

Rules for approved regulator and qualifying regulator designation applications

Version 2, April 2018

A. DEFINITIONS

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

1999 Act	the Immigration and Asylum Act 1999
2007 Act	the Legal Services Act 2007
applicant	a body that submits an application
application	an approved regulator application and/or a qualifying regulator application
approved regulator	has the meaning given in section 20 of the 2007 Act
approved regulator application	an application to be designated as an approved regulator in relation to one or more reserved legal activities that is submitted to the Board in accordance with these rules
authorised person	has the meaning given in section 18 of the 2007 Act
better regulation principles	the five principles of good regulation (being proportionality, accountability, consistency, transparency and targeting) as set out in both sections 3(3) and 28(3) of the 2007 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 2007 Act
designation order	has the meaning given in paragraph 1 of Schedule 18 to the 2007 Act

existing AR applicant	an applicant who is already an approved regulator in respect of certain reserved legal activities and who is submitting an application to be designated as an approved regulator in relation to one or more additional reserved legal activities or to become a qualifying regulator for the purposes of Part 5 of the 1999 Act
mandatory consultees	the CMA , the Consumer Panel and the Lord Chief Justice
OLC	the Office of Legal Complaints established in accordance with section 114 of the 2007 Act
ombudsman scheme	the scheme referred to in section 115 of the 2007 Act
optional consultee	any person (other than a mandatory consultee) whom the Board considers it reasonable to consult regarding an application . This may include the Immigration Services Commissioner for qualifying regulator applications
prescribed fee	the fee that must accompany an application as described in Section D of these rules
qualifying regulator	means a body which is a qualifying regulator for the purposes of section 86A of the 1999 Act by virtue of Part 1 of Schedule 18 to the 2007 Act (approved regulators approved by the Board in relation to immigration matters)
qualifying regulator application	an application to become a qualifying regulator for the purposes of Part 5 of the 1999 Act , that is submitted to the Board in accordance with these rules
regulatory arrangements	has the meaning given in section 21 of the 2007 Act
regulatory objectives	has the meaning given in section 1 of the 2007 Act
representations period	has the meaning given in rule 7 of the representations rules
representations rules	the Board's rules for making oral and written representations and giving oral and written evidence
reserved legal activity	has the meaning given in section 12 of and Schedule 2 to the 2007 Act
reserved legal services	has the meaning given in section 207 of the 2007 Act

B. WHO DO THESE RULES APPLY TO?

2. These are the **rules** that apply:
 - a) if a body wishes to apply to the **Board**, under Part 2 of Schedule 4 to the **2007 Act**, for the **Board** to recommend to the Lord Chancellor that an order be made to designate the body as an **approved regulator** in relation to one or more **reserved legal activities**; and
 - b) to approve what the body proposes as its **regulatory arrangements** if such an order is made; and/or
 - c) if a body wishes to apply to the **Board**, under Part 1 of Schedule 18 of the **2007 Act**, for the **Board** to designate the body as a **qualifying regulator** for the purposes of Part 5 of the **1999 Act**; and
 - d) to approve what the body proposes as its **regulatory arrangements** if a **designation order** is made.
3. A body may only make an **application** under these **rules** to become a **qualifying regulator** if in accordance with paragraph 3(3) of Schedule 18 to the **2007 Act**:
 - a) it is an **approved regulator** (other than the **Board**), or
 - b) it has made an **application** as described in **rule 2(a)** above.
4. There are therefore four categories of bodies that these **rules** may apply to:
 - a) potential new **approved regulators**;
 - b) potential new **approved regulators** wishing to regulate immigration advice and services in addition to one or more **reserved legal activities**;
 - c) current **approved regulators** wishing to regulate additional **reserved legal activities**; and
 - d) current **approved regulators** wishing to regulate immigration advice and services.
5. 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 amount of the **prescribed fee** that must accompany any **application** (see Section D);
 - c) the processes and procedures that the **Board** will undertake in considering the **application** (see Section E);
 - d) the **Board's** criteria for determining **applications** (see Section F); and
 - e) who a body should contact if it has a question in relation to the **application** process (see Section G).

6. These **rules** are to be read in conjunction with the **2007 Act**, together with any other relevant provisions made by or by virtue of the **2007 Act**, or any other enactment, rules, policies or guidance produced by the **Board** from time to time.
7. In the event of any inconsistency between these **rules** and the provisions of the **2007 Act**, the provisions of the **2007 Act** prevail.
8. 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 **2007 Act**, publish a draft of the amended **rules** and invite representations.

C. CONTENTS OF THE APPLICATION

9. The **2007 Act** requires the **Board** to consider certain factors and to consult with other parties in order to reach its determination. Accordingly, the **application** must contain sufficient information to allow the **Board** to make a proper consideration of the **application** and to provide sufficient information to the **consultees** to enable them to consider the **application** in a meaningful way. Attached as a Schedule to these **rules** is:
 - a) details of the administrative information that must be provided to enable processing of an **application** (see Part 1 of the Schedule to these **rules**) and guidance on the possible evidence that could be provided to satisfy these requirements;
 - b) guidance on the kind of evidence which the **Board** may consider in determining whether an **applicant's** proposed **regulatory arrangements** are sufficient to guarantee delivery of the **regulatory objectives** (see Part 2 of the Schedule to these **rules**); and
 - c) guidance on how the **Board** expects to treat **applications** (see Part 3 of the Schedule to these **rules**).
10. The **Board** does not prescribe the form which an **application** should take. The onus is on the **applicant** to supply all materials completely and accurately in the format that it thinks fit.

D. PRESCRIBED FEE

11. Any **application** must be accompanied by the **prescribed fee** set out in **rule 12** below (as applicable). 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]/designation application**

12. 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 **applicant** is applying for **approved regulator** status, the **prescribed fee** is £22,000;
 - b) if the **applicant** is applying simultaneously for **approved regulator** status and **qualifying regulator** status, the **prescribed fee** is £22,000;

- c) if the **applicant** is an **existing AR applicant** applying to regulate one or more new **reserved legal activities**, the **prescribed fee** is £16,000;
 - d) If the **applicant** is an **existing AR applicant** applying for **qualifying regulator** status, the **prescribed fee** is £16,000;
13. The amounts specified in **rule 12** above are each the average costs that the **Board** anticipates it will incur in considering these different types of **application**. The **prescribed fee** for an **existing AR applicant** is based on a day rate of £562 over 28.5 business days. The **prescribed fee** for an **applicant** who is not an **existing AR applicant** is based on a day rate of £562 over 39 business days.
14. The **Board** reserves the right to charge an additional amount in excess of the amounts set out in **rule 12** above in the following circumstances:
- a) if the **Board** requests further information from the **applicant** in accordance with **rule 17** below and the **Board's** costs in processing this information exceeds the relevant amount specified in **rule 12** above. In these circumstances, any such additional costs will be charged at the day rate of £562; 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 12** above; or
 - c) if the **applicant** seeks to make oral representations on the advice given to the **Board** and the **Board** has determined in accordance with the **representations rules** that the cost of such representations is to be met by the **applicant**.

E. PROCESSES AND PROCEDURES

Sending the application

15. The **applicant** must submit their **application** (and, proof of transmission of the **prescribed fee**) as set out below:
- a) if by email to: schedule4approvals@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: Designations Administrator.
16. On receipt of the **application** and the **prescribed fee**, an acknowledgement email will be sent to the **applicant** by the **Board**.
17. The **Board** will consider the **application** and may ask the **applicant** for such additional information as the **Board** may reasonably require.
18. The **Board** has the discretion to refuse to consider, or to continue its consideration of, an **application**. The **Board** will exercise this discretion if it believes that it has not received all the information it requires.

19. Where the **Board** decides to refuse to consider, or to continue its consideration of an **application**, it will give the **applicant** notice of that decision and the reasons for it. Any such notice will be published by the **Board** on its website.
20. An **applicant** may at any time withdraw or amend their **application** by giving notice to that effect to the **Board**.

Obtaining advice

21. On receipt of an **application** (including the **prescribed fee**), and all further information that the **Board** may require under **rule 17** above, the **Board** will send a copy of the **application** (together with any further information received) to the **consultees**.
22. The **Board** will specify to 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 request that these bodies provide their advice within a time period which is reasonable, dependent on the volume and complexity of the **application** received.
23. 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**.
24. In providing their advice to the **Board**, each **consultee** may ask the **applicant** (or any other person) to provide such additional information as may be required.
25. The **Board** will then provide the advice it receives from 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**.
26. The Lord Chief Justice will then consider the **application** and will provide his advice to the **Board**.
27. Once the **Board** has received the advice of the Lord Chief Justice, it will provide to the **applicant** a copy of all the advice that has been given by the **consultees**.

Representations about the advice

28. Any representations made by the **applicant** about the advice referred to in **rules 21 to 27** above must be made in accordance with the **Board's representations rules** which are located at:

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

29. For the avoidance of doubt, the **representations rules** only apply to representations made to the **Board** by the **applicant** in relation to the advice provided by the **consultees**.

Publication of advice

30. As soon as practicable after the end of the **representations period** for **applications** made under these **rules**, the **Board** will publish on its website:

- a) the advice received from the **consultees**; and
 - b) subject to **rule 31** below, any written representations duly made by the **applicant** (and the report of oral representations (if any) prepared in accordance with the **representations rules**).
31. Prior to the publication of any written representations (and the report of oral representations (if any) prepared in accordance with the **representations rules**) the **Board** will decide whether any parts of the representations shall remain private and, if so why, taking account of representations from the **applicant**.
 32. The **Board** will, so far as practicable, exclude any material which relates 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

33. After considering the items listed in paragraph 14(1) of Schedule 4 to the **2007 Act** for **approved regulator applications** and the items listed in paragraph 6(1) of Schedule 18 to the **2007 Act** for **qualifying regulator applications**, the **Board** will decide whether to grant the **application**.
34. If the **Board** decides to grant an **approved regulator application**, it will notify the **applicant** and will recommend to the Lord Chancellor that an order be made.
35. If the **Board** decides to grant a **qualifying regulator application** it will notify the **applicant** and will recommend to the Home Secretary that an order be made under section 86A of the **1999 Act**. Under that part of the **1999 Act**, the Home Secretary can only make such an order following consultation with the Immigration Services Commissioner and with the approval of the Lord Chancellor.
36. If the **Board** decides to grant an **approved regulator application** and a **qualifying regulator application** to the same **applicant** at the same time, the order by the Home Secretary and approval by the **Board** of the **regulatory arrangements** for a **qualifying regulator application** are conditional upon the Lord Chancellor making an order under paragraph 17 of Schedule 4 to the **2007 Act** to designate the **applicant** as an **approved regulator** in relation to one or more of the **reserved legal activities**.
37. If the **Board** decides not to grant the **application**, the **Board** will write to the **applicant** with the reasons for its decision.
38. The **Board** will publish on its website a copy of any decision that it gives to the **applicant**.
39. Where an **application** relates to more than one **reserved legal activity**, the **Board** may grant the **application** in relation to all or any of them.

The Lord Chancellor's decision for approved regulator applications

40. The Lord Chancellor has up to 90 days from the date on which the **Board** makes its recommendation in accordance with **rule 34** to notify the **applicant** of whether or not he will make an order in accordance with the recommendation.
41. Where the **Board's** recommendation relates to more than one **reserved legal activity**, the Lord Chancellor may make an order in relation to all or any of them.

42. If the Lord Chancellor decides not to make an order in accordance with the **Board's** recommendation, the Lord Chancellor's notice to the **applicant** must state the reasons for that decision. The Lord Chancellor will publish any notice given under **rule 40**.

Time limits

43. Under the provisions of the **2007 Act** the **Board** has 12 months from the date of the **application** to give its decision to the **applicant**. The **Board** will also make a recommendation to the Lord Chancellor (or Home Secretary) if appropriate. The **Board** may extend this period up to a maximum of 16 months from the date of **application** by giving notice to the **applicant**. The **Board** may only give such a notice if it has first consulted with the **mandatory consultees** in relation to such an extension. Such notice will state the **Board's** reasons for extending the period and will also be published by the **Board** on its website.
44. Notwithstanding **rule 43**, the **Board** will aim to deal with an **application** within six months from the later of:
- a) the date of submission of the **application** (it being understood that the **Board** will not accept an **application** if a submission is made which the **Board** regards as being incomplete and/or in a format that is not reasonably practicable to consider efficiently); and
 - b) the final date of submission of any further information that the **Board** may request under **rule 17**.

F. CRITERIA FOR DETERMINING APPLICATIONS

45. The **Board** will only grant an **application** if it is satisfied that the criteria in paragraphs 13(2) and 13(3) of Schedule 4 to the **2007 Act** for **approved regulator applications**, and paragraphs 5(2) and 5(3) of Schedule 18 for **qualifying regulator applications** are met.
46. In addition, when considering an **application**, the **Board** will consider how consistent an **applicant's** proposed **regulatory arrangements** are with the requirements of section 28 of the **2007 Act** (duty to promote the **regulatory objectives**, pursue best regulatory practice, etc).

G. FURTHER INFORMATION

47. If you have any questions about the **application** process or the preparation of an **application**, you should contact the Designations Administrator in the manner set out in **rule 15** above.

SCHEDULE

Part 1 - Administrative information needed to enable processing of an application

	What is required	Section of 2007 Act	Possible Evidence
1.	Background information	N/A	Contact details for the person(s) the Board should contact in relation to the application , including job title, email address and phone number, a physical address for communication and the applicant's registered office address (if different from communication address) and company registration number if applicable
2.	A statement of the reserved legal activity or activities to which the application relates and/or whether the application relates to immigration advice and services	Sch. 4, paragraph 3(3)(a) Sch.18 paragraph 3(4)(b)	Specification of: <ul style="list-style-type: none"> • Which of the reserved legal activities set out in section 12 and Schedule 2 to the 2007 Act the applicant proposes to regulate¹ • The context within which the applicant proposes to regulate such activities (i.e. will the applicant only be providing authorisation to provide the reserved legal activities or immigration advice and services in limited circumstances?)
3.	Details of the applicant's proposed regulatory arrangements	Sch. 4, paragraph 3(3)(b) Sch.18, paragraph 3(4)(a)	Relevant documentation on how the applicant proposes to establish and discharge its regulatory arrangements , as defined in section 21 of the 2007 Act , i.e.: <ul style="list-style-type: none"> • Authorisation processes • Practice rules • Code of conduct • Disciplinary arrangements • Qualification regulations • Indemnification arrangements • Compensation arrangements • Licensing rules • Other related rules A clear explanation of how the applicant's regulatory arrangements actively contribute to the achievement of the regulatory objectives and remove risks to their delivery

¹ For applications under Schedule 18, Part 1, **applicants** should state their intention to regulate immigration advice and services.

	What is required	Section of 2007 Act	Possible Evidence
4.	Such explanatory material (including material about the applicant's constitution and activities) as the applicant considers is likely to be needed for the purposes of Part 2 of Schedule 4 and for applications under Part 1 of Schedule 18 if relevant	Sch. 4, paragraph 3(3)(c) Sch.18, paragraph 3(4)(b)	<p>Memorandum and articles of association or equivalent constitutional documentation</p> <p>Current details of legal entity structure, ownership, list of directors</p> <p>Statement of the non-regulatory activities the applicant intends to carry out and how these will be managed in accordance with the requirements of the 2007 Act and such rules as the Board shall make from time to time</p> <p>A business plan for the activity to be regulated, demonstrating the proposed governance and funding arrangements and sensitivity analysis showing how it relates to different forecasts</p>
5.	Details of the authority which the applicant proposes to give persons to carry on activities which are reserved legal activities	Sch. 4, paragraph 3(5)(a)	See Item 3
6.	Details of the nature of the persons to whom each aspect of the authority is to be given	Sch. 4, paragraph 3(5)(a)	See Item 3
7.	Regulations (however they may be described) as to the education and training which persons must receive, and any other requirements which must be met by or in respect of them, in order for them to be authorised	Sch. 4, paragraph 3(5)(b) Sch.18 paragraph 5(2)(d)	<p>Details might include:</p> <ul style="list-style-type: none"> • Split between general principles (i.e. duty to the Supreme Court) and specific activity (i.e. staff training, client money handling etc) • Split between mandatory elements and guidance • Explanation of any variation with the practices adopted by others currently regulating the activity
8.	Rules (however they may be described) as to the conduct required of persons in carrying on any activity by virtue of the authority	Sch. 4, paragraph 3(5)(c) Sch.18 paragraph 5(2)(d)	Details of the activities within each relevant reserved legal activity and, where relevant, immigration advice and services, (e.g. conducting CPD eligible training, handling client money, supervising trainees, supervising lawyers or other disciplines)
9.	In deciding what advice to give, the CMA must, in particular, have regard to whether an order ... would (or would be likely to) prevent, restrict or distort competition within the market for reserved legal services (or immigration advice and services for qualifying regulator applications) to any significant extent	Sch. 4, paragraph 6(2) Sch.18, paragraph 4(b)	The CMA is considering whether to issue its own guidance on the issues to which it is likely to have regard in giving advice

	What is required	Section of 2007 Act	Possible Evidence
10.	In deciding what advice to give, the Consumer Panel must, in particular, have regard to the likely impact on consumers of the making of an order	Sch. 4, paragraph 7(2) Sch.18, paragraph 4(a)	Explanation of how the regulatory arrangements will: <ul style="list-style-type: none"> • Protect and promote the interests of consumers generally • Meet the specific requirements in terms of indemnification and complaint handling
11.	An optional consultee may give the Board such advice as it thinks fit in respect of the application	Sch. 4, paragraph 8 Sch.18, paragraph 4	Information on any matters specified by an optional consultee
12.	The Lord Chief Justice must, in particular, have regard to the likely impact on the courts in England and Wales of the making of an order	Sch. 4, paragraph 9(3) Sch.18, paragraph 4(a)	Information on any matters specified by the Lord Chief Justice
13.	The Board may grant an application only if it is satisfied that, if the relevant order were to be made, the applicant would have appropriate internal governance arrangements in place at the time the order takes effect	Sch.4, paragraph 13(2)(a) Sch.18, paragraph 5(2)(a)	See Item 4
14.	The Board may grant an application only if it is satisfied that, if the relevant order were to be made, the applicant would be competent, and have sufficient resources, to perform the role of approved regulator in relation to the reserved legal activity at that time or the role of designated qualifying regulator within the meaning of section 86A of the 1999 Act	Sch. 4, paragraph 13(2)(b) Sch.18, paragraph 5(2)(b)	Statement from authorised staff/officeholders in the organisation that there are sufficient resources, an explanation of how this has been assessed Documents signed off by an external accountant as being calculated, presented and supported to a standard that could pass a statutory audit Business Plan for coming year and 3 year forward look Risk management strategy Staff development and retention strategies
15.	The Board may grant an application only if it is satisfied that, the applicant's proposed regulatory arrangements make appropriate provision	Sch. 4, paragraph 13(2)(c) Sch.18, paragraph 5(2)(d)	Assessment of how the proposed regulatory arrangements are consistent with better regulation principles

	What is required	Section of 2007 Act	Possible Evidence
16.	Compliance with the requirement imposed by sections 52 and 54 (resolution of regulatory conflict)	Sch. 4, paragraph 13(2)(d)	A statement identifying regulators with whom conflict might arise and the work undertaken to date and proposed to avoid this, in particular in relation to the interaction between an individual regulated by one approved regulator and an employing entity regulated by another approved regulator
17.	Compliance with the requirements imposed by sections 112 and 145 (requirements imposed in relation to the handling of complaints)	Sch. 4, paragraph 13(2)(e) Sch.18, paragraph 5(2)(e)	Current or draft policies showing compliance with any rules made under sections 112 and 145 of the 2007 Act and any OLC guidance
18.	The rules made for the purposes of paragraphs 2 and 4 of these rules must in particular require the Board to be satisfied that the exercise of the applicant's regulatory functions would not be prejudiced by any of its representative functions	Sch. 4, paragraph 13(3)(a) Sch.18, paragraph 5(3)(a)	Statement on how the arrangements comply with the principles of the 2007 Act and such rules as the Board may make from time to time
19.	The rules made for the purposes of paragraphs 2 and 4 of these rules must in particular require the Board to be satisfied that decisions relating to the exercise of the applicant's regulatory functions would so far as reasonably practicable be taken independently from decisions relating to the exercise of the applicant's representative functions	Sch. 4, paragraph 13(3)(b) Sch.18, paragraph 5(3)(b)	See Item 18
20.	For qualifying regulator applications the Board must additionally be satisfied that the arrangements made by the applicant for authorising persons to provide immigration advice and services provide that persons may not be so authorised unless they are also authorised by the applicant to carry on activities which are reserved legal activities	Sch.18 paragraph 5(2)(c)	Relevant documentation, such as a Code of Conduct.

Part 2 – Evidence in relation to regulatory arrangements

Principles (each principle may relate to more than one risk)	Risks	Relates to regulatory objectives (see section 1(1))	Relates to regulatory arrangement (see section 21(1))	Evidence to underpin approval of designation as an approved regulator
Clients' money must be protected	Clients' money is misused by regulated person or unprotected from entity failure	(d), (f), (h)	(h)	<p>Approved regulators must ensure that authorised persons must keep clients' money separate from their own</p> <p>Approved regulators must be able to compensate clients as per section 21(2)</p> <p>May involve client account rules; insurance requirements; compensation fund or insurance or alternatives</p>
Authorised persons must act in clients' interests subject to duty to court	Authorised persons do not or are unable to act in the clients interest	(a), (b), (d), (e), (h)	(g), (d)	<p>Approved regulators must demonstrate how regulated persons and entities are indemnified against losses arising from claims in relation to any description of civil liability incurred by them, or by employees or former employees of theirs, in connection with their activities as such regulated persons or entities</p> <p>Approved regulators must have a code of conduct that enshrines the primacy of acting in the client interest and subjugates other pressures, be they commercial or otherwise to that principle</p>
Reserved legal services and immigration advice and services should only be delivered by regulated persons of appropriate skill and competence	Reserved legal services and/or immigration advice and services are not of the appropriate quality	(c), (d), (e), (h)	(a), (b), (c)	<p>Approved regulators must ensure that definitions of appropriate skill and competence are proportionate in order to ensure both value and professionalism</p> <p>Easily accessible redress should be in place</p>
Compliance with professional principles should be enshrined in regulation	Reserved legal services and/or immigration advice and services are not delivered in accordance with professional principles	(a), (d), (h)	(d), (f)	<p>Approved regulators must have a code of conduct that defines the professional principles that are compulsory for regulated community</p>

Principles (each principle may relate to more than one risk)	Risks	Relates to regulatory objectives (see section 1(1))	Relates to regulatory arrangement (see section 21(1))	Evidence to underpin approval of designation as an approved regulator
Compliance with professional principles should be enshrined in regulation	Authorised persons and entities do not comply with regulation	(a), (b), (c), (d), (e), (f), (g), (h)	(e)	Approved regulator must have a disciplinary remit and processes that allow for setting standards and managing compliance of authorised persons and entities, efficient investigatory systems and disciplinary powers in the event of breaches of the regulatory framework
Responsibilities for front line complaints handling and interactions with the OLC should be clear	Consumers do not receive timely complaint investigation or redress when justified	(a), (b), (c), (d), (h)	(c), (d), (h)	Approved regulator must have rules specifying how rights to complain and redress can be accessed, including the right of access to the OLC at an appropriate stage
Regulatory arrangements should advance the objective of supporting competition	Regulatory requirements act as a barrier to competition by restricting legitimate entry	(d), (e)	(c), (d)	Approved regulator should be able to demonstrate that their rules are the minimum necessary to address the full set of objectives and do not have unintended consequences in terms of restricted entry
Representative and regulatory functions should be discharged and decisions made, so far as reasonably practicable, independently of each other	Decisions lack credibility and independence because of actual or perceived influence from the representative arm of an approved regulator	(a), (d), (f)	(c), (d)	Approved regulators should have arrangements which implement the 2007 Act and such rules as the Board may make on the issue in relation to regulatory strategy, decisions and resourcing of the regulatory arm
Regulation should clearly support the rule of law	Commercial considerations undermine duty to the court	(b), (c), (d), (f)	(a), (c), (d)	Approved regulators' rules and processes should unequivocally give priority to this duty
The legal profession's make up should reflect the population it serves	Public confidence is lost if the profession appears to be a "closed shop"	(c), (d), (f)	(a), (b), (f)	Approved regulators should be able to demonstrate processes which address diversity concerns
Consumers should be actively involved in decision making throughout their dealings with the profession	Consumers poor understanding restricts their ability to access justice	(a), (c), (d), (g)	(a), (d), (h)	Approved regulators can demonstrate how their processes address public legal education

Part 3 – How the Board expects to treat applications

1. The **Board** expects carefully prepared documentation which the executives and/or honorary officers of the **applicant** (and the **applicant's** independent advisors when applicable) are prepared to put their name to in stating that the information supplied is accurate or, in the case of forecast data, is a best estimate based on good research and informed professional judgement. If the **applicant** cannot demonstrate this level of executive and advisory confidence then it is not appropriate for an **application** to be made.
2. The **Board** expects that some parts of this Schedule will be less relevant to an **applicant** who is already an **approved regulator** which is applying to add an additional **reserved legal activity** or immigration advice and services to its competences or to a new **applicant** which has a strong record of regulatory performance in a related sector than to a wholly new organisation. Hence, the **Board** will take a proportionate view of risk in deciding precisely how much information to seek in any given case.
3. All documents supplied will be subject to publication and to the scrutiny of the **consultees** whom the **2007 Act** prescribes must consider **applications**. Consequently **applicants** should have regard to this in relation, in particular, to supplying information which might be commercially sensitive and/or contain personal data. The **Board** will consider limited requests for redaction of information from documents that are published on these grounds but will not be able to redact information from materials sent to the **mandatory consultees**. The **Board** requires successful **applicants** to maintain a publicly accessible internet space containing all of the materials that are submitted by the **applicant** in its **application**.
4. The **Board** will normally expect to see evidence of consultation with other **approved regulators** and the **OLC** on matters (such as code of conduct) where there is likely to be an interaction between the **applicant** and the existing **approved regulators**. The **applicant** should also consult with members of, and representative bodies for, professions that may be affected by the **application** and with the regulators of these professions. The **Board** will also normally expect the **applicant** to consider, and if appropriate consult with, any other relevant stakeholders including consumers.
5. The **Board** reserves the right to retain advisors to consider the information supplied. The retention of such advisors may result in an increase to the **prescribed fee** as described in **rule 14**. **Applicants** are encouraged to consider how in preparing, presenting and in certifying the information that they submit, they can minimise the need for the **Board** to take external advice.
6. The **Board's** decision will take account of professional guidance, **consultee** responses received and the overall competence, completeness and executive and advisor endorsement of the **applications** received. The **Board**, as an oversight regulator, will not usually reanalyse the information supplied unless there are compelling reasons for doing so.
7. **Board** approval of a new body as an **approved regulator** and/or **qualifying regulator**, or of an **existing AR applicant** as an **approved regulator** in relation to an additional **reserved legal activity**, or a **qualifying regulator** in relation to immigration advice and services represents an assessment that:
 - a) the **applicant** appears well prepared and appears to understand the roles and responsibilities granted to **approved regulators** and/or **qualifying regulators** under the **2007 Act**; and

- b) no valid objections have been made to the **applicant's application** by the **consultees**.