



Stand-alone Litigation Practice Rights Consultation

Executive Summary

CRL consulted stakeholders earlier in the year to gauge interest in creating pathways to authorise Chartered Legal Executives to gain standalone litigation rights. The response was clear; over 95% of respondents were supportive. We are now consulting on the requisite Rule changes to enable this.

In this consultation, we are providing:

- Clarification on the various routes to authorisation of stand-alone litigation practice rights;
- Copy of amended rules to reflect the changes to requirement for members to submit a dual application for both litigation and advocacy practice rights;
- Confirmation of the new authorised titles that will be issued to successful applicants upon approval.

Your views will help inform and develop our offer for stand-alone litigation practice rights and assist us in preparing the LSB Alteration Application which we hope to submit in October 2025.

Introduction

This consultation would be of interest to members, other approved regulators, consumers of legal services and any other interested parties.

1. CILEx Regulation (CRL) is the independent regulator for chartered legal executives, other grades of CILEX members, CILEX Practitioners and Firms. We take a risk-based and outcomes focused approach to regulation by working constructively with our regulated community to ensure that they deliver the best outcomes for clients. We have set clear principles within our Code of Conduct and inform the public of the standards they can expect. We believe this provides a balanced approach.
2. We have previously consulted our regulatory community on whether CRL should make an application to the Legal Services Board (LSB) to be able to create routes/pathways to authorise Chartered Legal Executives with stand-alone litigation practice rights.
3. The purpose of this consultation is to consider changes to the following CRL Rules that will facilitate the proposed routes to authorisation:
 - Rights to conduct litigation and rights of audience certificate rules;
 - Practice rights certificate for chartered legal executives rules;
 - Practitioner authorisation rules.
4. This consultation will run for **6 weeks** from **X August 2025**, closing at **4pm on Y September 2025**.

Background

5. CRL currently awards litigation practice rights only to applicants who are also seeking advocacy practice rights. Litigation practice rights are available in the following specialist areas:
 - Dispute Resolution (Civil Litigation);
 - Criminal Litigation;
 - Family Litigation.
6. When ILEX Professional Standards (IPS) (the then name for CRL) sought LSB authorisation to offer litigation and advocacy practice rights to chartered legal executives in 2013, the application stated:

‘A person conducting litigation often needs to exercise rights of audience in connection with the litigation matter. A litigator may need to exercise rights of audience in chamber proceedings or open court proceedings in the lower courts in the context of litigation proceedings they are dealing with. In many cases, it will be appropriate, disproportionate or impossible to instruct another lawyer to undertake advocacy on their part. The linked award of rights of audience will, therefore, make available to applicants who are awarded litigation rights the possibility of exercising advocacy rights in appropriate circumstances.’

Why is CRL proposing to seek the right to authorise Chartered Legal Executives with stand-alone litigation practice rights?

a. The evolving legal sector

7. Both CRL and CILEX have received feedback from CILEX members and firms that the legal sector has changed since CRL gained authorisation to offer litigation and advocacy practice rights to chartered legal executive in 2013.
8. We are told by CILEX members and employers themselves that the firms that employ them or that they manage, particularly local authorities, are seldom required to provide advocacy services and when they are required to offer such services, they purchase the services of a solicitor or barrister on an ad-hoc basis.

b. View of CILEX authorised persons

9. CRL consulted CILEX Lawyers (chartered legal executives, CILEX Advocates and CILEX Practitioners) and other stakeholders to determine interest and support for the proposal to offer stand-alone litigation practice rights. The response was overwhelmingly in favour of making such a change and related application to the LSB.
10. We received 138 responses to the 6-week consultation¹ 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 consultation, the majority were positive. Comments included, 'not before

¹ Link to original consultation

	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.'
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11. Additionally, CILEX members who work in firms that undertake advocacy tell us that they do not have the opportunity to develop advocacy skills in their role but do undertake litigation work and would like the ability to gain stand-alone litigation practice rights to enable further career progression.
12. Given the overwhelming support for this proposal, we are now seeking stakeholder views on the necessary Rule changes to effect this change.

How CRL proposes to introduce the changes

Education Standards

13. CRL has 2 sets of education standards in operation, namely:
 - (a) Legacy education standards – Enables existing chartered legal executives to gain independent practice rights;
 - (b) New Education Standards – Enables authorisation of new chartered legal executives with independent practice rights.
14. CRL proposes to 'uncouple' the litigation and advocacy practice rights in both sets of education standards but retain the current routes to authorisation for each practice right individually. These are detailed below.

Legacy education standards

15. Existing chartered legal executives can apply for litigation practice rights, under the Legacy education standards, through two different routes; Portfolio or ULaw routes:

Portfolio route

The Portfolio route requires eligible applicants to compile and submit:

- a portfolio of their work along with logbooks evidencing competence against 8 defined elements; PLUS
- a portfolio demonstrating litigation experience.

Further information on this route to authorisation can be found at **Annex 1a Legacy Education Standards – Portfolio route**.

ULaw route

The ULaw route requires eligible applicants to complete online training and/or assessment (depending on amount of experience) on the CRL accredited ULaw Practice Rights Training and Assessment Programme.

Further information on this route to authorisation can be found at **Annex 1b Legacy Education Standards – ULaw route**.

New education standards

16. New applicants can apply for authorisation as a chartered legal executive with litigation practice rights under the new education standards by:

- demonstrating their technical knowledge;
- applying to have their Qualifying Experience assessed;
- compiling and submitting a portfolio to evidence achievement of 6 competencies; PLUS
- a portfolio demonstrating litigation experience.

Further information on this route to authorisation can be found at **Annex 2 - New Education Standards**.

Advocacy Practice Rights

17. Chartered Legal Executives under the Legacy education standards and new applicants under the New education standards may still choose to seek approval for litigation and advocacy practice rights at the same time; or, alternatively, seek advocacy practice rights in the future.

18. Both sets of education standards require an applicant to submit a portfolio of evidence demonstrating their advocacy experience and successful completion of a CRL approved Advocacy Skills Course.

Further information on this route to authorisation can be found at **Annex 3 – Advocacy Practice Rights**.

Authorised titles

19. Depending on the specialist pathway undertaken by the applicant, once approved, the authorised title will be one of the following:

- Chartered Legal Executive Litigator (Civil Litigation);
- Chartered Legal Executive Litigator (Criminal Litigation);
- Chartered Legal Executive Litigator (Family Litigation).

Practice Rights

20. The Rights to Conduct Litigation exercisable by a person holding a Litigation Certificate are as follows:

Rights to Conduct Litigation (Civil Proceedings) Certificate – to conduct litigation in all civil proceedings excluding family proceedings;

Rights to Conduct Litigation (Criminal Proceedings) Certificate – to conduct litigation in all criminal proceedings;

Rights to Conduct Litigation (Family Proceedings) Certificate – to conduct litigation in all family proceedings.

Proposed amendments to CRL Rules

21. As mentioned above, CRL is proposing changes to the following rules:

- **Rights to conduct litigation and rights of audience certificate rules** – rules relating to authorisation of existing chartered legal executives following the Portfolio route. These rules can be found at **Annex 4**;
- **Practice rights certificate for chartered legal executives rules** (Annex 3) – rules relating to authorisation of existing chartered legal executives following the ULaw route. These rules can be found at **Annex 5**;
- **Practitioner Authorisation Rules** – rules relating to authorisation of new applicants as chartered legal executives with independent practice rights. These rules can be found at **Annex 6**;

22. The amendments to the rules are as follows:

- removal of references to the requirement for existing chartered legal executives and new applicants seeking authorisation of litigation practice rights to also seek authorisation of advocacy practice rights at the same time.
- inclusion of rules to be followed for approval of litigation practice rights and advocacy practice rights separately.
- the new titles that will be issued for those authorised with stand-alone litigation practice rights.
- Inclusion of 3 new Litigator Specialist Pathways in the Practitioner Authorisation Rules.

Impact Assessment

Benefits to CILEX Members

23. CRL believes that the impact of developing routes to authorisation for stand-alone litigation practice rights is a positive step in helping the career progression of our members. This is re-enforced by feedback received from our members in response to the first consultation.
24. Through 'uncoupling' litigation and advocacy practice rights, we are enabling our members whose role does not currently enable them to develop advocacy skills, to gain practice rights to offer litigation services to clients without supervision. This development will still enable them to apply for rights of audience separately when they are in position to develop their advocacy skills.

Benefits to Employers

25. Through discussions with employers, particularly Local Authorities, we have recognised that there is a growing number of legal employers who are rarely, if ever, required to provide advocacy services and on the rare occasions when they are required to do so, they recruit the services of a solicitor or barrister to meet the client need.
26. In addition, this proposal enables employers to offer career progression opportunities to their employees without the need to facilitate development of advocacy experience. This may assist employers in retaining their current workforce and possibly reduce attrition rates.

Benefits to CRL Approved Training Providers

27. Finally, as the advocacy practice rights are awarded based on the successful completion of a separate CRL approved Advocacy Skills Course, no changes to the current knowledge, skills and experience requirements linked to the award of a Rights to Conduct Litigation Certificate are required.
28. Therefore, CRL approved Training Providers whose qualifications have been recognised as meeting the knowledge requirements of our education standards will not have to make any changes to their existing provision in terms of structure or delivery.

Benefits to Consumers

29. We anticipate that the benefits to consumers are likely to be positive. Enabling Chartered legal executives to gain further practice rights may improve choice and access to legal services, which is likely to be to the benefit of consumers.

Impact on Equality, Diversity and Inclusion

30. We have conducted an Equality Impact Assessment (**Annex 7**) for consideration as part of this consultation. This proposal is expected to have a positive impact on protected groups and therefore the changes should further increase the diversity of authorised persons within the legal workforce, bringing it close to the diversity of the population.

31. At this stage, we do not believe that our proposals will have a negative impact on Equality, Diversity and Inclusion, although we welcome views from stakeholders.

Consultation questions

32. CRL welcomes the views of all interested parties as these will inform its next steps with regard to any future rule change application.

Q1: Do you foresee any issues with the proposed changes to the Rights to conduct litigation and rights of audience certificate rules?

Yes/No? Please provide comments:

Q2: Do you foresee any issues with the proposed changes to the Practice rights certificate for chartered legal executives rules?

Yes/No? Please provide comments:

Q3: Do you foresee any issues with the proposed changes to the Practitioner authorisation rules?

Yes/No? Please provide comments:

Q4: Do you agree with the findings of the Impact Assessment?

Yes/No? Please provide comments:

Q4: Do you have any other comments?

Yes/No? Please provide comments:

How to respond

Please complete the (Sue's link to an online SurveyMonkey).

Alternatively, you can send your response to CRL by email to consultations@cilexregulation.org.uk. Please mark it for the attention of Mark Wood.

Submission deadline

Please respond by **4pm on X September 2025**.

Annex X

Draft Equalities Impact Assessment (EIA)

Proposal to develop stand-alone litigation practice rights

Date of Assessment: 30 June 2025

Lead Assessor: Mark Wood, Head of Education

Introduction and Background

CRL is consulting on changes to regulatory requirements to enable authorisation of Chartered Legal Executives with stand-alone litigation practice rights. The consultation provides:

- Clarification on the various routes to authorisation of stand-alone litigation practice rights;
- Copy of amended rules to reflect the changes to requirement for members to submit a dual application for both litigation and advocacy practice rights;
- Confirmation of the new authorised titles that will be issued to successful applicants upon approval.

We are conducting a limited Equalities Impact Assessment as part of this consultation.

Evidence

Our assessment is qualitative in nature as we have limited empirical evidence on which to base our assessment. We are seeking views from stakeholders as part of our consultation exercise.

Assessment of Impact by Protected Characteristic

Characteristic	Assessment
Age	CRL believes that introducing the proposed new arrangements for authorisation of stand-alone litigation practice rights would have a positive impact on all protected characteristic groups.
Disability	
Gender re-assignment	CRL will undertake further EDI analysis based on the feedback it received as part of the consultation.
Marriage of civil partnership	
Pregnancy and maternity	No potential for negative impacts have been identified at this stage.
Race	
Religion or belief	
Sex	
Sexual orientation	

Cumulative Impact and Assessment

Our initial assessment of the proposal is that they have the potential to have a positive impact on equality and diversity. We, therefore, intend to consult on the proposals.

draft