

Rules for applications to cancel designation as a licensing authority

Version 2, April 2018

A. DEFINITIONS

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

Act	the Legal Services Act 2007
affected licensed body	a licensed body who is regulated by the applicant in relation to a reserved legal activity which is the subject of an application
applicant	a body that submits an application
application	an application to cancel a body's designation as a licensing authority in relation to one or more reserved legal activity that is submitted to the Board in accordance with these rules
Board	the Legal Services Board
cancellation notice	the notice published by the applicant in accordance with Section E of these rules
licensed body	has the meaning given in section 71(2) of the Act
licensing authority	has the meaning given in section 73(1) of the Act
practising fees	has the meaning given in section 51(1) of the Act
prescribed fee	the fee that must accompany an application as described in Section E of these rules
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 **rules** apply if a body wishes to apply to the **Board**, under section 76(3) of the **Act**, for the **Board** to make a recommendation to the Lord Chancellor that an order be made cancelling a body's designation as a **licensing authority** in relation to one or more **reserved legal activity**.
3. These **rules** set out:
 - a) the required content of any **application** to the **Board** (see Section C);
 - b) the amount of the **prescribed fee** that must accompany any **application** (see Section D);
 - c) the **Board's** requirements in relation to the **applicant's** publication of a notice giving details of the **application** in accordance with section 76(3)(c) of the **Act** (see Section E);
 - d) the process and procedures that the **Board** will undertake in considering the **application** (see Section F); and
 - e) who a body should contact if it has a question in relation to these **rules** (see Section G).
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 **applicant** must include the following information in their **application**:
 - a) the name, address, telephone number and email address of the person whom the **Board** should contact in relation to the **application**;
 - b) details of the **reserved legal activity** or **activities** to which the **application** relates;
 - c) details as to why the **applicant** is making the **application**;

- d) details of any alternative courses of action, besides cancellation of designation, that have been considered or explored by the **applicant**;
- e) details of the **affected licensed bodies** and whether any communication has been had with such bodies in relation to the **application**;
- f) details of what arrangements the **applicant** proposes in relation to:
 - i) the transfer of the regulation of the **affected licensed bodies** to another relevant **licensing authority** and whether that **licensing authority** has consented to such transfer;
 - ii) the transfer of amounts held by the **applicant** which represent amounts paid to it by the **affected licensed bodies** in respect of being licensed as **licensed bodies** to another relevant **licensing authority** and whether that **licensing authority** has consented to such transfer; and
- g) if the **applicant** is planning to wind up all its activities, details as to how it proposes to do so in an orderly manner.

D. PRESCRIBED FEE

8. Any **application** must be accompanied by the **prescribed fee** set out in **rule 9** below. The **prescribed fee** must be paid by electronic funds transfer to the bank account specified from time to time by the **Board** using the following reference:

Reference: [applicant name]/licensing authority designation **application**.

9. The **prescribed fee** that must accompany an **application** will depend on the type of **application** being made. The different levels of the **prescribed fee** are as follows:
- a) if the **application** is in respect of the cancellation of some but not all of the **reserved legal activities** regulated by the **applicant**, the **prescribed fee** is £4,500;
 - b) if the **application** is in respect of the cancellation of all of the **reserved legal activities** regulated by the **applicant**, the **prescribed fee** is £6,000.
10. The amounts specified in **rule 9** above are each the average costs that the **Board** anticipates it will incur in considering these different types of **application**. In respect of the **prescribed fee** set out in **rule 9(a)** above, this is based on a day rate of £562 over 8 business days. In respect of the **prescribed fee** set out in **rule 9(b)** above, this is based on a day rate of £562 over 11 business days.
11. The **Board** reserves the right to charge an amount in excess of the amounts set out in **rule 9** above in the following circumstances:

- a) if the **Board** requests further information from the **applicant** in accordance with **rule 16**, and the **Board's** costs in processing this information exceeds the relevant amount specified in **rule 9** above. In these circumstances, any such additional costs will be charged at the day rate of £562; and/or
- b) the nature of the **application** means that the **Board** has to seek external advice and the cost of this advice would mean that the **Board's** cost in processing the **application** would exceed the relevant amount specified in **rule 9**.

E. NOTICE REQUIREMENTS

- 12. On submitting an **application** to the **Board**, an **applicant** must publish a **cancellation notice** giving the following information:
 - a) the date on which the **application** to the **Board** was made;
 - b) details of the **reserved legal activity** or **activities** to which the **application** relates;
 - c) details as to why the **application** is being made;
 - d) details of the **affected licensed bodies**;
 - e) details of what arrangements the **applicant** proposes in relation to the:
 - i) transfer of the regulation of the **affected licensed bodies** to another relevant **licensing authority**; and
 - ii) transfer of amounts held by the **applicant** which represent amounts paid to it by way of **practising fees** by the **affected licensed bodies** to another relevant **licensing authority**.
- 13. Any **cancellation notice** given in accordance with **rule 12** must be published:
 - a) on the **applicant's** website on the same day on which an **application** is submitted to the **Board**; and
 - b) in any publication that the **Board** may specify from time to time within 5 working days of the **application** being submitted to the **Board**.

F. PROCESSES AND PROCEDURES

Sending the application

- 14. The **applicant** must submit their **application** as 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: Cancellation Administrator

15. On receipt of the **application** and the **prescribed fee**, an acknowledgement email will be sent to the **applicant** by the **Board**.
16. The **Board** will consider the **application** and may ask the **applicant** for such additional information as the **Board** may reasonably require.

The Board's decision

17. After considering the **application** (and any additional information received under **rule 16**) and after satisfying itself that the requirements of Section E have been complied with, the **Board** will recommend to the Lord Chancellor that an order be made to cancel the **applicant's** designation as a **licensing authority** in relation to one or more of the **reserved legal activities** set out in the **application**.

G. FURTHER INFORMATION

18. 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 14** above.