




The maze of legal regulators should be mown down in favour of a super-watchdog, according to a prominent academic
ALAMY

One watchdog to rule them all: a way out of legal maze

Jonathan Ames examines a bold report that suggests radical reform of the regulatory system

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All providers of legal services, regardless of whether they are qualified lawyers, should be overseen by one super-watchdog, ministers have been told in a call for regulatory reform.

A report published today by a former barrister who is now a prominent academic and legal consultant recommends the ditching of the existing structure, which involves a complex web of regulatory bodies.

It comes 16 years after Sir David Clementi, the former deputy governor of the Bank of England, published a landmark report into the “maze” of regulation that he said blighted the legal profession — and 13 years after the present system was established under the Legal Services Act 2007.

In his report, which was commissioned by the Ministry of Justice, Stephen Mayson describes the existing regime, which involves the Legal Services Board overseeing ten frontline regulators, as “cumbersome”.

Mayson calls for the creation of a “legal regulation authority” to replace the board and all its subservient watchdogs, including

system labyrinthine and expensive and resent the fact that non-qualified legal service providers are not regulated.

John Gould, the senior partner at the law firm Russell-Cooke and a regulation specialist, welcomes the report's recommendations, but warns that there may be difficulties in enacting change. "There should be a hunger for reform," he says. "Perhaps those responsible to deliver change have no appetite at all to do so."

Last month Alex Chalk, a justice minister, told MPs in a written statement that "there are no plans to review the Legal Services Act". He went on to say that a 2017 assessment of the Legal Services Board found that the overarching regulator was "generally effective both in promoting the regulatory objectives [of the legislation] and in delivering its functions".

Gould says that the report "offers a clear structure which is both strong and flexible. It does this by cutting the Gordian knot tangling the regulation of title and the regulation of activity".

Those with most to lose if the reforms are adopted were more reserved.

"We will work with any changes that the government may introduce in future to the way the legal professions are regulated," a spokesman for the solicitors' regulator says.

The Bar Standards Board says: "Any change to current structures would need primary legislation and much scrutiny." Board officials "agree with Professor Mayson in principle that there should be greater protections for consumers in relation to the currently unregulated sector".

In contrast, the Legal Services Board has made little secret that it favours a streamlined system of regulation and rather fancies a recast version of itself as the single watchdog, which is perhaps why the board's chief executive, Matthew Hill, enthuses that Mayson's report "offers a thoughtful analysis of a complex set of issues".

The bodies that represent most lawyers in England and Wales — the Law Society and the Bar Council — have had fraught relationships with their regulatory counterparts since 2007. Surprisingly, therefore, Simon Davis, the society's president, was somewhat dismissive of the report, saying that "the immediate focus of policymakers should be thinking about how to make better use of the current regulatory framework".

Amanda Pinto, QC, the Bar's chairwoman, was more diplomatic.

"The government has made clear that it has little appetite to alter the regulatory landscape in the legal services market right now, but Stephen Mayson's report is a source of further thought on the issue," she said.

Mayson hopes that his report "might be persuasive enough to encourage the ministry to consider a new approach. It would offer wider and better protection to consumers without

compromising the high standards of our globally respected courts and legal professions.”



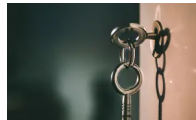
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the Solicitors Regulation Authority and the Bar Standards Board, which oversee most qualified lawyers in England and Wales.

In a statement to *The Times* on the eve of the report's publication, Mayson says that a new authority "should maintain a public register of providers. Regulatory requirements and enforcement would be appropriate to the importance and risk of particular legal services or the relative vulnerability of the clients concerned. Defined low-risk services would only require registration. Higher-risk services would carry additional regulatory conditions".

The report calls for beefed up protections for consumers, including the setting of standards of expected performance and access to a more extensive legal services ombudsman.

Mayson's report acknowledges that it is difficult to put a precise figure on the amount of money his proposed system would save lawyers in practising fees, but he expects that there would be savings on the millions of pounds at present allocated to the budgets of frontline regulators.

He points out that “many people assume that all providers of legal services are in some way regulated and that relevant protection is available, but they are mistaken”.

Providers of legal advice on wills and estate administration are a prominent example of those who are at present unregulated.

“The current regulatory structure provides an incomplete and limited framework for legal services that is not able in the near term and beyond to meet the demands and expectations placed on it,” Mayson says. He claims that his proposal would “create a level playing field for legal services and enhance consumer protection through targeted and proportionate regulation”.

The proposals are likely to win support from practising lawyers and their employers, many of whom consider the existing