

Intervention directions: rules for applications to revoke

Version 2, April 2018

A. DEFINITIONS

1. Words defined in these **rules** have the following meanings:

Act	the Legal Services Act 2007
applicant	an approved regulator who submits an application
application	an application to revoke an intervention direction that is submitted to the Board in accordance with these rules
approved regulator	has the meaning given in section 20(2) of the Act
Board	the Legal Services Board
CMA	the Competition and Markets Authority
consultees	the mandatory consultees and any optional consultee
Consumer Panel	the panel of persons established and maintained by the Board in accordance with section 8 of the Act
intervention direction	a direction given by the Board to an approved regulator in accordance with section 41 of the Act
mandatory consultees	the Lord Chancellor, the CMA , the Consumer Panel and the Lord Chief Justice
optional consultee	any person (other than a mandatory consultee) who the Board considers it reasonable to consult regarding an application
regulatory objectives	has the meaning given in section 1 of the Act
representations rules	the Board's rules for making oral and written representations and giving oral and written evidence
representative body	a body that represents persons authorised by the applicant to carry on activities which are reserved legal activities

reserved legal activity has the meaning given in section 12 of and Schedule 2 to the **Act**

B. WHO DO THESE RULES APPLY TO?

2. These are the **rules** that apply if an **approved regulator** wishes to apply to the **Board**, under Part 2 of Schedule 8 to the **Act**, for the **Board** to revoke an **intervention direction** given to the **approved regulator**.
3. These **rules** set out:
 - a) the required content of any **application** to the **Board** and some guidance in relation to that content (see Section C);
 - b) the processes and procedures that the **Board** will undertake in considering the **application** (see Section D); and
 - c) who an **approved regulator** should contact if it has a question in relation to the **application** process (see Section E).
4. These **rules** are to be read in conjunction with the **Act**, together with any other relevant provisions made by or by virtue of this **Act**, or any other enactment, rules, policies or guidance produced by the **Board** from time to time.
5. In the event of any inconsistency between these **rules** and the provisions of the **Act**, the provisions of the **Act** prevail.
6. The **Board** reserves the right to amend these **rules** from time to time. When amendments are made, the **Board** will, when required to do so under section 205 of the **Act**, publish a draft of the amended **rules** and invite representations.

C. CONTENTS OF APPLICATION

7. An **application** must include such information as the **applicant** believes necessary to satisfy the **Board** that:
 - a) all the issues relating to the act or omission which resulted in the imposition of the **intervention direction** have been appropriately dealt with; and
 - b) it is appropriate for the **Board** to revoke the **intervention direction** in all the circumstances of the case (including in particular the impact of revoking the **intervention direction** on the **regulatory objectives**).
8. Information provided in accordance with **rule 7** may include evidence of:

- a) the remedies that have been taken by the **applicant** to correct the act or omission in question; and/or
- b) the mechanisms that have been put in place by the **applicant** to mitigate against a repeat act or omission, or similar or more serious act or omission.

D. PROCESSES AND PROCEDURES

Sending the application

9. The **applicant** must submit their **application** set out below:

- a) if by email to: contactus@legalservicesboard.org.uk
- b) if by post or courier to: the relevant address of the **Board** as set out on its website.

For the attention of: Enforcement Administrator.

10. On receipt of the **application**, an acknowledgement email will be sent to the **applicant** by the **Board**.

11. The **Board** will consider the **application** and may ask the **applicant** for such additional information as the **Board** may reasonably require.

12. The **Board** has the discretion to refuse to consider, or to continue its consideration of, an **application** if it believes that it has not received all the information it requires.

Obtaining advice

13. On receipt of an **application**, and all further information that the **Board** may require under **rule 11**, the **Board** will send a copy of the **application** (together with any further information received) to the **consultees**.

14. The **Board** will specify to the Lord Chancellor, the **CMA**, the **Consumer Panel** and any **optional consultee** a time period in which each body must provide their advice on the **application** to the **Board**. The **Board** intends to:

- a) request that these bodies provide their advice within a time period which is reasonable, published and variable dependent on the volume and complexity of the **application** received; and

- b) request that these bodies agree that if they do not provide their advice within the specified time period, then they will be deemed to have elected not to provide any advice.
15. The Lord Chancellor, the **CMA**, the **Consumer Panel** and any **optional consultee** will then each consider the **application** within the specified time period and will provide their advice to the **Board**.
16. The **Board** will then provide the advice it receives from the Lord Chancellor, the **CMA**, the **Consumer Panel** and any **optional consultee** to the Lord Chief Justice and will specify to the Lord Chief Justice a time period in which he must provide his advice on the **application** to the **Board**. Again, the time period that the **Board** will specify will depend on the particular circumstances of the **application**.
17. The Lord Chief Justice will then consider the **application** and will provide his advice to the **Board**.
18. In providing their advice to the **Board**, each **consultee** may ask the **applicant** (or any other person) to provide them with such additional information as they may require.

Publication of advice

19. Once the **Board** has received the advice of the Lord Chief Justice, it will:
- a) provide a copy of all the advice that has been given by the **consultees** to the **applicant**;
- b) publish a copy of all the advice that has been given by the **consultees** on its website.

Representations about the advice

20. Any representations made by the **applicant** or any **representative body** about the advice referred to in **rules 13 to 19** above must be made in accordance with the **representations rules** which are located at:

http://www.legalservicesboard.org.uk/what_we_do/regulation/index.htm

Publication of representations

21. As soon as practicable after the end of the period within which representations under the **representations rules** may be made, subject to **rule 22**, the **Board** will publish on its website, any written representations duly made by the **applicant** or any **representative body** (and any reports of oral representations prepared in accordance with the **representations rules**).
22. Prior to the publication of any written representations (and any report of oral representations prepared in accordance with the **representation rules**) the **Board** will

ensure, so far as practicable, that such materials exclude any matter relating to the private affairs of a particular individual, the publication of which, in the opinion of the **Board**, would or might seriously and prejudicially affect the interests of that individual.

The Board's decision

23. After considering:

- (a) the **application** and any additional information received under **rule 11**;
- (b) the advice received from the **consultees**;
- (c) any representations by the **applicant** or any **representative body**; and
- (d) any other information that the **Board** considers relevant to the **application**,

the **Board** will decide whether to grant the **application**.

24. If the **Board** decides to grant the **application**, it will notify the **applicant** and will state the time from which the revocation of the **intervention direction** is to take effect.

25. If the **Board** decides not to grant the **application**, the **Board** will write to the **applicant** with the reasons for its decision.

26. The **Board** will publish on its website a copy of any decision that it gives to the **applicant**.

E. FURTHER INFORMATION

27. If you have any questions about the **application** process or the preparation of an **application**, you should contact the **Board** in the manner set out in **rule 9** above.