

Direction 187 issued under Part 3 of Schedule 4 to the Legal Services Act 2007 to The Intellectual Property Regulation Board

1. This is a direction to exempt alterations pursuant to paragraph 19(3) of Schedule 4 to the Legal Services Act 2007 (the “Act”).
2. Unless stated otherwise, words in this direction are used as they are defined in the Act.
3. In accordance with paragraphs 19(3) and (4) of Schedule 4 to the Act, the Legal Services Board (the “LSB”) hereby directs that the following alterations by the Chartered Institute of Patent Attorneys (“CIPA”) and the Chartered Institute of Trade Mark Attorneys (“CITMA”) are exempt alterations for the purposes of paragraph 19(2)(c) of Schedule 4. Pursuant to section 28 of the Act and the LSB’s internal governance rules made under section 30, the regulatory functions of CIPA and CITMA have been delegated to the Intellectual Property Regulation Board, (“IPReg”):

Proposed changes to the IPReg Practice Fee Regulations 2023

4. IPReg is proposing redraft its Practising Fee Regulations in order to harmonise its terms with the Core Regulatory Framework, which was approved¹ by the LSB in February 2023.
5. Following consultation², IPReg is proposing a new rule within the Practising Fee Regulations, which requires registered bodies to pay an application fee when seeking to become authorised to carry out reserved legal activities. Under the current Practising Fee Regulations, registered bodies do not pay such a fee, however licensable bodies are required to pay an application fee in accordance with IPReg’s licensing rules, which were approved by the LSB in 2013. IPReg’s Admission and Authorisation Standard Operating Procedures (part of the Core Regulatory Framework) confirm that the application fee is equivalent to the Practising Fee for the year in which the application is made. This same level of fee will apply to registered bodies as to licensed bodies.

Reason for exemption direction

6. The LSB considers that the introduction of an application fee for registered bodies does not constitute a substantial alteration of the impact or the meaning of those rules. It is a minor administrative improvement which serves to ensure that every ‘body’, that seeks to become authorised by IPReg (whether registered or licensed), will be required to meet the administrative cost of processing their application.
7. The LSB further considers that other changes to the Practising Fee Regulations do not substantially alter the meaning and/or the impact of these rules.

¹ <https://legalservicesboard.org.uk/wp-content/uploads/2023/02/20230207-Decision-Notice-IPReg-Reg-Arrangements.pdf>

² <https://legalservicesboard.org.uk/wp-content/uploads/2023/09/2024-PCF-application-to-LSB-COMLETEE.pdf>, at Annex 4

8. IPReg's proposed Regulations were enclosed alongside its Practising Fee application³ on 14 September 2023.
9. This direction is to be deemed made on and effective from 18 October 2023.

For and on behalf of the Legal Services Board
18 October 2023

³ <https://legalservicesboard.org.uk/wp-content/uploads/2023/09/2024-PCF-application-to-LSB-COMplete.pdf>