

Jessica Ugucioni
Law Commission of England and Wales
Steel House
11 Tothill Street
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The logo for the Legal Services Consumer Panel is located in the top right corner. It consists of a large blue circle on the left and a blue rectangular area on the right. The text "LEGAL SERVICES CONSUMER PANEL" is written in white, uppercase letters within the blue area. "LEGAL" and "SERVICES" are stacked on the top line, "CONSUMER" is on the second line, and "PANEL" is on the third line.

LEGAL
SERVICES
CONSUMER
PANEL

14 July 2011

Dear Jessica,

Consultation on reforming consumer redress for misleading and aggressive practices

The Legal Services Consumer Panel was established under the Legal Services Act 2007 to provide independent advice to the Legal Services Board about the interests of consumers of legal services in England and Wales. We investigate issues that affect consumers and use this information to influence decisions about the regulation of legal services.

We read the consultation paper with interest. The Consumer Panel's statutory remit is confined to matters of legal services regulation, so we cannot comment on issues of substantive law. Nevertheless, I am keen to share with you our report on regulating will-writing services, which was published today, as this may provide an interesting case study for your deliberations.

The Panel's research identifies some evidence of poor sales practices in this market which are causing consumers to suffer financial detriment. Some of these practices, such as bait advertising, pressure selling and misleading information or omissions, are likely to constitute breaches of the Consumer Protection Regulations. The absence of a private right of action means that consumers must rely on public enforcement to seek redress in such circumstances. The report raises concerns about the appetite and capacity of public enforcement agencies to pursue breaches of the Regulations in this field, especially in the context of declining funding for local authority trading standards services. On this issue the report concludes that public and private enforcement should work in partnership. There is a need to give consumers the means of seeking redress privately leaving public authorities to deal with the worst offences.

A copy of the report is enclosed, please read paragraph 10.20 onwards for the discussion on enforcing existing legislation.

The Panel looks forward to seeing the outcome of your work and would be happy to provide further input. I will be attending the meeting between the Legal Services Board and the Law Commission scheduled for 3 August where I hope we will have time to explore these issues further.

Yours sincerely,

A handwritten signature in black ink that reads "Dianne". The signature is written in a cursive style with a prominent initial 'D'.

Steve Brooker
Consumer Panel Manager

Encl.