

# Rules for making oral and written representations and giving oral and written evidence

Version 1, April 2018

## A. DEFINITIONS

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

<b>Act</b>	the Legal Services Act 2007
<b>affected practitioner</b>	has the meaning given in paragraph 13(4) of Schedule 6 to the <b>Act</b>
<b>applicable procedure rules</b>	the <b>Board's</b> rules listed in column 4 of Annex A
<b>approved regulator</b>	has the meaning given in section 20(2) of the <b>Act</b>
<b>Board</b>	the Legal Services Board
<b>evidence</b>	has its ordinary meaning, but for the purposes of these <b>rules</b> , refers exclusively to evidence submitted as part of an application for the alteration of reserved legal activities in accordance with Schedule 6 to the <b>Act</b>
<b>licensing authority</b>	has the meaning given in section 73(1) of the <b>Act</b>
<b>procedure(s)</b>	has the meaning given in <b>rule 2</b>
<b>procedure time limits</b>	the period within which a <b>procedure</b> under the <b>Act</b> must be completed, as indicated in Column 2 of Annex B of these <b>rules</b>
<b>provisional report</b>	has the meaning given in paragraph 10(3) of Schedule 6 to the <b>Act</b>
<b>qualifying regulator</b>	has the meaning given in paragraph 2 of Schedule 18 to the <b>Act</b>
<b>representations administrator</b>	the person at the <b>Board</b> to whom written representations should be submitted in accordance with <b>rule 6</b> below
<b>representations period</b>	has the meaning given in <b>rule 7</b>

**representing person** any person who can make representations to the **Board** in accordance with the provisions of the **Act** listed in Column 3 of Annex A

**Tribunal** the Solicitors Disciplinary Tribunal.

## **B. WHO DO THESE RULES APPLY TO?**

2. The **Board** has made these **rules** to govern the making of oral and written representations and **evidence** by a **representing person** during the course of the procedures of the **Act** listed in column 1 of Annex A (the “**procedure(s)**”). These **rules** are made in accordance with the provisions of the **Act** listed in column 2 of Annex A.
3. These **rules** must 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, particularly including but not limited to the **applicable procedure rules**, and any relevant policies and guidance produced by the **Board** from time to time.
4. In the event of any inconsistency between these **rules** and the provisions of the **Act**, the provisions of the **Act** prevail.
5. 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. FORM OF REPRESENTATIONS**

### ***Written representations***

6. Subject to **rule 7**, all representations and **evidence** given to the **Board** must be in writing and must be submitted to the **Board** by the **representing person** as set out below:

a) If by email, to: [contactus@legalservicesboard.org.uk](mailto: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: **representations administrator**

7. All representations and **evidence** must be received by the **Board** within the applicable period for making representations (the “**representations period**”) indicated in column 5 of Annex A. Representations and **evidence** that are out of these times will not be considered unless, exceptionally and at the sole discretion of the **Board**, they appear to raise matters of substance relevant to the **procedure** in question which are not already under consideration.

### ***Oral representations and oral evidence***

8. The **Board** may, at its sole discretion, authorise a **representing person** to make oral representations or provide oral **evidence**. However, for the avoidance of doubt, on grounds of cost, efficiency, transparency and consistency of treatment between **representing persons**, the **Board** will not normally accept oral representations or oral **evidence** unless the particular circumstances of the **representing person** or the complexity of the issue merit an exception to the normal process in individual cases. If the **Board** grants such an exception, it will publish its reasons for doing so.
9. Notwithstanding **rule 8**, so far as reasonably practicable, the **Board** will allow oral representations to be made by **affected practitioners** and any bodies that represent **affected practitioners**, in accordance with paragraph 13(3) of Schedule 6 to the **Act**.
10. Should the **Board** authorise a **representing person** to make oral representations or give oral **evidence**, the representations or the giving of **evidence** will take place at a hearing to be held either by telephone, video conference or in person. The **Board** will give the **representing person** not less than ten business days' notice that there will be a hearing. If the hearing is to be held in person, the notice will specify the place and time at which the hearing will be held. If the hearing is to be held by telephone or video conference, the notice will specify the time of the telephone call or video conference and also the arrangements for facilitating the telephone call or video conference.
11. Hearings conducted in person (rather than by telephone or video conference) will normally be open to the public. However, within the period ending four business days prior to the scheduled date of the hearing, the **representing person** may submit to the **Board** a written request, with reasons, that aspects of the hearing be held in private. The **Board** will consider the reasons given and will then publish the reasons for any decision that it reaches. Where the hearing or part thereof is held in private, the **Board** will only admit persons, other than representatives of the **representing person** and the **Board**, after obtaining the agreement of the **representing person**.
12. The **representing person** must appear at the hearing, either in person, by telephone or by video conference (as the case may be) and may be represented by any persons whom they may appoint for the purpose. The proceeding of the hearing will be recorded on behalf of the **Board** and will be transcribed onto paper.
13. Where oral representations are made or oral **evidence** is given, the **Board** will prepare a report of those representations or **evidence** which will be based on the transcription of the hearing made in accordance with **rule 12**. Before finalising the report, the **Board**:
  - a) must give the **representing person** a reasonable opportunity to comment on a draft of the report; and
  - b) must have regard to any comments duly made by the **representing person**.
14. In accordance with the **procedure rules** and provisions of the **Act** referenced in column 2 of Annex B (as applicable), the **Board** reserves the right to, where applicable, extend

the **procedure time limits** in order to take account of the need to transcribe and verify oral submissions.

15. The **Board** may from time to time adjourn the hearing.

#### **D. COSTS FOR ORAL REPRESENTATIONS AND ORAL EVIDENCE**

16. Subject to **rule 17**, the **representing person** will:

- a) bear its own costs for the making of oral representations or the giving of oral **evidence**; and
- b) directly pay the transcription provider for the reasonable cost of the transcription service.

17. The **Board** may, at its sole discretion, pay such costs of a **representing person** as the **Board** considers reasonable for the purpose of facilitating the giving of oral **evidence** or the making of oral representations, including provision of a transcript, by or on behalf of a **representing person**.

#### **E. FURTHER INFORMATION**

18. If you have any questions about the process for making oral or written representations, or giving oral or written **evidence** you should contact the **representations administrator** in the matter set out in **rule 6** above.

Annex A

These rules are made by the **Board** under the following provisions of the **Act**:

<b>Column 1 Procedure</b>	<b>Column 2 Provisions of the <b>Act</b> under which these <b>rules</b> are made</b>	<b>Column 3 Who can make representations under the <b>Act</b>?</b>	<b>Column 4 Applicable procedure rules</b>	<b>Column 5 Representations periods under the <b>Act</b></b>
<b>Approved regulators:</b> designation of bodies by order	Sch 4, part 2, paragraph 11(3)	The body making an application under Sch 4, Part 2, of the <b>Act</b> (referred to in paragraph 11(2) thereof as the applicant)	Rules for <b>approved regulator</b> and <b>qualifying regulator</b> designation applications	The period set out at Sch 4, Part 2, paragraph 11(4)
<b>Approved regulators:</b> alteration of an <b>approved regulator's</b> regulatory arrangements	Sch 4, Part 3, paragraph 23(3)	The <b>approved regulator</b> making an application under Sch 4, Part 3 of the <b>Act</b> , as confirmed in paragraph 23(2) thereof, including for the avoidance of doubt, and for the purposes of s178 of the <b>Act</b> , the Tribunal and the Law Society	Rules for applications to alter regulatory arrangements	The period set out at Sch 4, Part 3, paragraph 23(4)
Alteration of reserved legal activities	Sch 6, paragraphs 12(2), 13(1) and 14(2)	Any person wishing to make representations or provide evidence (as appropriate) to the <b>Board</b> for the purposes	None	In accordance with Sch 6, paragraph 12(3): within 3 months of the <b>Board</b> giving notice under paragraph

		of Sch 6, including for the avoidance of doubt, and for the purposes of paragraph 13(3) of Sch 6, an <b>affected practitioner</b> and any body which represents an <b>affected practitioner</b>		9(2) of Sch 6 to the <b>Act</b> , or within such other time as the <b>Board</b> may specify. or in accordance with Sch 6, paragraphs 13(2) and 14(3) to the <b>Act</b> : within 2 months of the <b>Board</b> publishing its <b>provisional report</b> , or within such other time as the <b>Board</b> may specify, whichever is relevant
Directions: procedure	Sch 7, paragraphs 2(5) and 10(3)	The <b>approved regulator</b> to whom the <b>Board</b> proposes to give a direction in accordance with Sch 7 to the <b>Act</b> , as confirmed in paragraphs 2(4) and 10(2) thereof, including for the avoidance of doubt, and for the purposes of s179 of the <b>Act</b> , the <b>Tribunal</b> and the Law Society	None	The period set in accordance with Sch 7, paragraphs 2(2)(c) and 2(3) of the <b>Act</b> ; or the period set out at Sch 7, paragraph 10(4), whichever is relevant
Intervention directions: procedure: giving	Sch 8, Part 1, paragraphs 2(5) and 10(5)	The <b>approved regulator</b> to whom the <b>Board</b> proposes to give an intervention	Intervention directions: sections 41(5) and 42(10) rules	The period set out at Sch 8, Part 1, paragraph 2(6); or

intervention directions		direction in accordance with Sch 8, Part 1 of the Act, as confirmed in paragraphs 2(4) and 10(2) thereof, together with any body within paragraph 10(3) or any other person within paragraph 10(4)		the period set out at Sch 8, Part 1, paragraph 10(6), whichever is relevant
Intervention directions: revoking interventions directions	Sch 8, Part 2, paragraph 21(5)	The <b>approved regulator</b> , whose intervention direction may be revoked by the <b>Board</b> in accordance with Sch 8, Part 2 of the <b>Act</b> , as confirmed in paragraph 21(2) thereof, together with any body within paragraph 21(3) or any other person within paragraph 21(4)	Intervention directions: rules for applications to revoke	The period set out at Sch 8, Part 2, paragraph 21(6)
Cancellation of designation as approved regulator	Sch 9, paragraphs 2(5) and 9(5)	The <b>approved regulator</b> whose designation may be cancelled by the <b>Board</b> in accordance with Sch 9 to the <b>Act</b> , as confirmed in paragraphs 2(4) and 9(2) thereof, together with any body within paragraph 9(3) or any other person within paragraph 9(4)	Rules for powers of entry following cancellation of designation	The period set out at Sch 9, paragraph 2(6); or the period set out at Sch 9, paragraph 9(6), whichever is relevant

Designation of <b>approved regulators as licensing authorities:</b> designation of <b>approved regulators</b> by order	Sch 10, Part 1, paragraph 9(3)	The body making an application under Sch 10, Part 1 of the <b>Act</b> , (referred to in paragraph 9(2) thereof as the applicant)	Rules for <b>licensing authority</b> designation applications	The period set out at Sch 10, Part 1, paragraph 9(4)
Designation of <b>approved regulators as licensing authorities:</b> cancellation of designation by order	Sch 10, Part 2, paragraphs 18(5) and 25(5)	The <b>licensing authority</b> whose designation may be cancelled by the Board in accordance with Sch 10, Part 2 of the <b>Act</b> , as confirmed in paragraphs 18(4) and 25(2) together with any body within paragraph 25(3) or any other person within paragraph 25(4)	Rules for powers of entry following cancellation of designation	The period set out at Sch 10, Part 2, paragraph 18(6); or the period set out at Sch 10, Part 2, paragraph 25(6), whichever is relevant
<b>Qualifying regulators</b> designation of bodies by order	Sch 18, Part 1, paragraphs 3(4) and 4	The body making an application under Sch 18, Part 1 of the <b>Act</b> , as confirmed in paragraph 4 thereof, which adopts Sch 4, Part 2, paragraph 11(2) of the <b>Act</b>	Rules for <b>approved regulator and qualifying regulator</b> designation applications	The period set out at Sch 4, Part 2, paragraph 11(4)



Annex B

Column 1 - Procedure	Column 2 - Procedure Time Limits
<b>Approved regulators:</b> designation of bodies by order	As set out in rules 43 and 44 of the <b>applicable procedure rules</b> <i>[Rules for approved regulator and qualifying regulator designation applications]</i>
<b>Approved regulators:</b> Alteration of <b>approved regulator's</b> regulatory arrangements	As set out in rules 31 to 33 of the <b>applicable procedure rules</b> <i>[Rules for applications to alter regulatory arrangements]</i>
Alteration of reserved legal activities	As set out in Sch 6, paragraph 11 of the <b>Act</b> (the investigation period) and Sch 6, paragraph 17 of the <b>Act</b> (the final reporting period)
Designation of <b>approved regulators</b> as <b>licensing authorities</b>	Rules 40 and 41 of the <b>applicable procedure rules</b> <i>[Rules for licensing authority designation applications]</i>
<b>Qualifying regulators:</b> designation of bodies by order	Rules 43 and 44 of the <b>applicable procedure rules</b> <i>[Rules for approved regulator and qualifying regulator designation applications]</i>