraph 8(6)” with “Rule 8(6)”
10.	Rule 26 (disclosure and discovery)	Rule 26(2) replace “will only apply” with “only applies” Rule 26(3) replace “will not” with “does not”
11.	Rule 28 (written evidence)	Rule 28(3) replace “the party on whom the notice was served” with “the party by whom the notice was served”
12.	Rule 29 (Civil Evidence Act notices)	Rule 29(1) replace “provisions” with “provision” insert “the provisions of” before “the Civil Evidence Act 1995”
13.	Rule 31 (interpreters and translators)	Rule 31(1) insert “, applicant” after “witness”
14.	Rule 32 (previous findings of record)	Rule 32(2) replace “is admissible” with “are admissible” Rule 32(3) replace “appear” with “appears”
15.	Rule 40 (decisions)	Rule 40(4) replace “will” with “must”
16.	Rule 41 (sanction)	Rule 41(4) replace “will” with “must”
17.	Rule 43 (costs)	Rule 43(4) replace “will first decide” with “must first decide” and replace “will identify the paying party” with “and must identify the paying party in any order made”
18.	Rule 49 (Amendments to the 2011 Appeal Rules)	At Footnote 12 replace “S.I. 2011/2345.” with “S.I. 2011/2346.”

8. The SDT states the changes proposed are to be effected by Statutory Instrument where the amendments are more than very minor corrections, and otherwise by Correction Slip to comply with what it considers to be JCSI requirements.

Reason for exemption direction

9. The proposed alterations do not represent a substantial change in the SDT's regulatory policy or approach. They correct errors or are made for clarity and/or consistency.
10. A copy of the alterations was submitted to the Board on 13 February 2020.
11. This direction is to be deemed made on and to be effective from 16 March 2020.

For and on behalf of the Legal Services Board

16 March 2020