

# CILEx Regulation Practitioner Authorisation Rules

## Definitions

1. In these rules, the following definitions apply:

- “Admissions and Licensing Committee” means the Committee established by CILEx Regulation to deal with matters relating to these Rules;
- “Advocacy Certificate” means a Rights of Audience Certificate identified in these Rules;
- “Advocacy Skills Course” means an advocacy skills course approved in accordance with the Rights of Audience Certification Rules;
- “Appeals Panel” means the Panel established to hear appeals against decisions made by the Admissions and Licensing Committee following a rehearing;
- “Applicant in good standing” means a person in respect of whose conduct there is no complaint or misconduct matter outstanding, and against whom there is no disciplinary record which, in the view of CILEx Regulation, affects their suitability to be a Chartered Legal Executive or CILEx Practitioner;
- “Authorised person” means a person so described in the Legal Services Act 2007. An authorised person is defined by the Act as “a person who is authorised to carry on the relevant activity by a relevant approved regulator in relation to the relevant activity”;
- “Business Certificate” means a Business Certificate identified in these Rules;
- “Certificate of Eligibility” means a Certificate permitting an applicant to undertake an Advocacy Skills Course;
- “Chartered Legal Executive” means a CILEx member authorised by CILEx Regulation to conduct one or more reserved activities (also known as a Fellow of CILEx)
- “Chartered Legal Executive Litigator and Advocate” means a Fellow who has been granted a Litigation Certificate and a Rights of Audience Certificate by CILEx Regulation;
- “CILEx Institute Board” means the Board of the Chartered Institute;
- “CILEx Practitioner” means a person authorised to conduct Probate practice or Conveyancing practice as defined in these rules, but not authorised as a Chartered Legal Executive/Fellow of CILEx;
- “CILEx Regulation” means CILEx Regulation Ltd;
- “CILEx” means the Chartered Institute of Legal Executives;
- “Conveyancing Certificate” means a Conveyancing Certificate identified in these Rules;
- “CPD Regulations” means the Rules of CILEx Regulation which are in place to govern the continuing professional development of Chartered Legal Executives, CILEx Practitioners and members of CILEx;
- “Employment Certificate” means an Employment Certificate identified in these Rules;

- “Enforcement Rules” means the Rules of CILEx Regulation which are in place from time to time and which govern the complaints handling, misconduct investigation and disciplinary procedures of CILEx Regulation;
- “External advisor” means a person appointed by CILEx Regulation to carry out the roles and functions identified for them by CILEx Regulation;
- “Fellow” means a person who has met the requirements of CILEx Regulation (also known as a Chartered Legal Executive) and has paid all subscriptions and other fees to CILEx or has made arrangement for payment;
- “General Certificate” means a General Certificate identified in these Rules;
- “Immigration Advice” means advice which
  - a) Relates to a particular individual;
  - b) Is given in connection with one or more relevant matters;
  - c) Is given by a person who knows that he is giving it in relation to a particular individual and in connection with one or more relevant matters; and
  - d) Is not given in connection with representing an individual before a Court in criminal proceedings or matters ancillary to criminal proceedings;
- “Immigration Certificate” means a certificate authorising a person to provide immigration advice and services, as identified in these Rules;
- “Immigration Services” means the making of representations on behalf of a particular individual:
  - a) In civil proceedings before a Court, Immigration Services Tribunal or Adjudicator in the United Kingdom, or
  - b) In correspondence with a Minister of the Crown or Government department, in connection with one or more of the following matters:
    - (i) A claim for asylum;
    - (ii) An application for, or the variation of, entry clearance or leave to enter or remain in the United Kingdom;
    - (iii) Unlawful entry into the United Kingdom;
    - (iv) Nationality and Citizenship under the law of the United Kingdom;
    - (v) Citizenship of the European Union;
    - (vi) Admission to a Member State under Community Law;
    - (vii) Residence in a Member State in accordance with rights conferred by or under Community Law;
    - (viii) Removal or deportation from the United Kingdom;
    - (ix) An application for bail under the Immigration Act or under the Special Immigration Appeals Commission Act 1997;
    - (x) An appeal against, or an application for judicial review in relation to, any decision taken in connection with a matter referred to in Paragraph (i) to (x);
- “Litigation and Advocacy Certificate” means a litigation and advocacy certificate identified in these Rules;
- “Litigation Certificate” means a litigation certificate identified in these Rules;
- “Practice Certificate” means a “Practice Rights Certificate” or a “Litigation Certificate” or an “Advocacy Certificate” identified in these Rules;
- “Practice Rights Certificate” means a Conveyancing Certificate, Immigration Certificate, Probate Certificate, Employment Certificate, Business Certificate or General Certificate identified in these Rules;

- “Probate Certificate” means a Probate Certificate identified in these Rules;
- “Regulated legal activity” means
  - a) a reserved legal activity;
  - b) immigration advice or immigration services;
- “Reserved legal activity” has the same meaning as in the Act;
- “The Act” means the Legal Services Act 2007;
- “The Officer” means a person with responsibility for the Authorisation Rules.

#### NOTES ON THESE RULES

2. Reference to the male gender also includes female gender.
3. Words importing the singular include the plural and vice versa.

#### DELEGATIONS

4. Responsibility for this authorisation scheme is delegated to CILEx Regulation by CILEx.

### **Fellowship**

#### ELIGIBILITY

5. Applications for Fellowship can only be made by applicants who:
  - are currently in qualifying employment;
  - have at least three years qualifying employment; and
  - have been in qualifying employment for two consecutive years immediately preceding the date of the application.
6. A period of up to 43 weeks spent in attendance on a Legal Practice Course recognised by the Law Society of England and Wales in connection with qualification as a solicitor or the Bar Professional Training Course recognised by the Bar Council in connection with qualification as a Barrister will be treated as qualifying employment.
7. A break in employment for any reason does not count as qualifying employment. Where the break is less than 12 months, it will not break continuity of employment for the purpose of the requirement to serve 2 consecutive years in qualifying employment immediately preceding the date of the application.

#### DEFINITION OF QUALIFYING EMPLOYMENT

8. A person is in qualifying employment if he is employed either:
  - by an authorised person in private practice;
  - by an organisation where the employment is subject to supervision by an authorised person employed in duties of a legal nature by that organisation; and in either case
  - the work under the terms of his employment is, for at least 20 hours per week, wholly of a legal nature.
9. An applicant for Fellowship will be regarded as being employed if:
  - he is employed under a contract of service and is engaged on his employer’s business for specified hours; or

- he is a partner in any firm or is an owner of any company; or
  - at the discretion of CILEx Regulation, he is employed under a contract for services, whether he works as an independent contractor or provides services through an intervening agent.
10. Part-time employment may be accepted as qualifying employment, if the work undertaken provides the opportunity for practical expertise to be developed. Part-time employment is employment for less than 20 hours per week. CILEx Regulation shall have the power to determine that employment for less than 20 hours per week shall be regarded as part-time qualifying employment, where it decides it is appropriate to do so.
11. Unpaid work may be regarded as 'employment' for the purposes of these rules.

## ADMISSION

12. An applicant may be admitted as a Fellow if he is in qualifying employment and:
- He has been in qualifying employment for an aggregate of three years or more;
  - He has been in qualifying employment for at least two consecutive years immediately preceding the date of the application;
  - He has met the Chartered Legal Executive knowledge and competence requirements in accordance with the requirements set by CILEx Regulation;
  - He has paid all subscriptions and other fees payable by him to CILEx or has made arrangement for payment;
  - He provides an Employer's Endorsement signed by an authorised person within the meaning of the Legal Services Act 2007, or at the discretion of CILEx Regulation, any other person, who supervises his work or by whom he is employed, which confirms the nature of that work and that he is competent to be a Fellow; and
  - He accepts any obligations imposed on him by the Charter and Bye Laws and regulations and rules made by the CILEx Institute Board.

## APPLICATIONS

13. To qualify as a Fellow, applicants must be able to demonstrate competence against the knowledge and competence requirements set out at Annex A.
14. Applicants for Fellowship should demonstrate meeting the knowledge and competence requirements using the documentation prescribed by CILEx Regulation to produce a portfolio of evidence.
15. Applicants for Fellowship must complete all application forms required by CILEx Regulation and pay such fees as may be fixed by CILEx Regulation from time to time.

## DECISION MAKING

16. The decision to accept an applicant for Fellowship on the basis of his submitted application and portfolio of evidence may be made by an Officer of CILEx Regulation.
17. The Officer is not able to make a decision the on the following:

- Where an individual seeks guidance or a decision as to whether or not their employment constitutes qualifying employment and no earlier precedent has been set.
- Where an individual may be undertaking work which is similar to qualifying employment, but there is no authorised person employed to supervise his work.
- Applications from individuals who seek to rely on qualifying employment which took place more than three years preceding the date of their application.
- Where there is doubt about the nature of the work and whether the work constitutes qualifying employment.
- Where there is doubt as to whether the outcomes have been met or have been properly written up.

The Admissions and Licensing Committee will determine applications for Fellowship in accordance with the Membership Requirement Regulations, these rules and the Admissions and Licensing Committee Rules.

## Practice Rights

### ELIGIBILITY

#### *Immigration Certificate*

18. An applicant in good standing who
  - is applying for Fellowship, and
  - has three years' general legal experience including immigration practice experience in the two years preceding the application,
 may apply to CILEx Regulation to be granted an Immigration Certificate.
19. The immigration practice rights exercisable by a person holding an Immigration Certificate are to provide immigration advice and immigration services.

#### *Conveyancing Certificate*

20. An applicant in good standing who
  - has three years' general legal experience including conveyancing practice experience in the two years preceding the application, or
  - is applying for Fellowship and has three years' general legal experience including conveyancing practice experience in the two years preceding the application,
 may apply to CILEx Regulation to be granted a Conveyancing Certificate.
21. The Conveyancing Certificate will authorise a person to exercise reserved instrument rights. The reserved instrument rights exercisable by a person holding a Conveyancing Certificate are to:
  - a) Prepare any instrument of transfer or charge for the purposes of the Land Registration Act 2002;

- b) Make an application or lodge a document for registration under that Act;
- c) Prepare 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.

Instrument includes a contract for the sale or other disposition of land (except a contract to grant a short lease), but does not include

- a) A will or other testamentary instrument,
- b) An agreement not intended to be executed as a Deed, other than a contract that is included by virtue of the preceding provisions of this sub paragraph,
- c) A letter or Power of Attorney, or
- d) A transfer of stock containing no trust or limitation of the transfer.

“A short lease” means a lease referred to in Section 54(2) of the Law of Property Act 1925.

### *Probate Certificate*

22. An applicant in good standing who

- has three years’ general legal experience including probate practice experience in the two years preceding the application, or
  - is applying for Fellowship and has three years’ general legal experience including probate practice experience in the two years preceding the application,
- may apply to CILEx Regulation to be granted a Probate Certificate.

23. The practice rights exercisable by a person holding a Probate Certificate are to prepare any probate papers for the purposes of the law of England and Wales or in relation to any proceedings in England and Wales. Probate papers mean any papers on which to found or oppose a grant of probate or a grant of letters of administration.

### *Employment Certificate*

24. An applicant in good standing who

- is applying for Fellowship, and
  - has three years’ general legal experience including employment practice experience in the two years preceding the application
- may apply to CILEx Regulation to be granted an Employment Certificate.

25. The Employment Certificate will authorise a person to exercise rights to administer oaths.

### *Business Certificate*

26. An applicant in good standing who

- is applying for Fellowship, and
  - has with three years’ general legal experience including business practice experience in the two years preceding the application
- may apply to CILEx Regulation to be granted a Business Certificate.

27. The Business Certificate will authorise a person to exercise rights to administer oaths.

### *General Certificate*

28. An applicant in good standing who
- is applying for Fellowship,
  - and has three years' general legal experience, including experience in a distinct area of practice in the two years' preceding the application,
- may apply to CILEx Regulation to be granted a General Certificate.
29. The General Certificate will authorise a person to exercise rights to administer oaths.

### APPLICATIONS

30. Applicants who seek a Practice Rights Certificate should demonstrate meeting the knowledge and competence requirements by using the documentation prescribed by CILEx Regulation to produce a portfolio of evidence.
31. Applicants who seek a Practice Rights Certificate must complete all application forms required by CILEx Regulation and pay such fees as may be fixed by CILEx Regulation from time to time.

### *Immigration Certificate*

32. Applicants who seek an Immigration Certificate must be able to demonstrate they meet the knowledge and competence requirements set out at Annex 4 in accordance with the application guidelines set by CILEx Regulation.

### *Conveyancing Certificate*

33. Applicants who seek a Conveyancing Certificate must be able to demonstrate they meet the knowledge and competence requirements set out at Annex 5 in accordance with the application guidelines set by CILEx Regulation.

### *Probate Certificate*

34. Applicants who seek a Probate Certificate must be able to demonstrate they meet the knowledge and competence requirements set out at Annex 6 in accordance with the application guidelines set by CILEx Regulation.

### *Employment Certificate*

35. Applicants who seek an Employment Certificate must be able to demonstrate they meet the knowledge and competence requirements set out at Annex 7 in accordance with the application guidelines set by CILEx Regulation.

### *Business Certificate*

36. Applicants who seek a Business Certificate must be able to demonstrate they meet the knowledge and competence requirements set out at Annex 8 in accordance with the application guidelines set by CILEx Regulation.

### *General Certificate*

37. Applicants who seek a General Certificate must be able to demonstrate they meet the knowledge and competence requirements set out at Annex 9 in accordance with the application guidelines set by CILEx Regulation.

## DECISION MAKING

38. The Admissions and Licensing Committee established under the Admissions and Licensing Committee Rules shall be responsible for matters relating to these Rules.
39. In making any assessment or decision required by these Rules, the Admissions and Licensing Committee shall have regard to the relevant eligibility criteria, application guidelines, and the knowledge and competence requirements.
40. CILEx Regulation shall appoint external advisors to advise CILEx Regulation and the Admissions and Licensing Committee on matters relating to these Rules.
41. CILEx Regulation will consider an application for a Practice Rights Certificate to ensure it meets the relevant eligibility criteria, the application guidelines and the related knowledge and competence requirements.
42. The decision to approve an application for a Practice Rights Certificate may be made by an Officer of CILEx Regulation. In reaching their decision, the Officer will consider all the information provided by the applicant and may call for further information from any person or source it considers appropriate. Where the Officer has any doubt as to the suitability of the applicant they may request additional information from the applicant and/or refer the application to the Admissions and Licensing Committee for decision.
43. The portfolios which form part of the application may be sent to an external advisor for assessment. The external advisor will assess whether the portfolios meet the application guidelines and the relevant knowledge and competence requirements.
44. Where the external advisor finds that the portfolios are satisfactory, the CILEx Regulation Officer will decide whether the application may be approved. In reaching their decision, the Officer will consider all the information provided by the applicant and may call for further information from any person or source it considers appropriate. Where the Officer has any doubt as to the suitability of the applicant they may request additional information from the applicant and/or refer the application to the Admissions and Licensing Committee for decision.
45. Where the external advisor decides that the portfolios do not meet the relevant knowledge and competence requirements they will give reasons for their decision. They shall indicate what action the applicant needs to take to provide a satisfactory portfolio. The Officer will inform the applicant of the decision. The applicant may withdraw their application, amend and re-submit their application or make further representation and



ask that the full application be referred to the Admissions and Licensing Committee to consider.

46. The Admissions and Licensing Committee will decide whether or not an application referred to it should be approved. In reaching its decision, the Committee will consider all the information provided by the applicant, and may call the applicant for interview or call for further information from any person or source it considers appropriate.
47. The Admissions and Licensing Committee may:
  - Approve the application;
  - Decide that the applicant does not meet the criteria and indicate which of the criteria the applicant does not meet.
48. The Officer will notify an applicant of their decision or the decision of the Admissions and Licensing Committee.
49. Where the application has been approved, the notification shall include the Practice Rights Certificate.
50. Where the application is unsuccessful, the notification shall set out the reasons and any pre-conditions to the consideration of any subsequent application. Where an application is unsuccessful, the applicant may apply for reconsideration in accordance with the Admissions and Licensing Committee Rules.

## **Litigation and Advocacy Practice Rights**

### **ELIGIBILITY**

51. An applicant in good standing who
  - is applying for Fellowship, and
  - has three years' general legal experience including relevant litigation and advocacy experience in the two years preceding the application,may apply to CILEx Regulation to be granted one or more of the following Certificates:
  - A Rights to Conduct Litigation (Civil Proceedings) Certificate;
  - A Rights to Conduct Litigation (Family Proceedings) Certificate;
  - A Rights to Conduct Litigation (Criminal Proceedings) Certificate.
52. An applicant must, at the same time as their application for a Litigation Certificate, apply to CILEx Regulation to be granted one or more of the following Rights of Audience Certificates which relate to the same proceedings as the Litigation Certificate:
  - A Rights of Audience (Civil Proceedings) Certificate in Judge's Room;
  - A Rights of Audience (Family Proceedings) Certificate in Judge's Room;
  - A Rights of Audience (Civil Proceedings) Certificate;
  - A Rights of Audience (Family Proceedings) Certificate;
  - A Rights of Audience (Criminal Proceedings) Certificate.
53. The Rights to Conduct Litigation exercisable by a person holding a Litigation Certificate are set out below:
  - Rights to Conduct Litigation (Civil Proceedings) Certificate: To conduct litigation in all civil proceedings excluding family proceedings;

- Rights to Conduct Litigation (Family Proceedings) Certificate: To conduct litigation in all family proceedings;
- Rights to Conduct Litigation (Criminal Proceedings) Certificate: To conduct litigation in all criminal proceedings.

54. The rights of audience exercisable by a person holding an Advocacy Certificate are set out below:

- Rights of Audience (Civil Proceedings) Certificate in Judge's Room:
  - to exercise rights of audience in Judge's room hearings in the County Court and High Court in all civil proceedings excluding family proceedings.
- Rights of Audience (Civil Proceedings) Certificate:
  - to exercise rights of audience in Judge's room hearings in the County Court and High Court in all civil proceedings excluding family proceedings;
  - to appear in open Court in the County Court in all actions, except family proceedings;
  - to appear before Magistrates, District Judges (Magistrates' Court) or Justices' Legal Advisers in the Magistrates' Courts in relation to all civil and enforcement matters;
  - to appear before any tribunal having jurisdiction in England and Wales, which is listed in Schedule 6 of the Tribunals, Courts and Enforcement Act 2007 (as amended or substituted from time to time) where the tribunal rules provide for a non-discretionary right of audience being available to barristers, solicitors and CILEx advocates;
  - to appear before Coroners' Courts in respect of all matters determined by those Courts and to exercise rights of audience similar to those exercised by solicitors and barristers. A Civil Proceedings Certificate does not confer a right of audience in any proceedings for which a Family Proceedings Certificate is required.
- Rights of Audience (Family Proceedings) Certificate in Judge's Room:
  - to exercise rights of audience in Judge's room hearings in the Family Court and High Court, except reserved proceedings, in all family proceedings.
- Rights of Audience (Family Proceedings) Certificate:
  - to exercise rights of audience in Judge's room hearings in the Family Court and High Court, in all family proceedings;
  - to appear in the Family Court in all proceedings;
  - to appear before Coroners' Courts in respect of all matters determined by those Courts and to exercise rights of audience similar to those exercised by solicitors and barristers.
- Rights of Audience (Criminal Proceedings) Certificate:
  - to appear before Justices Clerks, Justices or a District Judge (Magistrates' Court) in all adult Magistrates' Courts in relation to all matters within that Court's criminal jurisdiction;
  - to appear before Justices Clerks, Justices or a District Judge (Magistrates' Court) in all Youth Courts in relation to all matters within that Court's criminal jurisdiction;
  - to appear in the Crown Court or High Court before a judge in chambers to conduct bail applications;

- to appear in the Crown Court on appeal from the Magistrates' Court, the Youth Court or on committal of an adult for sentence or to be dealt with, if they, or any approved person in the same employment as them, appeared on behalf of the defendant in the Magistrates' Court or Youth Court;
- to appear before Coroners' Courts in respect of all matters determined by those Courts and to exercise rights of audience similar to those exercised by solicitors and barristers.

## APPLICATIONS

### *Rights to Conduct Litigation Certificates*

55. Applicants who seek a Rights to Conduct Litigation (Civil Proceedings) Certificate must demonstrate that they meet the knowledge and competence requirements set out at Annex 1, in accordance with the application guidelines set by CILEx Regulation.
56. Applicants who seek a Rights to Conduct Litigation (Criminal Proceedings) Certificate must demonstrate that they meet the knowledge and competence requirements set out at Annex 2, in accordance with the application guidelines set by CILEx Regulation.
57. Applicants who seek a Rights to Conduct Litigation (Family Proceedings) Certificate must demonstrate that they meet the knowledge and competence requirements set out at Annex 3, in accordance with the application guidelines set by CILEx Regulation.
58. Applicants who seek a Litigation Certificate should demonstrate meeting the knowledge and competence requirements by using the documentation prescribed by CILEx Regulation to produce a portfolio of evidence.

### *Rights of Audience – Application for Certificate of Eligibility*

59. Applicants must make an application for a Certificate of Eligibility to undertake the rights of audience skills course relevant to the Certificate they seek.
60. Applicants who seek a Rights of Audience (Civil Proceedings) Certificate in Judge's room or a Rights of Audience (Civil Proceedings) Certificate must demonstrate that they meet the knowledge and competence requirements set out at Annex 1, in accordance with the application guidelines set by CILEx Regulation.
61. Applicants who seek a Rights of Audience (Criminal Proceedings) Certificate must demonstrate that they meet the knowledge and competence requirements set out at Annex 2, in accordance with the application guidelines set by CILEx Regulation.
62. Applicants who seek a Rights of Audience (Family Proceedings) Certificate in Judge's Room or a Rights of Audience (Family Proceedings) Certificate must demonstrate that they meet the knowledge and competence requirements set out at Annex 3, in accordance with the application guidelines set by CILEx Regulation.
63. Applicants who seek a Certificate of Eligibility should demonstrate meeting the knowledge and competence requirements by using the documentation prescribed by CILEx Regulation to produce a portfolio of evidence.
64. Where an applicant who has met the criteria set out in the application guidelines, the relevant knowledge and competence requirements, and has completed an advocacy

skills course and qualification which is of a similar standard they may seek an exemption from the requirement to undertake the advocacy skills course and assessment. In making such an application for exemption, the applicant will be required to provide an outline of the advocacy skills course and assessment they completed, along with the results they obtained. CILEx Regulation will assess whether the course and assessment meet the advocacy skills course and assessment criteria set out in the Rights of Audience Qualification Scheme. An exemption will be granted where an applicant is able to demonstrate that the course and assessment covered at least 50% of the course outcomes and assessment criteria set out in the Rights of Audience Qualification Scheme. Where an applicant is unable to demonstrate that they meet the course outcomes and assessment criteria, they will be required to complete the advocacy skills course and assessment.

65. An application for a Rights to Conduct Litigation Certificate and a Certificate of Eligibility for Rights of Audience shall be made on such a form as may be prescribed for the purpose by CILEx Regulation and shall be accompanied by such fee as may be fixed by CILEx Regulation from time to time.

#### *Decision making*

66. Decisions about applications for a Rights to Conduct Litigation Certificate and a Certificate of Eligibility for Rights of Audience will be governed by Rules 41 to 48, save that in Rule 41, reference to Practice Rights Certificate should be a reference to a Rights to Conduct Litigation Certificate and a Certificate of Eligibility for Rights of Audience.
67. Where the application has been approved the notification shall include the Certificate(s) of Eligibility for Rights of Audience and an indication that the Rights to Conduct Litigation Application has been approved. The Certificate of Eligibility for Rights of Audience will specify which of the advocacy skills course options the applicant may take. The Litigation Certification may only be granted on the successful completion of the associated Rights of Audience skills course and assessment, and admission as a Fellow.
68. Where the application is unsuccessful, the notification shall set out the reasons and any preconditions to the consideration of any subsequent application. Where an application has been unsuccessful the applicant may apply for reconsideration in accordance with the Admissions and Licensing Committee Rules.

#### *Advocacy Skills Courses*

69. Upon receiving a Certificate of Eligibility an applicant will complete a Judge's room or full advocacy skills course in accordance with the Rights of Audience they seek.
70. Courses must meet the qualification criteria which are set out in the Rights of Audience Qualification Scheme. Courses will be assessed in accordance with the assessment criteria which are set out in the Rights of Audience Qualification Scheme. Advocacy skills courses will be provided by course providers who are accredited by CILEx Regulation in accordance with the Rights of Audience Certification Rules.
71. Where an applicant fails to start an advocacy skills course within 12 months of being granted a Certificate of Eligibility, they must make a fresh application for such a Certificate before they may start an advocacy skills course. In exceptional cases the

Admissions and Licensing Committee or the CILEx Regulation Officer may exercise discretion to extend the duration of a Certificate of Eligibility.

#### **AWARD OF LITIGATION AND ADVOCACY CERTIFICATE**

72. Upon successfully demonstrating that they meet the criteria for a Rights to Conduct Litigation Certificate and successful completion of the Judge's room or full advocacy course an applicant may apply for a Litigation and Advocacy Certificate.
73. Applicants who seek a Litigation and Advocacy Certificate must complete all application forms required by CILEx Regulation and pay such fees as may be fixed by CILEx Regulation from time to time.
74. The Officer will process the application for a Litigation and Advocacy Certificate. The applicant shall be granted a Litigation and Advocacy Certificate provided the Officer is satisfied that the applicant:
  - is a Fellow in good standing;
  - has met the relevant knowledge and competence requirements; and
  - has completed and passed an advocacy skills course and assessment.
75. Where the Officer has any doubt as to the suitability of the applicant to be awarded a Litigation and Advocacy Certificate, they may request additional information from the applicant and/or refer the application to the Admissions and Licensing Committee for decision.
76. Applications referred to the Admissions and Licensing Committee will be governed by Rules 46-47.
77. Notification of application decisions will be governed by Rules 48-50, save that in Rule 49 reference to Practice Rights Certificate should be a reference to the Litigation and Advocacy Certificate.

#### **AWARD OF HIGHER RIGHTS OF AUDIENCE**

78. A Chartered Legal Executive Litigator and Advocate may apply to be authorised to exercise Higher Rights of Audience provided they have successfully completed the first renewal of their advocacy certificate.
79. Applicants holding either a Rights of Audience (Civil Proceedings) Certificate or a Rights of Audience (Family Proceedings) Certificate will be eligible to apply for a Higher Rights (Civil Proceedings) Certificate.
80. Applicants holding a Rights of Audience (Criminal Proceedings) Certificate will be eligible to apply for a Higher Rights (Criminal Proceedings) Certificate.
81. Applicants who seek a Higher Rights (Civil Proceedings) Certificate must demonstrate that they meet the knowledge and competence requirements set out in the Standards for CILEX Higher Court Advocates in Civil Proceedings, in accordance with the application guidelines set by CILEx Regulation.
82. Applicants who seek a Higher Rights (Criminal Proceedings) Certificate must demonstrate that they meet the knowledge and competence requirements set out in the Standards for CILEX Higher Court Advocates in Criminal Proceedings, in accordance with the application guidelines set by CILEx Regulation.

### *Higher Rights Advocacy Skills Courses*

83. Upon successful completion of the first renewal of the relevant Rights of Audience Certificate, an applicant will be required to complete a Higher Rights advocacy skills course in accordance with the Higher Rights of Audience they seek.
84. Courses must meet the qualification criteria established by CILEx Regulation. Courses will be assessed in accordance with the assessment criteria defined by CILEx Regulation. Higher Rights advocacy skills courses will be provided by course providers who are accredited by CILEx Regulation.

### AWARD OF HIGHER RIGHTS ADVOCACY CERTIFICATE

85. Upon successfully demonstrating that they meet the criteria for award of Higher Rights advocacy, an applicant may apply for a Higher Rights Advocacy Certificate in their relevant specialism.
86. Applicants who seek a Higher Rights Advocacy Certificate must complete all the application forms required by CILEx Regulation and pay such fees as may be fixed by CILEx Regulation from time to time.
87. The Officer will process the application for a Higher Rights Advocacy Certificate. The applicant shall be granted a Higher Rights Advocacy Certificate provided the Officer is satisfied that the applicant:
  - is a Fellow in good standing;
  - has met the relevant knowledge and competence requirements; and
  - has completed and passed a Higher Rights advocacy skills course.
88. Where the Officer has any doubt as to the suitability of the applicant to be awarded a Higher Rights Advocacy Certificate, they may request additional information from the applicant and/or refer the application to the Admissions and Licensing Committee for decision.
89. Applications referred to the Admissions and Licensing Committee will be governed by Rules 46-47.
90. Notification of application decisions will be governed by Rules 48-50, save that in Rule 49 reference to Practice Rights Certificate should be a reference to the Higher Rights Advocacy Certificate.

### **Authorised Persons at CILEx Regulation**

91. An applicant who has been awarded Fellowship, a Litigation and Advocacy (Civil Proceedings) Certificate and a Higher Rights Advocacy Certificate will be a **Chartered Legal Executive Litigator and Higher Rights Advocate (Civil Litigation)**.
92. An applicant who has been awarded Fellowship, a Litigation and Advocacy (Criminal Proceedings) Certificate and a Higher Rights Advocacy Certificate will be a **Chartered Legal Executive Litigator and Higher Rights Advocate (Criminal Litigation)**.

93. An applicant who has been awarded Fellowship and a Litigation and Advocacy (Civil Proceedings) Certificate will be a **Chartered Legal Executive Litigator and Advocate (Civil Litigation)**.
94. An applicant who has been awarded Fellowship and a Litigation and Advocacy (Criminal Proceedings) Certificate will be a **Chartered Legal Executive Litigator and Advocate (Criminal Litigation)**.
95. An applicant who has been awarded Fellowship and a Litigation and Advocacy (Family Proceedings) Certificate will be a **Chartered Legal Executive Litigator and Advocate (Family Litigation)**.
96. An applicant who has been admitted as a Fellow and awarded an Immigration Certificate will be known as a **Chartered Legal Executive (Immigration)**.
97. An applicant who has been admitted as a Fellow and awarded a Conveyancing Certificate will be known as a **Chartered Legal Executive (Conveyancing)**.
98. An applicant who has been admitted as a Fellow and awarded a Probate Certificate will be known as a **Chartered Legal Executive (Probate)**.
99. An applicant who has been awarded a Conveyancing Certificate will be known as a **CILEx Practitioner (Conveyancing)**.
100. An applicant who has been awarded a Probate Certificate will be known as a **CILEx Practitioner (Probate)**.
101. An applicant who has been admitted as a Fellow and awarded an Employment Certificate will be known as a **Chartered Legal Executive (Employment)**.
102. An applicant who has been admitted as a Fellow and awarded a Business Certificate will be known as a **Chartered Legal Executive (Business)**.
103. An applicant who has been admitted as a Fellow and awarded a General Certificate will be known as a **Chartered Legal Executive**.

#### RENEWAL OF ADVOCACY CERTIFICATES

104. The first Advocacy Certificate issued to a Chartered Legal Executive Litigator and Advocate will be valid until either 1 June or 1 December, whichever is the earlier, after 12 months have elapsed from the date on which that Certificate was issued. Thereafter, any Advocacy Certificate will be valid indefinitely.
105. Applicants who seek first renewal of an Advocacy certificate must complete all application forms required by CILEx Regulation and pay such fees as may be fixed by CILEx Regulation from time to time.
106. An applicant for first renewal of an Advocacy certificate must be able to demonstrate he meets the relevant knowledge and competence requirements using documentation prescribed by CILEx Regulation to produce a portfolio of evidence. Criminal advocates will also be required, as part of their CPD requirements, to undertake and evidence completion of vulnerable witness training as stipulated by CILEx Regulation as part of their first Advocacy Certificate renewal.
107. Decisions about applications for the first renewal of an Advocacy Certificate will be governed by Rules 42 to 50, save that in Rule 49, reference to Practice Rights Certificate should be a reference to the Advocacy Certificate.

## LAPSED ADVOCACY CERTIFICATES

108. A Chartered Legal Executive Litigator and Advocate who has held a Litigation and Advocacy Certificate which has lapsed may apply for that certificate to be renewed.
109. Applicants who seek renewal of a lapsed Litigation and Advocacy certificate must complete all application forms required by CILEx Regulation and pay such fees as may be fixed by CILEx Regulation from time to time.
110. An applicant for renewal of a lapsed Litigation and Advocacy certificate must be able to demonstrate he meets the relevant knowledge and competence experience requirements using documentation prescribed by CILEx Regulation to produce a portfolio of evidence.
111. CILEx Regulation will consider an application to renew a lapsed Litigation and Advocacy Certificate to ensure it meets the relevant eligibility criteria, the application guidelines and the related knowledge and competence requirements.
112. Decisions about applications to renew a lapsed Litigation and Advocacy Certificate will be made by the Admissions and Licensing Committee.
113. The portfolios which form part of the application may be sent by the Officer to an external advisor for assessment. The external advisor will assess whether the portfolios meet the application guidelines and the relevant knowledge and competence requirements.
114. Where the Officer/external advisor finds that the portfolios are satisfactory, the Officer will refer the application to the Admissions and Licensing Committee for decision.
115. Where the Officer/external advisor decides that the portfolios do not meet the relevant knowledge and competence requirements they will give reasons for their decision. They shall indicate what action the applicant needs to take to provide a satisfactory portfolio. The Officer will inform the applicant of the decision. The applicant may withdraw their application, amend and re-submit their application or make further representation and ask that the full application be referred to the Admissions and Licensing Committee to consider.
116. Applications to renew of a lapsed Litigation and Advocacy certificate referred to the Admissions and Licensing Committee will be governed by rules 46 to 50 save that in rule 49 reference to a Practice Rights Certificate should be reference to the Litigation and Advocacy Certificate.
117. A lapsed Litigation and Advocacy Certificate is one which has expired and has not been renewed, whether by decision of the holder of the certificate or as a result of a decision of the Admissions and Licensing Committee.
118. Where a Litigation and Advocacy Certificate which has lapsed is renewed by the Admissions and Licensing Committee it will be valid indefinitely.

## CONTINUING PROFESSIONAL DEVELOPMENT

119. Chartered Legal Executives and CILEx Practitioners are required to undertake Continuing Professional Development (CPD) in accordance with the CPD regulations issued by CILEx Regulation from time to time.



120. Where a Chartered Legal Executive or CILEx Practitioner's Practice Certificate has been withdrawn for 12 months or more, on the basis that they have not met their CPD requirements, they will be required to make a fresh application for a Practice Certificate in accordance with these Rules.

#### DISCIPLINARY PROCEDURES AND CODE OF CONDUCT

121. Chartered Legal Executives and CILEx Practitioners will be required to abide by the Code of Conduct of CILEx for the time being in force. They will also be bound by the associated regulatory arrangements in force from time to time.
122. Where a complaint is made, or an issue is brought to the attention of CILEx Regulation, regarding the conduct of a Chartered Legal Executive or CILEx Practitioner, that matter will be dealt with in accordance with the CILEx Regulation Enforcement Rules.
123. Where a finding, order or decision is made against a Chartered Legal Executive or CILEx Practitioner, that finding, order or decision will be referred to the Admissions and Licensing Committee. The Admissions and Licensing Committee will decide whether the Chartered Legal Executive or CILEx Practitioner remains a suitable person to hold a Practice Certificate. The Admissions and Licensing Committee must give reasons for its decision.
124. Rule 108 shall not apply where an order is made excluding a Chartered Legal Executive or CILEx Practitioner from registration of CILEx Regulation or membership of CILEx. In such a case the Chartered Legal Executive or CILEx Practitioner's Practice Certificate shall be invalid from the date the exclusion from membership or registration takes effect.
125. Where the Admissions and Licensing Committee decides that the Chartered Legal Executive or CILEx Practitioner is no longer a suitable person to hold a Practice Certificate or their Practice Certificate is invalid in accordance with Rule 108, they must return their Practice Certificate to CILEx Regulation within 28 days of them being notified of the decision. Failure to do so will constitute a disciplinary offence. The Chartered Legal Executive or CILEx Practitioner may not exercise any practice rights granted to them under their Practice Certificate after they have been notified of the decision.
126. Notwithstanding the Admissions and Licensing Committee Rules an appeal against the decision of the Admissions and Licensing Committee that a Chartered Legal Executive or CILEx Practitioner is no longer a suitable to hold a Practice Certificate will be considered by a professional member and two lay members drawn from the panel of lay and professional members appointed to serve on CILEx Regulation's Appeals Panel.

## **Annexes**

Annex A: Chartered Legal Executive knowledge and competence requirements

Annex 1: Chartered Legal Executive Litigator and Advocate (Civil Litigation)

Annex 2: Chartered Legal Executive Litigator and Advocate (Criminal Litigation)

Annex 3: Chartered Legal Executive Litigator and Advocate (Family Litigation)

Annex 4: Chartered Legal Executive (Immigration)

Annex 5: Chartered Legal Executive (Conveyancing)

Annex 6: Chartered Legal Executive (Probate)

Annex 7: Chartered Legal Executive (Employment)

Annex 8: Chartered Legal Executive (Business)

Annex 9: Chartered Legal Executive

## **ANNEX A - Chartered Legal Executive knowledge and competence requirements**

### **Technical knowledge requirements**

#### ***General knowledge requirements for all Chartered Legal Executives / Fellows***

Minimum content:

##### Stage 1

- Introduction to law and legal practice
- Introduction to dispute resolution
- Introduction to conveyancing
- Introduction to criminal practice
- Introduction to wills and probate
- Introduction to public law
- Introduction to equality and human rights law
- Introduction to legal technology
- Conduct and professional ethics

##### Stage 2

- Contextualised legal technology
- Conduct and professional ethics

##### Chartered Legal Executive

- Basic accounts
- Specialist legal technology
- Conduct and professional ethics

##### Knowledge requirements specific to a Chartered Legal Executive

Minimum Content:

This will depend on the distinct area of practice in which Chartered Legal Executive status is sought, but the minimum requirements will be:

- Law element: set and assessed at Level 6, comprising not less than 15 credits (approximately 150 hours of guided learning)
- Practice element: set and assessed at Level 6, comprising not less than 15 credits (approximately 150 hours of guided learning)

### **Competence requirements**

#### ***Application of law and practice***

- Undertake legal research
- Critically analyse facts and law
- Synthesise all relevant information
- Find solutions
- Draft legal documents

***Communication***

- Communicate orally and in writing clearly and effectively
- Negotiate effectively
- Advocate (formally or informally as appropriate)
- Develop, maintain and manage 3rd party relationships

***Client relationship***

- Take instructions
- Evaluate options and risks to the client
- Communicate advice
- Manage expectations
- Provide good customer service

***Effective working practices***

- Progress matters
- Plan workload and manage files
- Caseload management
- Understand and utilise innovation

***Business awareness***

- Identify and evaluate options and risks
- Undertake business development
- Network
- Identify marketing opportunities
- Understand and use financial management tools

***Self development***

- Reflect and self-evaluate, including understanding your own limitations and the need for adaptability.
- Develop awareness of the role of your own emotions within the workplace and recognise the emotions and vulnerabilities of clients.
- Foster personal physical and mental wellbeing and contribute where possible to a positive workplace environment.
- Identify and undertake professional development necessary to ensure competence and good practice and a commitment to supervisory requirements.
- Demonstrate leadership and management skills (optional).

***Conduct, ethics and professionalism***

- Identify, understand and put into practice the CILEx Regulation Code of Conduct
- Identify, understand and put into practice all relevant legal and regulatory requirements (e.g. data protection)
- Understand and put into practice the principles of client care
- Provide certainty and clarity as to the legal services being provided and the basis of charging
- Understand and put into practice complaint handling requirements
- Understand and put into practice, principles of equality and diversity, including the needs of vulnerable consumers

- Identify situations where ethical, legal or regulatory requirements are engaged and take appropriate action
- Resist pressure to condone, ignore or act unethically

***Use of technology***

- Use available technology
- Identify uses for emerging technology and recommend implementation appropriately
- Understand ethical challenges of technology and use technology ethically