



December 2017



Hello and welcome to the Relationship Management monthly report for December 2017 for the South West.

We hope you find the report useful and encourage you to share it with your members and colleagues.

If you have any comments or suggestions regarding the future development of our monthly report, please let us know.

Finally, we would like to sign off for 2017 by wishing you all a happy holidays and enjoyable new year.

Thank you for reading.

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- Improving the home buying and selling process: call for evidence
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- Law Commission Sentencing Code



For our full list of events or to book please visit our [events page](#).



Our RM newsletters are changing

In 2018 we are changing the way we present our Relationship Management newsletters to you. The Law Society is streamlining all its newsletters and is moving to an electronic template to make it easier for members to read newsletters on the go, on their mobile phones.

From January you will receive an email newsletter, it will include the same topical news stories, a list of the latest practice notes and a link to SRA and government consultations which you can respond to. There will also be a link to our regional pages so that you can view your regional events, find out what your regional team has been up to and access key information about your area.

We look forward to working to improve the newsletters with you and as always welcome your comments and questions.

Read the latest on Brexit

Catch up with the latest on Brexit as it continues through Parliament.

Read more [here](#).

Read the latest Law Society Parliamentary briefing for MPs [here](#).

Campaign for legal aid early advice gets underway

The Law Society is campaigning for legal aid to be re-introduced for early legal advice, particularly in family and housing law.

Unfortunately, most areas of free or subsidised early legal advice were stopped by the government in 2012. This has meant that people who can't afford to pay for early legal advice are now left to address their problems alone – meaning that simple problems can get worse, and can create other unnecessary costs for the taxpayer.

Watch our video and download our report on the benefits of early advice [here](#).

Changes to domestic violence legal aid are welcomed

News the government is to relax legal aid restrictions for domestic violence victims has been welcomed. The government's decision will make it easier for victims to provide evidence and to qualify for legal aid.

This positive decision is the result of work the Law Society and other organisations have been doing with the Ministry of Justice MoJ for many months.

Read the article in full [here](#) and our article in the Gazette [here](#).

Flexible operating hours pilot – The Law Society's response

The Law Society has responded to the HM Courts & Tribunal Service (HMCTS) prospectus seeking views on its flexible operating hours pilots.

Read the full response [here](#)



Out and about in the South West

We had an extremely busy November. Here are some of the highlights:

- We were delighted to attend a fantastic pro bono event hosted by Bristol Law Society. Again demonstrating the great lengths our members go to in providing free legal advice to those that need it most.
- Gloucester and Wiltshire Law Society celebrated the brightest and best from their legal community 'at their annual awards dinner which we were proud to be a part of.



Practice notes

Accredited Legal Representatives in the Court of Protection

This practice note includes detailed advice on:

- the role of an Accredited Legal Representative
- communicating with and taking instructions from your client
- representing P and ensuring P's effective participation
- your duties of confidentiality and disclosure
- good practice in the Court of Protection
- funding of P's legal costs
- applications under s21A Mental Capacity Act 2005
- other issues e.g. breach of the HRA 1998

[Read more](#)



Consultation responses

Individual Accountability: Extending the Senior Managers & Certification Regime to all FCA firms

The Society has responded to the FCA's consultation on Individual Accountability: Extending the Senior Managers & Certification Regime (SM&CR) to all FCA firms.

The Law Society remains strongly of the view that the legal function should be excluded from the scope of the SM&CR. In its response, the Law Society reiterates that including the legal function within the Senior Managers regime raises significant risks for clients and solicitors.

[Read our full response](#)

Law Commission consultation on making a will

The Law Society has responded to a wide-ranging consultation from the Law Commission on reforming laws around making a will.

The consultation explores a number of issues, including aligning the test for testamentary capacity with that in the Mental Capacity Act 2005, empowering courts to give legal effect to wills where formality rules have not been strictly followed, and the role of electronic wills.

[Read our full response](#)

DCLG consultation on planning for housing

The Law Society has responded to a DCLG consultation, 'Planning for the right homes in the

right places'. The consultation sought views on a range of proposals, including on a standard method for calculating local authorities' housing need, a statement of common ground (to work alongside the Duty to Co-operate), and improving the use of viability assessments.

[Read more](#)

ESMA draft technical advice consultation

The European Securities and Markets Authority (ESMA) published a consultation seeking views on its draft technical advice in relation to the format and content of the prospectus, base prospectus and final terms.

It welcomed the fact that ESMA has given significant thought to the consultation, and noted that while the new regime will bring numerous changes to the prospectus format and content, most of these changes are incremental improvements (as a matter of law).

[Read more](#)

Flexible Operating Hours Prospectus

The Law Society has responded to HM Courts & Tribunal Service (HMCTS) prospectus seeking views on its flexible operating hours pilots.

[Read more](#)

SRA consultation 'Looking to the future: better information, more choice' – Law Society response

The consultation makes a number of proposals, including a new requirement that solicitor firms should be required to publish price and service information on their websites for certain areas of law relating to individuals and small business customers.

It is important that clients can make informed decisions about the solicitors they choose, and they need to have the right information at the right time. However, clients have very different

legal needs, and legal services are complex. Simply requiring more information to be published on websites is unlikely to result in people making more informed choices.

[Read more](#)

SRA consultation 'Looking to the future: phase two of our Handbook reforms' – Law Society response

The Law Society is concerned about the impact of some of these proposals on the profession and clients. We take the view that flexibility for solicitors should not come at the expense of client protections.

[Read more](#)



SRA

'Looking to the future: phase two of our Handbook reforms'

Following the first Looking to the future consultation in summer 2016, the SRA are now consulting on further changes to their Handbook and their proposed revised Enforcement Strategy. This consultation also includes the transitional arrangements for the introduction of the Solicitors Qualifying Examination (SQE).

Submission deadline 20 December 2017

[Read more](#)

Looking to the future: better information, more choice

The SRA are now consulting on publishing more of the regulatory data they hold about solicitors

and firms they regulate. They are also consulting on asking these solicitors and firms to publish more information on the legal services they provide.

Submission deadline 20 December 2017

[Read more](#)

Consultations for Government that you may be interested in responding to...

Improving the home buying and selling process: call for evidence – Department for Communities and Local Government

The Government is committed to improving the existing home buying and selling process to make it cheaper, faster and less stressful.

The Government is seeking views and suggestions for improvement of the home buying and selling process from anyone who has an interest in the process, in order to make it cheaper, faster and less stressful.

Responses to this call for evidence will help the government to formulate its future work programme of improvements.

Submission deadline 17 December 2017

[Find out more](#)

Recovering the costs of the Office for Professional Body Anti-Money Laundering Supervision (OPBAS): fees proposals – Financial Conduct Authority

In March 2017 the Government announced its intention to create OPBAS within the FCA, from where it will oversee the adequacy of the anti-money laundering (AML) supervisory

arrangements of the 22 professional body AML supervisors listed in Schedule 1 of the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 (the MLRs).

This consultation sets out the FCA's proposals for recovering the costs of running OPBAS from the bodies it will supervise.

The proposals cover:

- Application fees for reviewing and processing applications received from professional bodies who wish to be added to the list of professional body supervisors in Schedule 1 to the MLRs.
- A structure for periodic fees to recover the annual costs of supervision.

The FCA invites comments on the data sources and definitions it is proposing as a basis for distributing cost recovery fairly between the professional body supervisors. It is not consulting on the periodic fee rates for 2018/19 at this stage.

Submission deadline 8 January 2018

[Find out more](#)

Law Commission Sentencing Code

The Law Commission is consulting on the introduction of a single sentencing statute that will act as the comprehensive source of sentencing law– the “Sentencing Code”.

Submission deadline 26 January 2018

[Find out more](#)

For further information regarding any of the consultations please contact Catherine O’Gallachoir, Legal and Regulatory Policy – Catherine.O’Gallachoir@lawsociety.org.uk