Review of the Legal Services Regulatory Framework
Call for Evidence

A RESPONSE BY

THE CHARTERED INSTITUTE OF LEGAL EXECUTIVES

AND

ILEX PROFESSIONAL STANDARDS LIMITED

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Summary of Recommendations.

- It is not in the public interest to consider the abolition of the Legal Services Board (LSB) at such a relatively early stage;

- It is imperative the LSB avoids developing into an expensive, bureaucratic burden on the profession, and ultimately the consumer. It should exist as a flexible oversight regulator;

- There should be a review of the level at which the LSB requires approval of rule changes, ensuring it adopts a more flexible approach;

- The Legal Services Consumer Panel needs consider its definition of consumer to ensure all consumer sectors are taken into account, and to support Approved Regulators and regulatory bodies on consumer issues.

- The highly prescriptive nature of the Legal Services Act 2007 is a disincentive for regulators to modernise their regulatory arrangements, and may prevent such regulatory arrangements moving at market pace. Such over prescription defeats the primary objectives of an outcomes focused regime;

- The concept of reserved legal activities should be abolished and replaced by a single concept of regulated legal activities.

- The complexity of the regulatory landscape means consolidation is appropriate and we would recommend that consideration is given to a referral to the Law Commission;

- Any consolidation should be dynamic. Regulation requires constant evolution in order to keep up with developments in the legal market.

Introduction.

1. This response to the Call for Evidence is primarily drafted by the Chartered Institute of Legal Executives (CILEx) following consultation with its Regulatory Committee, comprising the Immediate Past President together with a number of Council members. The President was also involved in the meetings. The response has also been seen and benefitted from the input of ILEX Professional Standards (IPS).

2. The introduction of the Legal Services Act 2007 (the 2007 Act) has spearheaded significant changes in the way legal services are delivered, and has created a new and more competitive landscape for the provision of legal services. It is the first attempt to bring the entire legal services market under one regulatory framework and departs significantly from the previous structure of the legal profession.

3. Both CILEx and IPS are committed to the regulatory objectives and the principles of good regulation as set out in the 2007 Act. We both wish to emphasise that higher professional standards are achieved through engagement with the profession, consumers and the wider public.

4. Although CILEx initially embraced the Model B proposal in the Clementi Review, we believe that we are the only Approved Regulator to have made Model B+, the model eventually reflected in the 2007 Act, truly work. This has resulted from CILEx and IPS being willing to engage and work with others as well as maintaining a transparent and independent working relationship. We have capitalised on many of the strengths of Model B+ by ensuring that the rules of behaviour and ethical standards should be seen as an aid to raise standards, not as a constraint to be circumvented.

5. CILEx objects to being defined solely as a “representative body”. CILEx is an Approved Regulator under the 2007 Act and sees its functions as a “professional association” rather than a “representative body”. One of the benefits of the B+ model is that it facilitates the kind of engagement between

regulator and the regulated which professionalism implies, whilst importing the necessary degree of independence. Relatedly, any prospective review of the legal services regulatory framework should ensure that terminology is consistently applied, and that such terminology is correct. For example, previously IPS has been referred to as the Approved Regulator, when it is CILEx.

6. We are committed to the application of a risk-based approach to regulation of legal services. Risk-based regulation is a common approach used by regulators to prioritise its regulatory activity and allocation of its resources. It is used to target those areas that present the greatest risk to the achievement of a regulator's statutory objectives. It also helps a regulator to demonstrate it meets the five principles of good regulation by facilitating proportionate and targeted interventions.

7. We applaud the Legal Services Board (LSB) in having achieved its primary targets for the first three years of its operation. The LSB has worked with Approved Regulators, and the Regulatory Bodies, to:
    - Embed Independent Governance Rules between the Approved Regulators and their Regulatory Bodies;
    - Establish a new and effective complaints handling scheme via the Legal Ombudsman service and by encouraging providers to take more responsibility for complaints handling through its work on first tier complaints handling; and
    - Establish a framework for the introduction of Alternative Business Structures (ABS).

8. Both CILEx and IPS have worked closely with the LSB during its time in operation and we are committed to doing so in the future. Notwithstanding the success of the LSB in implementing and overseeing the above changes, criticism of the LSB has gathered momentum in recent months. As the Call for Evidence indicates, however, this is a review of the legal services regulatory framework, and is not directed solely at the LSB.

9. The LSB has been operational for four years. Given the changing legal landscape spearheaded by the 2007 Act, we are of the view it is prudent to allow the legal services reforms to 'bed in' before exploring more ambitious aims. It would not be in the public interest, for example, to consider the abolition of the LSB at such a relatively early stage.

10. The experience of CILEx is that the processes relating to some of the subsidiary functions of the LSB are much more effective and transparent than the previous procedure overseen by the Lord Chancellor's Advisory Committee. It is also questionable whether the new legal services market with ABS and other innovative ways of providing services would ever have seen the light of day without the 2007 Act and the LSB. The LSB actively worked with the Approved Regulators and the Regulatory Bodies to ensure that the framework for commencement of Part 5 of the 2007 Act was in place, and in accordance with the 2007 Act, the Solicitors Regulation Authority opened up ownership of solicitors' practices to non-solicitor lawyers for the first time.

11. Our principal concerns are the following areas:

    - The role and remit of the Legal Services Board;
    - The amount of prescription in the Legal Services Act 2007.
    - The complexity of legislation (as the Call for Evidence suggests there are at least ten pieces of statutory legislation and over 30 statutory instruments).

12. We begin by reviewing what the key functions of an over-arching regulator are, whether there are areas where the LSB has exceeded its statutory remit; whether there are areas where it could play a role in identifying and promoting good regulatory practice; whether it could focus more effectively on clarifying, simplifying and reducing regulatory provisions, in the interests of both consumers and providers; and whether its compliance rules are too onerous for the Approved Regulators (ARs).

13. The LSB should be clearer about its role in relation to its oversight regulatory function in respect of ARs and their discretionary powers, and what if any boundaries apply to discretionary decisions. For example, the manner in which legal services regulation is embedded within the regulatory schemes is at the discretion of the AR; however the decisions of ARs have been criticised by the LSB (such as the independent scrutiny of self-assessment) despite it being recognised as being at the AR's discretion.

The role and remit of the Legal Services Board.

14. CILEx concurred with the Clementi Review's recommendation that there should be a Legal Services Board exercising flexible overarching supervision of the legal professions' regulators. We fully subscribed to the view that oversight regulation should be proportionate to the actual risk posed, and flexible enough to avoid bureaucratic red tape.

15. One of the main advantages of the current model is that the LSB can provide, for example, necessary protections to ensure equality of opportunity to all Approved Regulators, regardless of size, therefore avoiding any bias. Further, the 2007 Act has introduced a systematic process of regulation that allows for degrees of self-regulation subject to the oversight supervision by the LSB. At the same time it has opened up the framework of the legal services market and introduced, in a formal way, a greater participation of different types of lawyer working together.

16. It is recognised that these are tremendous changes running counter to centuries of tradition. It takes time for such change, however overdue it may be, to 'bed down' and be accepted, and for lawyers to realise they are one of several providers in the legal services market as opposed to the only participants. The results of changes to the system are profound and as such require managing. The LSB can provide and manage these expectations with its discretionary powers, so long as it resists the temptation to act as a market regulator, but instead promotes and encourages an independent, strong, diverse and effective legal profession.

17. The LSB is responsible under section 30 of the 2007 Act for the approval of the Internal Governance Reviews (IGRs) formulated by all Approved Regulators and their regulatory bodies. It is understandable why Parliament considered it necessary to have a requirement for external approval of rules when professional bodies made rules themselves. However, the rule-making function is now carried out by separate regulatory bodies, the Boards of which include substantial non-lawyer (i.e. lay) membership. In view of this, the level at which the rules require approval needs to be reviewed in order to adopt a more flexible approach. For example, this could mean deemed approval in appropriate circumstances or a more specific *de minimis* rule, subject to the power to call rule changes in.

18. Adopting a "one size fits all" approach does not take into account the uniqueness of each regulatory body, the actual level of risk posed, or issues of proportionality. In the past, for example, CILEx and IPS expended many days deployment of two full time Officers ensuring its IGRs were LSB compliant. However, the LSB should be commended for moving this year to requiring only details of changes to IGR arrangements, which dramatically reduced the time taken on this exercise. This type of method should be adopted wherever possible as it reflects a more proportionate approach to regulation. Although the benefit of this change has been undermined somewhat by the introduction of the regulatory self-assessment process.

19. Relatedly, we consider that the provisions of section 51 of the 2007 Act in respect of approval of Practising Certificate Fees are unnecessary. If an AR and its regulator are to plan properly, they need to be able to budget for activities with certainty. The involvement of the LSB causes delay and uncertainty. The LSB would only need to interfere if, in an individual circumstance, it considered that (a) the fee was too low and jeopardised the regulator's ability to regulate effectively or (b) the regulator was using money inappropriately by using regulatory fees to fund representative activities. In such cases, the LSB's powers of direction would be sufficient to enable it to

take action. It should be a risk-based monitoring exercise. Inspection of the Annual accounts would also flag up financial risks.

20. Whilst the LSB should continue to ensure the proper supervision of the dismantling of traditional, historic boundaries and restrictive practice rights, it is important that the LSB operates on a scale more appropriate to the remaining tasks. The principle underlining the 2007 Act is that the LSB should use its regulatory powers only if it judges that an AR and/or its Regulator has made a decision which is clearly unreasonable in relation to the regulatory objectives as a whole. The LSB should not intervene merely because it disagrees with an AR decision.

21. We welcome the maturing of the LSB in its approach to the issues faced in relation to the extension of practice rights. The initial arm's length approach has been replaced with a more bilateral and engaging approach as our development progresses.

22. CILEx and IPS have made significant gains in improving the accessibility and diversity of the legal profession and our efforts risk being hindered by talk of the abolition of the LSB. Parliament was clear when implementing the 2007 Act, that specialist front line regulators should remain. It designed a framework with the legal professions that has maintained a degree of the best virtues of self-regulation, while adding external scrutiny and accountability. A balance is required to ensure that the external element does not become "heavy handed" and thus a burden on the AR and/or its regulatory body.

Legal Services Consumer Panel

23. The Legal Services Consumer Panel (LSCP) was established under section 8 of the 2007 Act as an independent arm of the LSB. The LSCP has a remit to represent the interests of consumers of legal services. However one of the Panel's stated aims in its terms of reference is: "To help the Approved Regulators develop their own approach to consumer engagement to inform their work".

24. We recognise that the LSCP has the potential to be a considerable force for change and a source of support if it worked across the entire sector to provide constructive and concrete options in relation to consumer engagement. Furthermore, IPS recognises that the LSCP has produced a number of consumer focused reports which help it, and other regulators, to understand the market.

25. However, we believe that overall the LSCP has not had sufficient impact. Certainly, the LSCP has not fulfilled expectation CILEx and IPS of supporting us to engage with consumers. This is an area in which we would welcome additional assistance and support.

26. A difficulty with the LSCP is that it has limited itself to a narrow definition of consumers – i.e. consumers of 'high street' services; which it states are the most vulnerable consumers, but this narrow approach often means that its recommendations are often inappropriate for the sector as a whole. Many lawyers increasingly work in larger firms and focus on commercial work. A regulatory approach for consumers of high street services will not be suitable for many of the practices in the sector.

27. Currently IPS is a regulator of individual practitioners, and not entities. As such, IPS has experienced difficulties in reaching the end user/consumer of legal services. IPS had envisaged that the LSCP would bridge that gap. It would be beneficial if the LSCP had a more collaborative role, empowering it to give more proactive support to consumer engagement activities.

28. The LSCP needs a higher profile with the public and ARs. Working more closely with the Legal Ombudsman could improve its effectiveness and proactivity.

29. If such improvements are made, we believe that the LSCP could add even greater value.

Prescription in the 2007 Act.

30. The 2007 Act is often highly prescriptive in its requirements and creates significant hurdles that must be overcome to enter or invest in the provision of legal services, particularly in relation to Alternative Business Structures (ABS). Schedule 11 consists of eight pages prescribing procedural and structural requirements for ABS and Schedule 13 consists of 21 pages prescribing the process by which a Licensing Authority must consider whether a non-lawyer should be allowed to own an ABS. This is not risk based and imposes considerable costs on the Approved Regulators, providers of legal services, and ultimately the consumer, together with the extra resources required to ensure compliance. The 2007 Act as a whole has 24 Schedules covering regulatory issues only. In comparison to the Legal Aid Sentencing and Punishment of Offenders Act 2012, for example, which covers a much wider range of matters, including the provision of criminal and civil legal aid, civil litigation funding and the criminal justice system, and contains 27 schedules.

31. Similarly, requirements under section 91 of the 2007 Act for the appointment of a Head of Legal Practice (HoLP) and section 92 for the appointment of a Head of Finance and Administration (HoFA) will present some difficult challenges for many law firms. For sole practitioners with no staff the choice will be obvious, as they will have to appoint themselves. But for larger firms/providers, it could prove a challenge. Besides the practical problems encountered by some practices, the requirement is an example of the overly prescriptive approach adopted by the Act. It would have been perfectly acceptable and entirely consistent with the concept of outcomes focused regulation to mandate that legal practices demonstrate how they would ensure compliance with key principles.

32. We consider it doubtful that separate provision is required in the legislation for ABS. They are simply another service-organisation model. The provisions in Part 3 of the 2007 Act, whether intentionally or otherwise, effectively requires all practice models, even very small partnerships, to be regulated as

entities. The SRA has effectively made sole practitioners entities for regulatory purposes. Broadly speaking, the differences in the regulatory arrangements between ABS and non-ABS entities are not fundamental (mainly taking more care over the potential risks created by non-lawyer owners), but the prescription in the Act on ABS makes it necessary to have separate regimes. The notion of special bodies which are ABS with unspecified, looser regulation is also unnecessary as the differences can be accommodated through the required risk-based regulatory approach.

33. In a survey of CILEx members[1] when asked whether regulation should be streamlined to make the legal sector more accessible, 75% of respondents said access to the sector could be improved by streamlining regulation. The majority of respondents were supportive of a regulatory regime which ensured quality client care and high professional standards, though some felt that regulation was over-burdening and restricted the time they could spend working on client issues. A small number of respondents reported feeling the need to act defensively or to protect themselves against a complaint on regulatory grounds, rather than feeling empowered to help their clients as they see fit.

34. Comments from members of CILEx also included concerns about the regulatory maze in areas such as immigration, the unhelpful terminology of the wording of the 2007 Act, and whether any purpose is served by granting discretionary powers to the LSB under the 2007 Act but still requiring approval by the Lord Chancellor and Parliament in the making of secondary legislation. Identifying relevant gaps, drafting legislation and the Parliamentary process is costly and complex; and the Parliamentary timetable is constantly under pressure with many competing priorities. This is likely to cause problems with any attempt to harmonise arrangements, for example to create efficiencies in the disciplinary process by all regulators using the same appeals mechanism. In practical terms, this significantly increases the time involved with applications such as those for additional

[1] Research undertaken with CILEx members as a result of the Red Tape Challenge in July 2012

rights, or those to set up a compensation fund, which means that applications will not necessarily maintain the momentum of the marketplace. There is a real risk that the approval process involving the Lord Chancellor and Parliament provide an opportunity for policy issues to be introduced undermining the independence of the role of the LSB in making decisions on regulatory grounds.

The complexity of the legislation.

35. The Call for Evidence states the review will encompass the full breadth of the legislative framework, covering 'at least' ten pieces of legislation and over 30 statutory instruments. This is obviously intended to be a substantial review, and whilst this Call for Evidence is only an initial stage in a likely long process, we are concerned that the process was commenced over the summer period, and for a relatively short period of time considering the sheer volume of legislation and issues that need to be considered.

36. As the current regulatory regime has evolved through hundreds of years of successive changes, it has been piecemeal nonetheless. Whilst the 2007 Act spearheaded significant changes to the legal landscape, the regulatory regime established through the Act largely carried forward provisions contained in the Solicitors Act 1974 and the Administration of Justice Act 1985, for example. We support a fundamental review of legislation (both primary and secondary) around regulation.

37. We strongly believe that regulation in the legal sector has a vital role to play to ensure confidence and trust in the profession. The protection of the public, ensuring access to justice, and a just, fair and equitable legal system must be the principal factors governing any changes to regulation.

38. Much of the regulatory framework that was in place prior to the introduction of the 2007 Act remains in place today, resulting in a legal regulatory landscape that is multi-layered and extremely complex.

39. There are six reserved legal activities that may only be undertaken by individuals and entities authorised and regulated by an appropriate AR. However, many traditionally recognised lawyers are regulated in the same way for all of the legal activities that they undertake, whether reserved, unreserved or regulated, by virtue of their professional title and regulators' rules. Lawyers are now facing competition from those who do not have such requirements. The weakness of the legislation regarding enforcement of the restrictions on who may provide reserved legal activities means that the burden of regulation weighs most heavily on those who are the most qualified and most regulated whilst leaving entirely untouched those who pose the greatest risk to consumers and the administration of justice. The extension of the Legal Ombudsman's remit to services provided by persons not currently authorised/regulated must not result in the cost of redress arrangements for them being borne by the regulated sector. In a recent research on 'reserved legal activities' the Legal Services Institute concluded that there are few apparent historical policy reasons for originally defining these activities as reserved and that therefore the reserved activity structure appears to be built on "tenuous foundations"[2]. In our view, the concept of reserved legal activities should be scrapped and replaced by a single concept of regulated legal activities. This would be more readily understood by consumers and professionals alike. It would also provide the consumer with protection. For example, will writing and employment law remain unregulated.

40. Given the complexity of the regulatory landscape and its legislative underpinning, a review of the legislation by the Law Commission would be a helpful way forward. It would certainly be in the interests of the consumer, whose protection is not advanced by the present maze.

41. Any consolidation must take into account the new legal landscape. For example, there are a number of sections remaining in the Solicitors Act 1974 which grant powers to solicitors only. However, there are sections, for

[2]http://www.legalservicesinstitute.org.uk/LSI/LSI_Papers/Institute_Papers/The_Regulation_of_Legal_Services__What_is_the_Case_for_Reservation_/

example those regarding remuneration (sections 56 to 75) and bank accounts (s 85) (which ultimately protects client monies) which would be appropriate for both Chartered Legal Executives in the future when they are practising independently and for all legal professionals who hold clients' monies. The legislation would be greatly improved by ensuring the powers needed to authorise legal service providers, particularly in the area of client protection, should be applied to all regulatory bodies equally so that individual statutory permissions are not needed. At the moment IPS, The Institute of Chartered Accountants of England and Wales (ICAEW) and the Intellectual Property Regulation Board (IPREG) are all submitting parallel applications under the section 69 procedures to enable them to establish compensation funds and acquire intervention powers. This is an absurd waste of effort, particularly as each of the separate applications draws heavily on the ABS provisions in the 2007 Act and/or the relevant provisions of the Solicitors Act (as amended).

42. Regulatory inconsistencies also lead to a number of practical anomalies that affect efficient legal practice, and Chartered Legal Executives. These are:

Conveyancing.

43. In 2011, as a direct result of the imminent introduction of the provisions in Part 5 of the 2007 Act, the Land Registry changed its definition of ‘conveyancer’ in section 217 of its Land Registration Rules 2003. Essentially in an attempt to bring its regulations in line with the provisions of the 2007 Act, the Land Registry removed Chartered Legal Executives from its definition of ‘conveyancer’. In practice, for Chartered Legal Executives, this means that they are unable to complete and sign, for example, the Land Registry ID1 form, even though they had been undertaking the work prior to the amendment, and the Land Registry recognised that they did not pose any higher risk than any other non-authorised person. The Land Registry also made it clear that its changes were not specifically directed at Chartered Legal Executives.

44. When the changes were initially implemented, and even to date, CILEx hears regularly from Chartered Legal Executives, despite having appropriate knowledge, qualifications and understanding, now have to advise their clients that an alternative person will need to complete and sign the form. We contend that this poses a real risk to the public, so raises an entirely legitimate consumer protection issue.

Regulatory burdens and statutory anomalies.

45. Chartered Legal Executives are faced with multiple regulatory burdens, and on occasion such regulations do not easily fit together.

46. The Law Society has a number of 'quality schemes' which it says "enables practitioners to earn special recognition for their expertise in particular areas of law". Until relatively recently the Criminal Litigation Accreditation Scheme (CLAS) was not open to non-solicitors. However, following several years' of dialogue with the Law Society and the then Legal Services Commission (now the Legal Aid Agency), eligibility was opened to Chartered Legal Executives who had undertaken the CILEx Criminal Proceedings Certificate, and qualified as Chartered Legal Executive Advocates. However, access to join the CLAS is subject to Chartered Legal Executive Advocates undertaking the Magistrates Court Qualification (MCQ) before they can participate in the Duty Rota. This is despite the robustness of the CILEx Criminal Proceedings Certificate (large portions of which are duplicated in the MCQ) CILEx is still attempting to gain an exemption from the need to obtain the MCQ for Chartered Legal Executive Advocates. In the meantime, Chartered Legal Executives are being disadvantaged due to the creation of an extra layer of unnecessary regulation, the duplication of training needs and the costs implications to them and/or their firms.

47. Furthermore, there are a number of other statutory anomalies which, when practically applied, restrict the rights of Chartered Legal Executives. As follows:

48. Section 3 of the Powers of Attorneys Act 1971 states that a copy of a Power of Attorney may be proved only if it is signed by the Donor, a solicitor, a Notary Public or a Stockbroker. It does not make sense that a Chartered Legal Executive is able to meet with the client, undertake all of the work, including the preparation of the document, but yet cannot certify a copy of it. This can lead to confusion to the client, and could potentially result in extra cost to the client.

49. Regulation 8(2) of the Lasting Powers of Attorney, Enduring Powers of Attorney and Public Guardian Regulations 2007 give examples of a person who can act as a Certificate Provider for a Lasting Power of Attorney (LPA). This includes a registered healthcare professional, a barrister, solicitor or advocate in the UK, a registered social worker and an independent mental capacity advocate. Although this is not an exhaustive list and as such does not explicitly preclude Chartered Legal Executives outright from acting as a Certificate Provider, it can cause confusion with the public as to why a Chartered Legal Executive is not specifically included, despite a Chartered Legal Executive working in that area of law, holding the requisite qualifications, and the relevant skills and expertise.

50. For the Purposes of Article 1 of EU Directive 98/5/EC (The EU Lawyer definition), in order to practise in a member state other than that in which the qualification was obtained, the definition of Lawyer means a solicitor and barrister, and for Scotland an advocate. Consequently, Chartered Legal Executives do not fall within the EU Lawyer definition despite recognition of their lawyer status in England and Wales.

51. The above statutory anomalies are outdated and certainly not risk based. In certain circumstances they restrict Chartered Legal Executives from being able to fully serve the public, which results in the restriction of competition within the profession and potentially access to justice.

52. CILEx is recognised by the House of Lords as doing an excellent job in regulating its part in the profession, and Chartered Legal Executives in the services that they provide. The House of Lords further recognised that "CILEx draws from a wider social background than other parts of the profession something that the strategy for social mobility… could learn a lot from[3].

53. The aim of the 2007 Act was to liberalise and modernise the legal profession as well as improve access to legal services. At a time when we are seeing severe restrictions to access to justice, in relation to Legal Aid, and the availability of affordable legal services, there is a need to encourage the original intention and practice of the 2007 Act in broadening access wherever possible.

Conclusion.

54. To conclude, our primary recommendations are:

- It is not in the public interest to consider the abolition of, the LSB at such an early stage. It is prudent to allow the Legal Services Reforms to bed in before exploring more ambitious aims in the future;

- It is imperative the LSB avoids developing into, whether by accident or by design, an expensive bureaucratic burden on the profession. It should exist as a flexible oversight regulator. The LSB should not, inadvertently or otherwise, become a heavy handed regulator, micro-managing the activities of the ARs and their regulatory bodies;

- The level at which the LSB require approval of rule changes should be reviewed, ensuring that it adopts a more flexible approach, for example, deemed approval in appropriate circumstances, or a more specific *de minimis* rule, subject to the power to call in rule changes;

[3] 18th Report from the Joint Committee of Statutory Instruments; 5th April 2011: col 1687

- The Legal Services Consumer Panel should reconsider its current definition of consumer, and consider the changing legal market to ensure that all consumer interests are measured and focus on supporting the ARs and regulators on consumer issues;

- The highly prescriptive nature of the 2007 Act is a disincentive for regulators to modernise their regulatory arrangements, and furthermore prevents such regulatory arrangements moving at market pace. A practical example of this is the complexity of the current application for additional rights procedure, which is multi-layered and complex. There needs to be a comprehensive simplification, re-write and consolidation of all the outstanding legislation. The current over-prescription in the 2007 Act defeats the primary objective of an outcomes focused regime. If the regime is simplified it would allow the sector to respond to dramatically changing market conditions;

- The concept of reserved legal activities should be abolished and replaced by a single concept of regulated legal activities. This would be more readily understood by consumers and afford them more protection.

- The complexity of the regulatory landscape and the numerous statutes and delegated legislation, means consolidation would be appropriate. We would recommend a referral to the Law Commission; and finally,

- Any consolidation should be dynamic. Regulation requires constant evolution in order to keep up with changes and developments in the market.