

Authorisation to conduct Reserved and Regulated Legal Services

Table A: Reserved Legal Activities

Reserved Legal Activity	Description/ meaning	Who is authorised by CILEx Regulation to do this work?	Legal Exemption
Legal Services Act 2007 (LSA 2007)	Note: S.12 and Schedule 2 of the LSA 2007 sets out the reserved legal activities are and what they constitute		Note: S.19 and Schedule 3 of the LSA 2007 sets out the various exemptions that may allow you to conduct reserved legal activities. The most common examples are provided below. To see a full list of the exemptions please refer to Sch. 3 of the LSA 2007.
The administration of oaths	<p>Exercising powers conferred on a commissioner for oaths by</p> <ul style="list-style-type: none"> • the Commissioners for Oaths Act 1889; • the Commissioners for Oaths Act 1891; • S.24 of the Stamp Duties Management Act 1891 	All CILEX Fellows with a valid practising certificate	<ul style="list-style-type: none"> • Other legislation allows you to carry out the activity.
Exercising rights of audience (advocacy)	<p>The right to appear before and address a court, including the right to call and examine witnesses.</p> <p>Note: Does not include exercising the right in relation to any particular court or proceedings if no restriction was placed on the</p>	<p>Chartered Legal Executive Advocate (criminal, civil or family) with a valid practising certificate and working in a regulated firm.</p> <p>Note: We do not currently grant any authorisation to exercise rights of audience in the higher courts, including the crown court.</p>	<p>Para. 1, Sch.3 LSA 2007:</p> <ul style="list-style-type: none"> • A specific court grants you a right of audience in relation to specific proceedings; • another piece of legislation grants you a right of audience in relation to the proceedings; • you are assisting in the conduct of litigation as part of your usual work, under the instruction and

	<p>persons entitled to exercise that right immediately before the day s.13 LSA 2007 (restriction against carrying on reserved legal activities unless authorised or exempt) came into force.</p>		<p>supervision of a person authorised to conduct litigation (e.g. a CILEX Litigation Practitioner or practising solicitor) and the proceedings are being heard in chambers in the County Court or High Court (or in some cases, the family court depending on the type of case and judge). The instruction and supervision from the authorised person can be general, or specifically in relation to the proceedings.</p> <ul style="list-style-type: none"> You are a party to the proceedings and would have a right of audience in your capacity as a party if the LSA 2007 hadn't come into force.
<p>The conduct of litigation</p>	<p>Issuing, commencing, prosecuting and defending proceedings before any court (and some tribunals) in England and Wales, and performing any ancillary functions in relation to those proceedings (such as entering appearances to action.</p> <p>Note: Does not include any of these activities if there was no restriction placed on the persons entitled to conduct litigation in relation to a particular court or proceedings immediately before the day s.13 LSA 2007 came into force.</p>	<p>CILEX Practitioner with practice rights in criminal, civil and/or family litigation (as the case may be) with a valid practising certificate and working in a regulated firm.</p>	<p>Para. 2, Sch.3 LSA 2007:</p> <ul style="list-style-type: none"> the court grants you a right to conduct litigation in relation to the proceedings; another piece of legislation grants you a right to conduct litigation in relation to the proceedings; you are a party to the proceedings e.g. a litigant in person, and would have had had the right to conduct litigation in your capacity as a party if the LSA 2007 hadn't come into force. <p>Note: You can <u>assist</u> in the conduct of litigation where you are working under their instruction and supervision, of a person who is authorised to conduct litigation (e.g. e.g. a CILEX Litigation Practitioner or practising solicitor), but we would expect them to have overall responsibility for the case.</p>
<p>Reserved instrument activities</p> <p>(Relates to the transfer of land and real and</p>	<ul style="list-style-type: none"> Preparing any instrument of transfer or charge for the purposes of the Land Registration Act 2002, 	<p>CILEX Conveyancing Practitioner with a valid practising certificate and working in a regulated firm.</p>	<p>Para.3, Sch.3 LSA 2007</p> <ul style="list-style-type: none"> You prepare instruments or applications in the course of your duty as a public officer

<p>personal property, including the registration of charges and some aspects of conveyancing)</p>	<ul style="list-style-type: none"> • making an application or lodging a document for registration under that Act; and • preparing any other instrument relating to real or personal estate for the purposes of the law of England and Wales, or instrument relating to court proceedings in England and Wales <p>Note: does not include the preparation of an instrument relating to any particular court proceedings, if immediately before the day s.13 LSA 2007 came into force, no restriction was placed on the persons entitled to carry on those activities.</p> <p><i>“Instrument”</i> includes a contract for the sale or other disposition of land (save for a contract to grant a short lease) but excludes:</p> <ul style="list-style-type: none"> • wills or other testamentary instruments; • an agreement not intended to be executed as a deed, other than a contract that is included by virtue of the above provisions; • a letter or power of attorney; • a transfer of stock containing no trust or limitation of the transfer 		<ul style="list-style-type: none"> • you carry out the activities otherwise than for, or in expectation of, any fee, gain or reward (e.g. on a pro-bono basis); • You are working at the direction and under the supervision of your employer; a fellow employee; or a fellow manager or employee of a body authorised by an approved regulator to carry out probate activities. The person whose supervision you are working under must be entitled in their own right to carry out reserved instrument activities without relying on the first exemption (pro bono work).
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<p style="text-align: center;">Probate Activities</p>	<p>Preparing any papers on which to found or oppose:</p> <ul style="list-style-type: none"> • a grant of probate; or • letters of administration <p>for the purposes of the law of England and Wales, or in relation to proceedings in England and Wales.</p>	<p style="text-align: center;">CILEX Probate Practitioner with a valid practising certificate and working in a regulated firm.</p>	<p>Para.4, Sch.3 LSA 2007:</p> <ul style="list-style-type: none"> • you carry out probate activities otherwise than for, or in expectation of, any fee, gain or reward (e.g. on a pro-bono basis; as the personal representative of the deceased, provided you do so without charge or reward); • you carry out probate at the direction and under the supervision of your employer; a fellow employee; or a fellow manager or employee of a body authorised by an approved regulator to carry out probate activities. The person whose supervision you are working under must be entitled in their own right to carry out probate work without relying on the first exemption (pro bono work).
<p style="text-align: center;">Notarial Activities</p>	<p>Activities which were customarily carried on by notaries under the Public Notaries Act 1801 immediately before the day s.13 LSA 2007 came into force (restriction against carrying on reserved legal activities unless authorised or exempt).</p> <p>Note: Does not include reserved instrument and probate activities carried on under ss. 22 or 23 of the Solicitors Act 1974; nor the administration of oaths under s.113 of the Courts and Legal Services Act 1990.</p>	<p style="text-align: center;">CILEX Regulation does not provide any authorisation for notarial activities. The Master of Faculties is the only approved regulator for Notaries in England & Wales.</p>	<p>Para.5, Sch.3 LSA 2007:</p> <ul style="list-style-type: none"> • Other legislation allows you to carry out the activity

Note: Under s.13 LSA 2007 a person must be entitled to conduct a reserved activity, including probate (i.e. authorised or exempt). A Person includes a body, corporate or unincorporated (s.207 LSA 2007).

Under S.15 LSA 2007 if an employee (including managers of bodies (defined in s.207(1) LSA 2007 as partners, directors and managing shareholders) provides a reserved legal activity to the public as part of their employer’s business then employer will be deemed to be carrying out the activity as well. The employer (a person under s.207 LSA 2007) will therefore need to be authorised or exempt.

You can find a list of all the approved legal services regulators here: [Approved regulators - The Legal Services Board](#).

Table B: Regulated Legal Activities

Regulated Legal Activity	Description/ meaning	Who is authorised by CILEx Regulation to do this work?	Legal Exemption
<p>Immigration advice and services</p> <p>Immigration and Asylum Act 1999</p> <p>(IAA 1999)</p>	<p>S.82(1) IAA 1999</p> <ul style="list-style-type: none"> Giving advice in relation to a particular individual; or Making representations on behalf of a particular individual in civil proceedings before a UK court, tribunal, or adjudicator; or in correspondence with a government department or minister of the crown <p>In respect of:</p> <ul style="list-style-type: none"> Asylum claims Applications for, or the variation of, entry clearance, or leave to enter or remain in the UK Unlawful entry into the UK Nationality and citizenship under UK law Removal or deportation from the UK 	<p>CILEX Immigration Practitioner with a valid practising certificate</p>	<p>Ss. 84(4) & 84(5) IAA 1999</p> <ul style="list-style-type: none"> Acting as an employee, for the purposes, or under the control of a government department There are other exemptions under other pieces of legislation that apply to employers of those with work permits and licenced sponsors of students or worker migrants providing immigration advice to those persons, or their immediate families free of charge. <p>Note: If you are not a CILEX Immigration Practitioner, and an exemption does not apply to you, you may gain authorisation to provide immigration advice and services in any of the ways set out in s.84 of the Immigration and Asylum Act 1999. These include:</p> <ul style="list-style-type: none"> Registration with the Immigration Advice Authority (IAA) Authorisation from another qualifying regulator (ie the Solicitors Regulation Authority or Bar Standards Board) Acting on behalf of, or under the supervision of a CILEX Immigration Practitioner, IAA registered immigration practitioner, Solicitor, or Barrister who is authorised to provide immigration advice and services. This can be under a contract of employment, or otherwise.

	<ul style="list-style-type: none"> • Bail applications following immigration detention • Appeals or applications for judicial review in relation to decisions relating to the above (require Civil Litigation practice right to instruct a representative but cannot appear in Upper Tribunal) 		
Claims Management Activities Financial Services and Markets Act 2000 (FSMA 2000)	Lead generation activities (seeking out, referrals and identification of claims and potential claims) Advising a claimant; investigating a claim; or representing a claimant in respect of: <ul style="list-style-type: none"> • Financial services and products • a Personal injury claim • a housing disrepair claim • a specified benefit • a criminal injury • an employment related claim 	CILEx Regulation does not provide any specific authorisation for claims management activities. The Financial Conduct Authority (FCA) regulates claims management activities. See also Parts II & III FSMA 2000.	See Part 3 B Financial Services and Markets Act 2000 (Regulated Activities) Order 2001 s.89N: <ul style="list-style-type: none"> • Fellows (Chartered Legal Executives) • Individuals carrying on the activity at the direction of and under the supervision of an employer or fellow employee who is a Chartered Legal Executive, Solicitor, Barrister and certain other regulated legal professionals.
Insolvency work Insolvency Act 1986	Any individual who acts as a liquidator, trustee in bankruptcy, administrator, administrative receiver, or as nominee or supervisor of a voluntary arrangement (IVA or CVA) must be authorised to act as an Insolvency Practitioner by a Recognised Professional Body.	CILEx Regulation does not authorise insolvency practitioners. Information about the regulation of Insolvency practitioners can be found here .	See Part XIII Insolvency Act 1986