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Composition of Regulatory Boards

The Definitions at para 3.13 includes a reference to the Legal Services Act 2007 Schedule 1 para 2(4) and(5) re a lay person who is defined as being someone who has never been a qualified lawyer . This is too wide. For instance a barrister or a legal executive or a Notary public will be a qualified lawyer. If such a person is appointed to the Board of the SRA that will reduce the number of solicitors who can be appointed. The person must not be a qualified lawyer in the profession that that is being regulated.

The chair of a regulatory board should come from and be appointed by the profession being regulated. Whilst it is commendable to avoid the charge of cronyism, nevertheless it is essential not to lose the equally important need to insure the independence of the legal profession. It has recently been established that the president of the new Supreme Court is to chair the committee that appoints new judges to that Court. If that is good practice for the Supreme Court there can be no reason why the Law Society cannot appoint the chair of the SRA.

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