

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT

Second Delegated Legislation Committee

DRAFT LEGAL SERVICES ACT 2007 (APPROVED
REGULATOR) ORDER 2020

Monday 24 February 2020

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Friday 28 February 2020

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The Committee consisted of the following Members:

Chair: SIR CHARLES WALKER

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|---|---|
| † Ali, Tahir (<i>Birmingham, Hall Green</i>) (Lab) | † Morden, Jessica (<i>Newport East</i>) (Lab) |
| † Anderson, Lee (<i>Ashfield</i>) (Con) | † O'Brien, Neil (<i>Harborough</i>) (Con) |
| † Bacon, Mr Richard (<i>South Norfolk</i>) (Con) | † Owatemi, Taiwo (<i>Coventry North West</i>) (Lab) |
| † Browne, Anthony (<i>South Cambridgeshire</i>) (Con) | † Pursglove, Tom (<i>Corby</i>) (Con) |
| † Carter, Andy (<i>Warrington South</i>) (Con) | Russell-Moyle, Lloyd (<i>Brighton, Kemptown</i>)(Lab/Co-op) |
| † Chalk, Alex (<i>Parliamentary Under-Secretary of State for Justice</i>) | Sharma, Mr Virendra (<i>Ealing, Southall</i>) (Lab) |
| † Charalambous, Bambos (<i>Enfield, Southgate</i>) (Lab) | Sheerman, Mr Barry (<i>Huddersfield</i>) (Lab/Co-op) |
| † Gullis, Jonathan (<i>Stoke-on-Trent North</i>) (Con) | Jack Dent, <i>Committee Clerk</i> |
| † Jupp, Simon (<i>East Devon</i>) (Con) | |
| † Mills, Nigel (<i>Amber Valley</i>) (Con) | † attended the Committee |

Second Delegated Legislation Committee

Monday 24 February 2020

[SIR CHARLES WALKER *in the Chair*]

Draft Legal Services Act 2007 (Approved Regulator) Order 2020

4.30 pm

The Parliamentary Under-Secretary of State for Justice (Alex Chalk): I beg to move,

That the Committee has considered the draft Legal Services Act 2007 (Approved Regulator) Order 2020.

It is a genuine pleasure to serve under your chairmanship, Sir Charles. The order is straightforward and uncontroversial. It designates the Institute of Chartered Accountants in England and Wales as an approved regulator under the Legal Services Act 2007, for the reserved legal activity of the administration of oaths. The institute is already an approved regulator and licensing authority for probate activities.

If approved, the order will allow the institute to authorise and regulate individuals and firms administering oaths within the scope of the Commissioners for Oaths Act 1889, the Commissioners for Oaths Act 1891, and the Stamp Duties Management Act 1891.

The Legal Services Act 2007 defines six reserved legal activities that can be provided to the public only by individuals and firms that are regulated by one of 11 approved legal regulators. The administration of oaths is one such activity, and the Committee will be familiar with others such as exercising a right of audience.

The institute is already an approved regulator and licensing authority under the 2007 Act, but only in respect of probate activity—another reserved legal activity—for which it currently regulates more than 300 firms providing probate services. The institute wishes to expand

the range of legal services that its members can provide. As such, it made the required application to the Legal Services Board, seeking to expand its functions and, following a recommendation from the board, the then Lord Chancellor confirmed in May 2019 that he agreed to make an order to designate the institute as an approved regulator for the reserved legal activity of the administration of oaths.

We envisage that expanding the institute's remit will improve consumer choice, enhance competition and enable firms that are regulated by the institute to expand their practice.

4.32 pm

Bambos Charalambous (Enfield, Southgate) (Lab): It is a pleasure to serve under your chairmanship, Sir Charles. I welcome the Minister to his rightful place.

As the Minister explained, the order proposes to allow the Institute of Chartered Accountants in England and Wales, as an approved regulator under the Legal Services Act 2007, to license and regulate the administration of oaths by members of the Association of Chartered Certified Accountants. The administration of oaths is a reserved legal activity under section 12 of the 2007 Act.

Since 2018, the institute has regulated and licensed ACCA members for the provision of another reserved legal activity—namely, that of the handling of probate work. As a former solicitor, it pains me slightly that accountants are being given the chance to do more legal work, but it is right and proper that the administration of oaths be licensed and regulated by the institute.

Although we will not oppose the order, I hope the institute will address the criticisms made in the Legal Services Board regulatory performance assessment report of November 2019, which highlights the need for probate disciplinary data to be made available on the “find a chartered accountant” register, and for the institute to improve the transparency of its decision making.

Question put and agreed to.

4.34 pm

Committee rose.