

<b>Date:</b>	15 July 2025
<b>Item:</b>	09.00
<b>Author:</b>	Mark Wood, Head of Education
<b>Title:</b>	Draft 2 <sup>nd</sup> Consultation on Stand-alone Litigation Practice Rights Development
<b>Purpose:</b>	This paper sets out the proposed consultation on and changes to regulatory arrangements to enable CILEx Regulation (CRL) to authorise Chartered Legal Executives (CLEs) with stand-alone litigation practice rights
<b>Recommendation:</b>	To DISCUSS and APPROVE the proposed development and the associated consultation
<b>Timing:</b>	We intend to run the 2 <sup>nd</sup> consultation for 6 weeks between early August and mid-September
<b>Impact assessment</b>	N/A
<b>Impact on Regulatory Objectives</b>	<p>This proposal will have a positive impact on the following LSB Regulatory Objectives:</p> <p><b>RO3:</b> Improving access to justice</p> <p><b>RO5:</b> Promoting competition in the provision of services</p> <p><b>RO6:</b> Encouraging an independent, strong, diverse and effective legal profession</p> <p><b>RO8:</b> Promoting and maintaining adherence (by authorised persons) to the professional principles</p>
<b>Implications for Resources</b>	This is being managed within existing resources
<b>Impact on Consumer Empowerment</b>	N/A
<b>Impact on Ongoing Competence</b>	N/A
<b>Publication Status</b>	Draft 2 <sup>nd</sup> consultation and draft amended Practitioner Authorisation Rules, Rights to Conduct Litigation and Rights of Audience Certification Rules and Rights to Conduct Litigation and Rights of Audience Certification Rules
<b>Appendices</b>	09.01 Draft 2 <sup>nd</sup> consultation document

	<p>(The following have been sent as a separate annex due to their length)</p> <p>09.02 Legacy Litigation Practice Rights - Portfolio Route to Authorisation</p> <p>09.03 Legacy Litigation Practice Rights - ULaw Route to Authorisation</p> <p>09.04 New Education Standards Litigation Practice Rights Route to Authorisation</p> <p>09.05 Advocacy Practice Rights – Route to Authorisation</p> <p>09.06 Draft Rights to Conduct Litigation and Rights of Audience Certification Rules</p> <p>09.07 Draft Practice Rights Certificate for Chartered Legal Executive Rules (PRCCLER)</p> <p>09.08 Draft Practitioner Authorisation Rules</p>
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## Background

1. CRL gained LSB authorisation to grant rights to conduct litigation to Chartered Legal Executives in March 2013 but only in conjunction with advocacy practice rights.
2. In its 2013 application to the LSB, CRL (or ILEX Professional Standards (IPS) as it was known) stated that:

*'The ability to exercise rights of audience will enable Chartered Legal Executive Litigators and Advocates to provide a full, efficient and cost-effective service to consumers. It is frequently not in the best interest of the client or the court for responsibility for advocacy in the case to have to be transferred to another advocate. Involving a second fee-earner in a case where it is not required by the nature or complexity of the matter, has a number of disadvantages. The Chartered Legal Executive Litigator and Advocate will have handled the early stages of the case effectively and they will know the case well and therefore are often the best placed person to represent the client at the hearing.'*

## Rationale for Proposed Development

3. Based on feedback from CILEX members received by both CRL and CILEX, we undertook a consultation which ran from 26 March to 21 May 2025 to measure the level of support for the proposal to make an application to the LSB to be able to authorise Chartered Legal Executives with stand-alone litigation practice rights.
4. We received 138 responses to the 6-week consultation with over 95% of respondents in favour of the proposal. Below is a summary of the responses to the six questions asked:

Question	Summary of responses
1. Do you agree that CRL should make an application to the LSB to be able to authorise chartered legal executives with stand-alone litigation practice rights under the legacy education standards?	97% of respondents were in favour of CRL pursuing the proposal.
2. Do you agree that CRL should make an application to the LSB to be able to create three new Specialist Pathways in the new Education Standards to authorise new applicants with stand-alone litigation practice rights?	95% of respondents in favour.
3. Would you be interested in submitting an application to CRL to gain stand-alone litigation practice rights in the future?	Over 83% of respondents indicated that they would be interested
4. Would you be interested in seeking stand-alone litigation practice rights in more than one of the three litigation areas, i.e. civil, criminal and family?	36% of respondents confirmed they would be interested in gaining practice rights in more than one specialist area.

5. What combination of litigation areas would you be interested in seeking authorisation for?	29% of respondents selected civil and criminal; 38% selected civil and family; 10% opted for criminal and family and finally, 23% indicated they would be interested in gaining authorisation for all 3 areas.
6. Do you have any other comments?	Of those responses that were relevant to the question, the majority were positive. Comments included, 'not before time', 'this is a great development', 'I believe introducing litigation rights only will benefit myself and others on the CILEX journey, and 'Our firm has always and will always use barristers to advocate.'

5. Given the overwhelming support for this proposal, we have developed a second consultation to seek stakeholder views on the necessary Rule changes to effect this change.

### **Additional impact of changes in apprenticeship funding**

6. Following a lengthy review, in May this year the UK government announced that funding of Level 7 apprenticeships would be removed for Apprentices aged 22 and over with effect from 1 January 2026. This impacts CRL's Chartered Legal Executive Litigator and Advocate apprenticeship standard and the SRA's Solicitor apprenticeship standard, both of which are at Level 7.
7. However, by developing 3 new Specialist Pathways for stand-alone litigation practice rights in the new Education Standards at Level 6, we can include these new routes within the Chartered Legal Executive Level 6 Apprenticeship Standard which is not impacted by the funding changes. This has been supported by Skills England, the Chair of Chartered Legal Executive Apprenticeship Trailblazer Group, CILEX and Datalaw.
8. Apprentices wishing to gain rights of audience and authorisation as a Chartered Legal Executive Litigator and Advocate would only need to self-fund completion of a CRL approved Advocacy skills course.
9. In effect CRL would be the only legal regulator to offer a government funded route to authorisation as an Authorised Person.

### **Timeline**

10. Subject to Board feedback and approval, we intend to consult on the proposed rule changes between early August and mid-September 2025 with the intention of submitting a draft regulatory change application to the LSB by the end of September 2025. This will enable us to implement in time for the change in apprenticeship funding.

Activity	Timing
CRL Board approval of 2 <sup>nd</sup> consultation	15 July 2025
Publish 2 <sup>nd</sup> stand-alone litigation practice rights 2 <sup>nd</sup> consultation	Early August
Draft Alteration Application submitted to LSB for feedback	End September 2025
Submission of Alternation Application for regulatory change	October 2025
Implementation	January 2026

### Recommendation

11. The Board is asked to **DISCUSS** and **APPROVE** the proposed 2<sup>nd</sup> Consultation and amended rules.