

**Consultation Paper**  
**Costs Lawyer Standards Board**

**Subject matter:** Revised Code of Conduct to include Authorised Rights  
(previously known as the Statement of Rights)  
**Date issued:** Friday 22 November 2013  
**Consultation closing date:** Friday 31 January 2014 (midnight)

**Attached**

- (i) Code of Conduct (31 October 2011)
- (ii) Statement of Right (31 October 2011)
- (iii) Proposed revised Code of Conduct

**Definitions herein**

ACL	Association of Costs Lawyers, known as the Association of Law Costs Draftsmen up until 1 January 2011
CLSB	Costs Lawyer Standards Board
Code	Costs Lawyer Code of Conduct
Costs Lawyer	A Costs Lawyer with a current practising certificate issued by CLSB and regulated by CLSB (Authorised Costs Lawyer)
2006 Order	Association of Costs Draftsmen Order 2006 (SI 2006 no 3333)

**Introduction**

Following an application by the ACL to the Lord Chancellor in June 2003, the rights set out in the attached Statement of Rights were extended to Costs Lawyers by the ACL in 2007 as a consequence of the 2006 Order which came into effect on 1 January 2007. Under the 2006 Order the ACL was designated an authorised body for the purposes of s27 & s28 of the Courts and Legal Services Act 1990.

The 2006 Order was revoked under The Legal Services Act 2007 (Commencement No. 6, Transitory, Transitional and Saving Provisions) Order 2009. Authority of the ACL as an Approved Regulator continued however under Schedule 4, Part 1(1) of the LSA in relation to the following reserved legal activity rights:

- The exercise of a right of audience.
- The conduct of litigation.
- The administration of oaths.

On 31 October 2011 the CLSB became Approved Regulator in relation to the above reserved legal activity rights under delegated authority of the ACL. The existing Statement of Rights was re-dated 31 October 2011 under the name of the CLSB.

The 2006 Order was sought at a time when the role of a Costs Lawyer, known as Costs Draftsman at the time, had remained largely unchanged (preparing & opposing Bills of Costs

save for the costs preparation undertaken at the interim stages of proceedings as introduced by the Civil Procedure Rules in 1999, namely statements for summary assessment and costs estimates.) Since then, legislation has been implemented which change the principles of law and practice as to costs recovery, in particular court procedure for the management of costs and the introduction of costs budgeting within Civil Procedure Rule changes on 1 April 2013. The rights as currently set out under the Statement of Rights are now considered to be too prescriptive in nature and insufficiently flexible to accommodate procedural change.

The CLSB therefore consults on proposed changes to those rights.

### **Location of authorised rights**

The CLSB is of the view authorised rights should appear in the Code rather than in a standalone document.

### **Proposed revised changes**

Proposed changes appear in red on the Code for ease of identification.

### **Approval procedure**

Once this consultation has closed, the CLSB will make an application to the LSB under Schedule 4, Part 3, Para 19(2)(b) & 20 for their approval of the change. All submissions under this consultation will be filed with the LSB with a response from the CLSB as deemed appropriate.

### **Questions for consideration under this consultation**

1. Do you agree authorised rights should appear in the Code rather than in a standalone document?
2. Do you agree with the proposed revised definition and introduction section of the Code?
3. Do you agree with the proposed revised Authorised Rights?
4. Do you agree with the proposed new Principle 1.2?
5. Do you have any additional comments to make on the proposal being consulted on?

### **How to respond to this consultation paper**

Please note your responses should be submitted by email or post and must be received by midnight on Friday 31 January 2014.

Email: [ceo@clsb.info](mailto:ceo@clsb.info)

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In the event of any questions arising from this consultation paper and attached documents please contact Lynn Plumley at [ceo@clsb.info](mailto:ceo@clsb.info) or on 0161 214 7904.

