



Stand-alone Litigation Practice Rights

Legacy Education Standards - Portfolio route

Proposed route to authorisation and eligibility criteria for existing Chartered Legal Executives

This document details the process existing Chartered Legal Executives using the Portfolio route need to follow to apply for authorisation as a:

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

Eligibility criteria:

- Qualified to Level 6 – CILEX or equivalent;
- Has 5 years' experience working in the legal sector of which the two years must be in area of specialism for which they are seeking litigation practice rights

<p>Step One</p> <p>Compile of portfolio of your work</p> <p>Portfolio to contain evidence and completed logbooks against the following elements:</p> <ul style="list-style-type: none"> ➤ Element 1 – Client Care ➤ Element 2 – Legal Research ➤ Element 3 – Interviewing, advising and communicating ➤ Element 4 – Costs and funding ➤ Element 5 – Professional conduct and ethics ➤ Element 6 – Managing litigation work ➤ Element 7 – Settlement V litigation* ➤ Element 8 – Legal writing and drafting <p>Chartered Legal Executives who have completed Client Care and Legal Research Units as part of their CILEX Level 6 Qualification or equivalent are exempt from providing evidence and completed logbooks for Elements 1 and 2</p> <p><small>*not included in Criminal Proceedings</small></p>
<p>Step Four</p> <p>Compile a portfolio of litigation cases you have dealt with</p> <p>For each case, provide details of the following:</p> <ul style="list-style-type: none"> ➤ Concise description of case, its progress and outcome ➤ Law arising in the case and its application to the facts ➤ Procedural and process issues, including the Court and, where relevant, the track to which the case was allocated

- Evidential issues arising in the case
- Ethical or conduct issues arising in the case
 - Funding issues arising in the case
- Research undertaken in the case, relating to law or procedure
- Decision making in the case and any advice taken on strategic issues in the case
- Advice given in the case and how it has been recorded
- Any training or development needs identified arising from the case

Chartered Legal Executive who completed one the following combination of units are required to submit a portfolio of **3** cases of litigation they have dealt with.

- Civil Litigation – Contract Law **OR** Law of Tort **AND** Civil Litigation
- Criminal Litigation – Criminal Law **AND** Criminal Litigation
- Family Litigation – Family Law **AND** Criminal Litigation

Chartered Legal Executives who have not completed any of the above combination of units are required to submit a portfolio of **5** cases of litigation they have dealt with.

Step Five

Submit your application to become a Chartered Legal Executive Litigator

Submit a completed Independent Practice Rights Application Form along with supporting documentation



Stand-alone Litigation Practice Rights

Legacy Education Standards – ULaw route

Proposed route to authorisation and eligibility criteria for existing Chartered Legal Executives

This document details the process existing Chartered Legal Executives using the ULaw route need to follow to apply for authorisation as a:

- Chartered Legal Executive Litigator (Civil Proceedings); OR
- Chartered Legal Executive Litigator (Family Proceedings).

There are 2 routes to authorisation within the ULaw route:

- Assessment only;
- Training and Assessment.

Eligibility criteria for Assessment Only option:

- 5 years' experience working in the legal sector of which the two years must be in area of specialism in which they are seeking litigation practice rights.

Eligibility criteria for Training and Assessment option:

- 5 years' experience working in the legal sector.

<p style="text-align: center;">Step One</p> <p style="text-align: center;">Compile and submit an Independent Practice Rights for Established Fellows Certificate of Eligibility application form</p> <p style="text-align: center;">Demonstrate appropriate experience to gain authorisation to undertake ULaw Assessment Only or Training and Assessment options</p>
<p style="text-align: center;">Step Two</p> <p style="text-align: center;">Undertake Training and/or Assessment</p> <p style="text-align: center;">Complete 24 weeks online training course (part-time) AND/OR successfully complete assessment. Assessment has 2 components:</p> <p style="text-align: center;">➤ Online 45 question MCQ test PLUS</p> <p style="text-align: center;">➤ Oral Interviewing skills element and written submission (both remote assessment)</p>
<p style="text-align: center;">Step Three</p> <p style="text-align: center;">Respond to CILEx Regulation email</p>

Respond to email from practicerights@cilexregulation.org.uk and attach copy of ULaw Transcript confirming achievement of course



Stand-alone Litigation Practice Rights

New Education Standards

Proposed route to authorisation and eligibility criteria for new Applicants

This document details the process new applicants need to follow to apply for authorisation as a:

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

Eligibility criteria:

- Is applying for fellowship;
- Has 3 years general legal experience including relevant experience in the area of specialism for which they are seeking litigation practice rights in the two years preceding the application;
- Has achieved a qualification that meets the knowledge requirements of the litigation specialist pathways.

<p style="text-align: center;">Step One</p> <p style="text-align: center;">Demonstrate your technical knowledge</p> <p>Complete a CILEx Regulation approved qualification or apply for an exemption</p>
<p style="text-align: center;">Step Two</p> <p style="text-align: center;">Apply to have your Qualifying Experience assessed</p> <p>Complete and submit a Qualifying Experience Application Form, reference and pay your non-refundable assessment fee, to have your experience assessed to confirm you meet the minimum requirement of 2,300 hours</p>
<p style="text-align: center;">Step Three</p> <p style="text-align: center;">Compile of portfolio of your work against the 6 competencies</p> <p>Prepare a portfolio to evidence your competence</p>
<p style="text-align: center;">Step Four</p> <p style="text-align: center;">Compile a portfolio of 5 cases of litigation you have dealt with</p> <p>For each case, provide details of the following:</p> <ul style="list-style-type: none"> ➤ Concise description of case, its progress and outcome ➤ Law arising in the case and its application to the facts

- Procedural and process issues, including the Court and, where relevant, the track to which the case was allocated
 - Evidential issues arising in the case
 - Ethical or conduct issues arising in the case
 - Funding issues arising in the case
- Research undertaken in the case, relating to law or procedure
- Decision making in the case and any advice taken on strategic issues in the case
- Advice given in the case and how it has been recorded
- Any training or development needs identified arising from the case

Step Five

Submit your application to become a Chartered Legal Executive Litigator

Submit a completed Fellowship via Work based Learning Litigator Application Form along with supporting documentation



All CILEx Regulation Standards – Advocacy Practice Rights

Proposed route to authorisation and eligibility criteria for Advocacy Practice Rights

This document details the process for existing Chartered Legal Executives or new applicants to gain Advocacy Practice Rights to enable them to apply for authorisation as a:

- Chartered Legal Executive Litigator and Advocate (Civil Proceedings); OR
- Chartered Legal Executive Litigator and Advocate (Criminal Proceedings); OR
- Chartered Legal Executive Litigator and Advocate (Family Proceedings).

Eligibility criteria - Legacy Education Standards

- Qualified to Level 6 – CILEX or equivalent;
- Has 5 years' experience working in the legal sector of which two years must be in the area of specialism for which they are seeking advocacy practice rights;
- Is currently authorised with litigation practice rights in the area of specialism for which they are seeking advocacy practice rights; **OR**
- Is submitting an application for litigation practice rights in the areas of specialism for which they are seeking advocacy practice rights at the same time.

Eligibility criteria - New Education Standards

- Is applying for fellowship;
- Has 3 years' general legal experience including relevant experience in the area of specialism for which they are seeking advocacy practice rights in the two years preceding this application;
- Has achieved a qualification that meets the knowledge requirements of the litigation and advocacy specialist pathways;
- Is currently authorised with litigation practice rights in the area of specialism for which they are seeking advocacy practice rights; **OR**
- Is submitting an application for litigation practice rights in the areas of specialism for which they are seeking advocacy practice rights at the same time.

<p style="text-align: center;">Step One</p> <p style="text-align: center;">Complete an Application for a Certificate of Eligibility for Advocacy Skills Course</p> <p>Complete and submit the application along with a portfolio of 5 cases in which you demonstrate your advocacy experience</p>
<p style="text-align: center;">Step Two</p> <p style="text-align: center;">Complete a CRL Approved Advocacy Skills Course</p> <p>Attend and successfully complete an Advocacy Skills Course</p>

Step Three

Submit evidence of achievement to CRL

Forward a copy of your certificate of achievement to
wblapplications@cilexregulation.org.uk



Rights to Conduct Litigation and Rights of Audience Certification Rules

DEFINITIONS

1. In these Rules, except where otherwise indicated:

- “a Relevant Advocacy Certificate” means an advocacy certificate in either civil, family or criminal proceedings, which relates to a litigation certificate in civil, family or criminal proceedings, respectively;
- Admissions and Licensing Committee means the committee established under the Admissions and Licensing Committee 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;
- “Authorised Litigator” means a person who has been granted ~~a rights~~ to conduct litigation by an approved regulator, under the terms of the Act;
- “Certificate of Eligibility” means a Certificate permitting an applicant to undertake an Advocacy Skills Course
- “Certification Rules” means these Rights to Conduct Litigation and Rights of Audience Certification Rules;
- “Chambers advocacy” means rights of audience exercised in Judge’s room hearings;
- “Chartered Legal Executive Advocate” means a Fellow who has been granted a Rights of Audience Certificate by CILEx Regulation;
- “Chartered Legal Executive Litigator” means a Fellow who has been granted a Rights to Conduct Litigation Certificate by CILEx Regulation;
- “CILEX” means the Chartered Institute of Legal Executives;
- “Enforcement Rules” means the rules which are in place from time to time which govern the complaints handling and disciplinary procedures of CILEx Regulation;
- “External adviser,” means a person appointed by CILEx Regulation to carry out the roles and functions identified for them by CILEx Regulation;
- “Fellow of CILEX or applicant in good standing” means a Fellow of CILEx whose subscriptions to CILEX are fully paid or an applicant seeking registration with CILEx Regulation and, in both cases, in respect of whose conduct there is no complaint or misconduct matter outstanding, whose CPD requirements are up to date and against whom there is no disciplinary record which in the view of CILEx Regulation affects their suitability to be a Chartered Legal Executive Litigator and Advocate;

- ~~“Litigation Certificate” means a litigation certificate identified in these Rules;~~
- ~~“CILEX” means the Chartered Institute of Legal Executives;~~
- ~~“Enforcement Rules” means the rules which are in place from time to time which govern the complaints handling and disciplinary procedures of CILEx Regulation;~~
- ~~“Chartered Legal Executive Advocate” means a Fellow who has been granted a Rights of Audience Certificate by CILEx Regulation;~~
- ~~“Chartered Legal Executive Litigator” means a Fellow who has been granted a Litigation Certificate by CILEx Regulation;~~
- “The Act” means the Legal Services Act 2007;
- ~~“Litigation Certificate” means a litigation certificate identified in these Rules;~~
- “The Officer” means a person with responsibility for the rights to conduct litigation qualification scheme and the rights of audience qualification scheme;
- ~~“a Relevant Advocacy Certificate” means an advocacy certificate in either civil, family or criminal proceedings, which relates to a litigation certificate in civil, family or criminal proceedings, respectively;~~

Words importing the singular include the plural and vice versa.

2. Responsibility for this qualification scheme is delegated to CILEx Regulation by CILEX.

THE RIGHTS TO CONDUCT LITIGATION AND RIGHTS OF AUDIENCE CERTIFICATES

3. ~~A Fellow of CILEX Fellow CILEX or an applicant eligible to qualify as a Fellow of CILEX who is o-is-inin~~ good standing may apply to CILEx Regulation to be granted one or more of the following Certificates:
 - (a) A Rights to Conduct Litigation (Civil Proceedings) Certificate;
 - (b) A Rights to Conduct Litigation (Family Proceedings) Certificate;
 - (c) A Rights to Conduct Litigation (Criminal Proceedings) Certificate.
4. ~~A Fellow of CILEX in good standing~~ A CILEX Fellow who does not already hold a relevant advocacy certificate ~~must~~ may, at the same time as their application for a litigation certificate, ~~ore in the future~~, 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) A Rights of Audience (Civil Proceedings) Certificate in Judge’s Room;
 - (b) A Rights of Audience (Family Proceedings) Certificate in Judge’s Room;
 - (c) A Rights of Audience (Civil Proceedings) Certificate;
 - (d) A Rights of Audience (Family Proceedings) Certificate;
 - (e) A Rights of Audience (Criminal Proceedings) Certificate.

5. The Rights to Conduct Litigation exercisable by Chartered Legal Executive Litigators holding Litigation Certificates 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.

6. The rights of audience exercisable by Litigators holding Rights of Audience Certificates 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.
7. A person who has qualified as a Chartered Legal Executive Advocate before qualification as a Chartered Legal Executive Litigator may continue to exercise all the rights of audience appropriate to the Advocacy Certificate or Certificates they hold, as described in Rule 6 above immediately upon qualification as a Chartered Legal Executive Litigator.

QUALIFICATION ARRANGEMENTS - RIGHTS TO CONDUCT LITIGATION

8. Applicants who seek rights to conduct litigation must demonstrate that they meet the knowledge, skills and experience for the certificate they seek in accordance with the knowledge, skills and experience guidelines and portfolio guidelines which appear at **Annexes 1 and 2** and the competence framework at **Annex 3**:

9. An application for Rights to Conduct Litigation must be supported by:

- evidence of the applicant's knowledge of the law, the rules of evidence and legal practice relevant to the practice area in which they seek litigation practice rights in accordance with the competence criteria set out in **Annex 3**;
- a portfolio of cases in which the Applicant has been involved in the two years preceding their application, in accordance with the portfolio guidelines at **Annex 2**;
- details of two referees, who are members of the legal profession, who can attest to the applicant's knowledge of civil, family or criminal law and practice, whichever is relevant, and who are able to offer an informed opinion on whether the applicant meets the competence criteria set out in the knowledge, skills and experience guidelines at **Annex 1**;
- a statement from the applicant confirming that the details provided in their application are true to the best of their knowledge and belief.

10. CILEx Regulation will check the application to ensure it meets the criteria set out in the knowledge, skills and experience guidelines at **Annex 1**. The portfolios which form part of

the application will be sent to an external advisor. The external advisor will assess whether the portfolios meet the criteria set out at **Annexes 1 to 3**.

11. Where the external advisor decides that the portfolios are satisfactory and meet the criteria set out in **Annexes 1 to 3**, a CILEx Regulation Officer will consider whether the application for a Rights to Conduct Litigation Certificate 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 sources 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 a decision.
 12. Where the external adviser decides that the portfolios are not satisfactory and do not meet the criteria set out at **Annexes 1 to 3** they will give reasons for their decision. The Officer will inform the applicant of the decision. The applicant may withdraw their application, amend and resubmit their application or make further representations and ask that the full application be referred to the Admissions and Licensing Committee to consider.
 13. The Admissions and Licensing Committee will decide whether or not an application 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 information from any person or source it considers appropriate. The Committee may:
 - approve the application; or
 - decide that the applicant does not meet the criteria and indicate which of the criteria the applicant does not meet.
 14. In making any assessment or decision required by these Rules, the Admissions and Licensing Committee shall have regard to the criteria at **Annexes 1 to 3** to these Rules.
 15. The Officer will notify the applicant in writing of their decision or the decision of the Admissions and Licensing Committee.
 16. Where the application has been approved, the notification shall include the Rights to Conduct Litigation Certificate.
 17. Where the application is unsuccessful, the notification shall set out the Committee's 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.
 18. A Chartered Legal Executive holding a Rights to Conduct Litigation Certification will be described as a Chartered Legal Executive Litigator.
- 8:_____

QUALIFICATION ARRANGEMENTS - RIGHTS OF AUDIENCE

19. Unless they already hold a relevant rights of audience certificate, applicants who seek ~~ra~~ rights to conduct litigation ~~must~~ may also make an application for rights of audience. In the case of rights to conduct litigation in civil proceedings, an applicant who also wishes to seek rights of audience must make an application in civil proceedings either for a Rights of

Audience (Civil Proceedings) Certificate in Judge's room or Rights of Audience (Civil Proceedings) Certificate. In the case of family proceedings, an applicant who also wishes to seek rights of audience must make an application for either a Rights of Audience (Family Proceedings) Certificate in Judge's room or Rights of Audience (Family Proceedings) Certificate. In the case of criminal proceedings, an applicant who also wishes to seek rights of audience must make an application for a Rights of Audience (Criminal Proceedings) Certificate.

9.20. Applicants who wish to apply for rights of audience without applying for rights to conduct litigation should follow the process detailed in the CILEx Regulation Rights of Audience Certification Rules.

21. Applicants must make an application for a Certificate of Eligibility to undertake the rights of audience skills course relevant to the Certificate they seek. In their application they must demonstrate that they meet the entry criteria for the certificate they seek in accordance with the knowledge, skills and experience guidelines which appear at **Annex 1**.

22. Where an applicant who has met the criteria set out in the knowledge, skills and experience guidelines and the portfolio guidelines, 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 at **Annexes 3 and 4**. 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 at **Annexes 3 and 4**. 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.

~~10. ———~~

~~11.23.~~ An application for a Certificate of Eligibility must be supported by:

- Evidence of the applicant's knowledge of the law, the rules of evidence and legal practice relevant to the practice area in which they seek rights of audience in accordance with the competence criteria set out at **Annex 3**;
- A portfolio of cases in which the Applicant has been involved during the two years preceding their application, in accordance with the portfolio guidelines at **Annex 2**;
- Details of two referees, who are members of the legal profession, who can attest to the applicant's knowledge of civil, criminal or family law and practice, whichever is relevant, and who are able to offer an informed opinion on whether the applicant meets the competence criteria set out in the knowledge, skills and experience guidelines at **Annex 1**;
- A statement from the applicant confirming that the details provided in their application are true to the best of their knowledge and belief.

~~12. CILEx Regulation will assess an application for a Certificate of Eligibility in accordance with the criteria set out in the knowledge, skills and experience guidelines and the portfolio guidelines at **Annexes 1 and 2** and the criteria at **Annex 3**. An applicant who meets the criteria will be granted a Certificate of Eligibility.~~

24. CILEx Regulation will check the application to ensure it meets the criteria set out in the knowledge, skills and experience guidelines at **Annex 1**. The portfolios which form part of the applications will be sent to an external advisor. The external advisor will assess whether the portfolios meet the criteria set out at **Annexes 1 to 3**.
25. Where the external advisor decides that the portfolios are satisfactory and meet the criteria set out at **Annexes 1 to 3**, a CILEx Regulation Officer will consider whether the applications for a Certificate of Eligibility for Rights of Audience 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.
26. Where the external advisor decides that the portfolios are not satisfactory and do not meet the criteria set out at **Annexes 1 to 3**, they will give reasons for their decision. The Officer will inform the applicant of the decision. The applicant may withdraw their application, amend and resubmit their application or make further representations and ask that the full application be referred to the Admissions and Licensing Committee to consider.
27. The Admissions and Licensing Committee will decide whether or not an application 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 information from any person or source it considers appropriate. The Committee may:
- approve the application; or
 - decide that the applicant does not meet the criteria and indicate which of the criteria the applicant does not meet.
28. In making any assessment or decision required by these Rules the Admissions and Licensing Committee shall have regard to the criteria at **Annexes 1 to 3**.
29. The Officer will notify an applicant in writing of their decision or the decision of the Admissions and Licensing Committee.
30. Where the application has been approved the notification shall include the Certificate(s) of Eligibility for Rights of Audience.
31. Where the application for a Certificate of Eligibility in Rights of Audience has been approved but the application for the Rights to Conduct Litigation Certificate identifies gaps in an applicant's knowledge, skills or experience, the notification shall set out details of the gaps and the reasons why the assessment has identified the full knowledge, skills and experience guidelines and portfolio guidelines have not been met. An applicant may defer their application while they develop their knowledge, skills or experience or attend a course. A course must meet the outcomes set out at **Annex 3** in respect of the outcomes the applicant has not met. Upon completion of a course or development of experience, CILEx Regulation will reassess the application to determine whether the applicant meets the knowledge, skills and experience guidelines. Where an application meets the guidelines, they may then undertake the Rights of Audience Skills Course and Assessment.

32. Where the application is unsuccessful, the notification shall set out the Committee's 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.

33. The Certificate of Eligibility for Rights of Audience will specify which of the advocacy skills course options the applicant may take.

~~13. 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. Courses must meet the qualification criteria which appear at **Annex 3**. Courses will be assessed in accordance with the assessment criteria which appear at **Annex 4**.~~

~~14. Where an applicant who has met the criteria set out in the knowledge, skills and experience guidelines and the portfolio guidelines, 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. GILEx Regulation will assess whether the course and assessment meet the advocacy skills course and assessment criteria set out at **Annexes 3 and 4**. 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 at **Annexes 3 and 4**. 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.~~

ALL APPLICATIONS

~~15. 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 GILEx Regulation and shall be accompanied by such fee as may be fixed by GILEx Regulation from time to time.~~

~~16. GILEx Regulation will check the application to ensure it meets the criteria set out in the knowledge, skills and experience guidelines at **Annex 1**. The portfolios which form part of the application will be sent to an external advisor. The external advisor will assess whether the portfolios meet the criteria set out at **Annexes 1 to 3**.~~

~~17. Where the external advisor decides that the portfolios are satisfactory and meet the criteria set out at **Annexes 1 to 3**, a GILEx Regulation Officer will consider whether the application for a Rights to Conduct Litigation Certificate and a Certificate of Eligibility for Rights of Audience 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.~~

~~18. Where the external advisor decides that the portfolios are not satisfactory and do not meet the criteria set out at **Annexes 1 to 3**, they will give reasons for their decision. The Officer will inform the applicant of the decision. The applicant may withdraw their application,~~

amend and resubmit their application or make further representations and ask that the full application be referred to the Admissions and Licensing Committee to consider.

19. The Admissions and Licensing Committee will decide whether or not an application 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 information from any person or source it considers appropriate. The Committee may:

- approve the application; or
- decide that the applicant does not meet the criteria and indicate which of the criteria the applicant does not meet.

20. In making any assessment or decision required by these Rules the Admissions and Licensing Committee shall have regard to the criteria at **Annexes 1 to 3** to these Rules.

21. The Officer will notify an applicant in writing of their decision or the decision of the Admissions and Licensing Committee.

22. 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 Litigation Certification may only be granted on the successful completion of the associated Rights of Audience skills course and assessment.

23. Where the application for a Certificate of Eligibility in Rights of Audience has been approved but the application for the Rights to Conduct Litigation Certificate identifies gaps in an applicant's knowledge, skills or experience, the notification shall set out details of the gaps and the reasons why the assessment has identified the full knowledge, skills and experience guidelines and portfolio guidelines have not been met. An applicant may defer their application while they develop their knowledge, skills or experience or attend a course. A course must meet the outcomes set out at **Annex 3** in respect of the outcomes the applicant has not met. Upon completion of a course or development of experience, CILEx Regulation will reassess the application to determine whether the applicant meets the knowledge, skills and experience guidelines. Where an application meets the guidelines, they may then undertake the Rights of Audience Skills Course and Assessment.

24. Where the application is unsuccessful, the notification shall set out the Committee's 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.

25. The Certificate of Eligibility for Rights of Audience will specify which of the advocacy skills course options the applicant may take.

ADMISSIONS AND LICENSING COMMITTEE

26-34. The Admissions and Licensing Committee established under the Admissions and Licensing Committee Rules shall be responsible for the Rights to Conduct Litigation and Rights of Audience schemes.

EXTERNAL ADVISORS

~~27:35.~~ CILEx Regulation shall appoint external advisors to advise the Admissions and Licensing Committee and CILEx Regulation on issues relating to litigation and advocacy.

ADVOCACY SKILLS COURSES

~~28:36.~~ An applicant who has been granted a Certificate of Eligibility in Rights of Audience may take advocacy skills courses relating to the Certificate for which they have been granted a Certificate of Eligibility.

~~29:37.~~ 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.

~~30:38.~~ Applicants will be required to:

- successfully complete the training sessions; and
- pass the formal assessments in accordance with the Assessment Criteria set out in **Annexes 3 and 4.**

~~31:39.~~ An approved advocacy skills course must:

- Meet the course delivery criteria set out at **Annex 3**; and
- Include arrangements for assessment of advocacy skills in accordance with the assessment criteria set out at **Annex 4.**

COURSE PROVIDERS

~~32:40.~~ Advocacy skills courses will be provided by course providers who are accredited by CILEx Regulation in accordance with the Rights of Audience Certification Rules.

CERTIFICATION

~~33:41.~~ 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 an Advocacy Certificate. ~~An applicant who is not a Fellow and has completed an advocacy course may not make an application for a certificate until they become a Fellow of CILEX.~~

~~34:42.~~ A Fellow may only apply for an Litigation and Advocacy Certificate relating to the type of proceedings covered by the litigation application and advocacy skills course they completed.

~~35:43.~~ An application shall be made on a form prescribed by CILEx Regulation from time to time for this purpose and shall be accompanied by such fee as may be fixed by CILEx Regulation from time to time.

~~36.44.~~ The Officer will process the application for ~~a~~ **Litigation and** ~~an~~ Advocacy Certificate. The applicant shall be granted ~~an~~ **Litigation and** Advocacy Certificate provided the Officer is satisfied that the applicant:

- is a Fellow in good standing;
- ~~holds a Rights to Conduct Litigation Certificate as met the litigation skills criteria;~~ and
- has completed and passed an advocacy skills course and assessment.

~~37.45.~~ Where the Officer has any doubt as to the suitability of the applicant to be awarded ~~an~~ **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.

~~38.46.~~ When considering an application to award ~~an~~ **Litigation and** Advocacy Certificate the Admissions and Licensing Committee will consider all the information before it and may request additional information from any person or source it considers appropriate. It may require or permit the applicant to attend for interview before reaching its decision.

~~39.47.~~ If the Admissions and Licensing Committee is satisfied that the applicant is a fit and proper person to be issued with a Certificate it shall grant the Certificate. If it is not satisfied, it must give its reasons and indicate any preconditions to the consideration of any subsequent application by the applicant.

~~40.48.~~ The Officer will notify an applicant in writing of the decision as to whether their application for ~~an~~ **Litigation and/or** Advocacy Certificate is successful. Where the application has been approved the notification shall include the **Litigation and** Advocacy Certificate. Where the application is unsuccessful, the notification shall set out the reasons and any preconditions to the consideration of any subsequent application by the applicant for ~~an~~ **Litigation and** Advocacy Certificate. The applicant may apply for reconsideration of their application in accordance with the Admissions and Licensing Committee Rules.

~~41.49.~~ A Fellow holding a Litigation **Certificate** and ~~an~~ Advocacy Certificate will be described as a Chartered Legal Executive Litigator and Advocate.

APPLICATION FOR ADDITIONAL CERTIFICATES

~~42.50.~~ A Chartered Legal Executive Litigator ~~or Chartered Legal Executive Litigator~~ and Advocate may apply to be granted Litigation and ~~/or~~ Advocacy Certificates additional to any Certificates already granted to them under these Rules. Prior to seeking an additional Advocacy Certificate the ~~Litigator individual~~ must obtain a Litigation Certificate in that practice area or make an application for a Litigation Certificate at the same time.

~~43.51.~~ Applications shall be processed in accordance with these Rules.

RENEWAL OF CERTIFICATES

~~52.~~ **Rights to Conduct Litigation Certificates are valid indefinitely.**

~~44.53.~~ The first Advocacy Certificate issued to a Chartered Legal Executive Litigator ~~and Advocate~~, and the first Advocacy Certificate issued in respect of any additional proceedings, 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.

~~45.54.~~ Applications for the first renewal of an ~~n Advocacy -C~~ertificate will be made on a form prescribed by CILEx Regulation from time to time for the purpose and shall be accompanied by such fee as may be fixed by CILEx Regulation from time to time.

~~55.~~ An application for the first renewal of an Advocacy Certificate must be supported by:
~~46.~~

- Confirmation that the applicant is working as a Chartered Legal Executive Litigator and Advocate;
- a record of the applicant's litigation and advocacy experience gained during the period since their ~~Advocacy~~ Certificate was granted;
- a portfolio of cases in which the applicant has been involved during the period since their ~~Advocacy~~ Certificate was granted, in accordance with the Portfolio Guidelines set out in **Annex 2**;
- a statement from the applicant confirming the details provided of their litigation and advocacy experience and whether any rights ~~to conduct litigation and rights of~~ audience granted will be exercised in the future.

~~47.56.~~ The portfolio which forms part of the application for the first renewal of the ~~Advocacy~~ Certificate will be sent to an external advisor. The external advisor will assess the portfolio against the criteria set out in **Annexes 1 and 2**.

~~48.57.~~ Where the external advisor decides that the portfolio is satisfactory and shows that the applicant has applied the litigation and advocacy skills in the cases described in accordance with the Portfolio Guidelines in **Annex 2** and the criteria set out in the competence and assessment frameworks at **Annexes 3 and 4** the Officer will consider the application and decide whether it should be approved. In reaching a 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.

~~49.58.~~ 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.

~~50.59.~~ Where the external advisor decides that the portfolio is not satisfactory and does not show that the applicant has applied the litigation and/or advocacy skills in the cases described in accordance with the Portfolio Guidelines set out in **Annex 2** and the criteria set out in the competence and assessment frameworks at **Annexes 3 and 4** the external advisor shall 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 or make further representations and ask that the full application be referred to the Admissions and Licensing Committee to consider.

~~51.60.~~ 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. The Committee may approve the application or reject it.

~~52.61.~~ In making any assessment or decision required by these Rules the Officer and the Admissions and Licensing Committee shall have regard to the portfolio guidelines in **Annex 2** and the criteria set out in the competence and assessment frameworks at **Annexes 3 and 4**.

~~53.62.~~ The Officer will notify an applicant in writing of the decision. Where the application has been approved the notification shall include the Advocacy Certificate. Where the application is unsuccessful the notification shall set out the reasons for the decision and any preconditions to the consideration of any subsequent application for an Advocacy Certificate.

~~54.63.~~ Where the application is unsuccessful an applicant may apply for reconsideration in accordance with the Admissions and Licensing Committee Rules. The Admissions and Licensing Committee will have the powers set out in Rule 54 available upon an application for reconsideration.

LAPSED CERTIFICATES

~~55.64.~~ A Fellow who has held ~~a Litigation and an~~ Advocacy Certificate which has lapsed may apply for that certificate to be renewed. Renewal of a lapsed certificate will be governed by Rules ~~46 to 57~~ ~~52-62~~ which deal with first renewal of an advocacy certificate save that in Rule ~~57~~49:

- the reference to an application for the first renewal of an Advocacy Certificate should be a reference to an application for renewal of a lapsed ~~Litigation and~~ Advocacy Certificate;
- the applicant will not be required to provide confirmation that they are working as a Chartered Legal Executive Litigator and Advocate;
- the applicant will be required to provide a record of their litigation and advocacy experience since their ~~Litigation and~~ Advocacy Certificate lapsed, except where the Certificate which has lapsed is a ~~Criminal Litigation and~~ Criminal Advocacy Certificate, reference to the record of the applicant's advocacy experience shall include police station advice and observed advocacy in accordance with the Portfolio Guidelines; and
- the information required to be provided by the applicant shall include, additionally, reasons why the ~~Litigation and~~ Advocacy Certificate lapsed and details of CPD undertaken during the 12 months prior to the application.

~~56.65.~~ 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 or,

~~57.66.~~ In the case of a Criminal Proceedings ~~Litigation and~~ Advocacy Certificate, where the certificate has lapsed because the holder has ceased to be eligible to hold a certificate for any reason.

~~58.67.~~ Where ~~a Litigation and an~~ Advocacy Certificate which has lapsed is renewed by the Admissions and Licensing Committee it will be valid indefinitely.

PRACTICE MANAGEMENT AND ACCOUNTS

~~59.68.~~ A Chartered Legal Executive Litigator ~~or Chartered Legal Executive Litigator and an~~ Advocate who seeks to practise in an entity seeking regulation by CILEx Regulation must demonstrate that they meet the knowledge, skills and experience in accounts and practice management in accordance with the knowledge, skills and experience guidelines and portfolio guidelines and the competency frameworks which appear at **Annexes 5 and 6**. They will not be authorised to be an approved manager in an entity until these requirements are met.

~~60.69.~~ Where an applicant relies upon existing experience they must complete a log in accordance with the portfolio guidelines. An applicant who relies upon a qualification as evidence of meeting the competency framework must provide details of that qualification and assessment. CILEx Regulation will consider whether the experience or qualification relied upon demonstrates that the applicant meets the requirements of the competency framework.

[61.70.](#) An applicant who does not meet the knowledge, skills and experience requirements for practice management and/or accounts must complete qualification courses and assessment in those areas which meet the competency frameworks at **Annexes 5 and 6**.

CONTINUING PROFESSIONAL DEVELOPMENT (CPD)

62.71. Chartered Legal Executive Litigators ~~and Chartered Legal Executive Litigators and Advocates and Advocates~~ are required to undertake CPD in accordance with the CPD Regulations issued by CILEx Regulation from time to time. Those who hold a criminal proceedings certificate must also comply the CPD requirements to undertake vulnerable witness handling training prior to the first advocacy certificate renewal.

DISCIPLINARY PROCEDURES AND CODE OF CONDUCT

63.72. Chartered Legal Executive Litigators and ~~Chartered Legal Executive Litigator and Advocates~~ must abide by the Code of Conduct of CILEX for the time being in force.

64.73. Where an issue relating to the competence of a Chartered Legal Executive Litigator ~~and or a Chartered Legal Executive Litigator and Advocate~~ who holds a Criminal ~~Litigation Advocacy~~ and/or Criminal ~~Advocacy Litigation~~ Certificate is brought to the attention of CILEx Regulation, the Admissions and Licensing Committee will consider whether the Chartered Legal Executive Litigator ~~and-or Chartered Legal Executive Litigator and Advocate~~ remains a fit and proper person to hold ~~a Litigation and Advocacy and/or Litigation~~ Certificate. The Admissions and Licensing Committee must give reasons for its decision. The Committee may ask for further information or evidence, including a report from an independent assessor regarding the competence of the Litigator ~~and-or Litigator and Advocate~~ in order to assist in its decision making.

65.74. Where a complaint is made or an issue is brought to the attention of CILEx Regulation regarding the conduct of a Chartered Legal Executive Litigator ~~and-or Chartered Legal Executive Litigator and Advocate~~ that matter will be dealt with in accordance with CILEx Regulation's Investigation, Disciplinary and Appeals Rules.

66.75. Where a Finding, Order or Decision is made against a Chartered Legal Executive Litigator ~~and-or a Chartered Legal Executive Litigator and Advocate~~ by a Disciplinary Tribunal or Panel 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 Litigator ~~and-or Chartered Legal Executive Litigator and Advocate~~ remains a fit and proper person to hold a ~~Litigation and Advocacy and/or Litigation~~ Certificate. The Admissions and Licensing Committee must give reasons for its decision.

67.76. Rule ~~7567~~ shall not apply where an Order is made excluding a Chartered Legal Executive Litigator ~~and-or Chartered Legal Executive Litigator and Advocate~~ from membership of CILEX. Rule ~~7769~~ shall apply in such a case.

68.77. Where the Admissions and Licensing Committee decides that the Chartered Legal Executive Litigator ~~and-or Chartered Legal Executive Litigator and Advocate~~ is no longer a fit and proper person to hold a Litigation and/or Advocacy Certificate, they must return their Certificate(s) to CILEx Regulation within 28 days of them being notified of the decision. Failure to do so will constitute a disciplinary offence. The Fellow may not exercise any litigation or advocacy rights granted to them under their ~~Litigation and Advocacy and/or Advocacy Litigation~~ Certificate(s) after they have been notified of the decision.

~~69-78.~~ Notwithstanding the Admissions and Licensing Committee Rules an appeal against a decision of the Admissions and Licensing Committee that a Chartered Legal Executive Litigator ~~and or Chartered Legal Executive Litigator and~~ Advocate is no longer a fit and proper person to hold an ~~an Litigation or~~ Advocacy ~~and/or Litigation~~ 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 the CILEx Regulation Appeals Panel.

Rules ~~September 2024~~ June 2025

Annexes

<u>Annex 1</u>	<u>Knowledge, Skills and Experience Guidelines</u>
<u>Annex 2</u>	<u>Portfolio Guidelines and Assessment Criteria</u>
<u>Annex 3</u>	<u>Competence Framework</u>
<u>Annex 4</u>	<u>Assessment Criteria and Framework Document For Advocacy Skills</u>
	<u>Courses</u>
<u>Annex 5</u>	<u>Practice Management Competency Framework</u>
<u>Annex 6</u>	<u>Accounts Competency Framework</u>

Annex 1

KNOWLEDGE, SKILLS AND EXPERIENCE GUIDELINES

1. The knowledge, skills and experience guidelines have been split into applications for rights to conduct litigation and applications for certificates of eligibility for the rights of audience qualification.

~~2. An applicant who seeks rights to conduct litigation and rights of audience (Judge's room or open court), must satisfy the guidelines set below.~~

RIGHTS TO CONDUCT LITIGATION – GUIDELINES

~~3.2.~~ An applicant seeking rights to conduct litigation must provide the following information:

- The total litigation experience they have gained;
- The type of litigation work they have undertaken, including their main areas of specialism.

~~4.3.~~ In relation to the two years' preceding the date of their application, applicants must provide the following information:

- A general description of the litigation work they have carried out;
- Details of their typical case load;
- The number of chargeable hours they spent on litigation work in each year;
- The proportion of time they spent on litigation work each year;
- The proportion, or number of cases, which have included preparation for trial;
- Details of any distinctive features of their work;
- Details of any supervisory arrangements under which they work and their own supervisory responsibilities.

~~5.4.~~ Applicants must demonstrate that they have knowledge of law and legal practice; experience; and skills in the subject area relevant to the litigation rights that they seek in accordance with the criteria at **Annex 3**.

Competence Criteria

~~6.5.~~ In deciding whether an applicant has adequate knowledge, skills and experience, **HPSCILEx Regulation** will have regard to the competency framework set out at **Annex 3**.

~~7.6.~~ Applicants will be required to demonstrate their knowledge, skills and experience in accordance with the portfolio guidelines set out at **Annex 2**.

~~8.7.~~ In their application, portfolios and logbook, an applicant will be expected to demonstrate that they can:

- Recognise and rank items and issues in terms of relevance and importance;
- Integrate information and materials from a variety of different sources;

- Undertake the analysis of factual information in a logical and coherent way;
- Make critical judgements on the merits of particular arguments;
- Present and make a reasoned choice between alternative solutions.
- Act independently in planning, preparing and undertaking tasks in the area in which they seek
- reserved legal activity rights;
- Undertake independent research in the areas where rights are sought using standard legal information sources; and
- Reflect on their learning and make constructive use of feedback.

Evaluating Experience

9-8. An applicant will be expected to have a range of experience across the litigation practice area in which they seek rights. Applicants should have handled cases from the beginning to the end of the process, including preparing cases for trial and undertaking post-trial work.

10-9. [IPSCILEx Regulation](#) will consider the quality of experience that an applicant has gained, as well as the quantity of their experience. In considering the quality of experience an applicant has gained, [IPSCILEx Regulation](#) will look at various factors such as the seriousness and complexity of cases handled, difficult cases handled, the nature of the matter and the types of hearings that have been undertaken.

11-10. [IPSCILEx Regulation](#) will recognise that applicants could have had a break in their experience due to factors such as career breaks, job changes, maternity or paternity leave, long term illness, or disability. [IPSCILEx Regulation](#) will not discriminate directly or indirectly against an applicant whose experience has been affected in this way. However, [IPSCILEx Regulation](#) will need to ensure that an applicant has an acceptable level of experience.

12-11. Where an applicant has had a break in their experience, they may provide details of experience gained during a different period when they were more actively engaged in practice in the area where rights are sought. However, the break must not have been longer than 5 years. In exceptional circumstances, applications may be accepted from applicants who have had a break longer than 5 years.

13-12. There may be other factors which affect an applicant's experience in the preceding 2 years. [IPSCILEx Regulation](#) will consider details of more active periods from applicants whose experience discloses a pattern that they regard as atypical.

RIGHTS OF AUDIENCE – GUIDELINES

14- These guidelines apply to applicants who seek a Certificate of Eligibility for the rights of audience qualification. ~~Applicants must satisfy these guidelines in addition to the knowledge and experience guidelines for the rights to conduct litigation certificate.~~

Certificate of Eligibility

~~15:13.~~ An applicant who seeks rights of audience for civil or family proceedings must make an application~~litigation rights in civil and family proceedings must, at the same time, make an application for rights of audience~~, either in Judge's room proceedings, or Judge's room and open court proceedings. An applicant who seeks ~~litigation rights in criminal proceedings~~rights of audience in criminal proceedings ~~must, at the same time,~~ make an application ~~for in rights of audience in~~ open court proceedings.

~~16:14.~~ The applicant must provide the following information about their experience:

- Total year's advocacy experience and the number of years' experience in advocacy gained as a fee earner.
- The types of advocacy they have undertaken.

~~17:15.~~ Applicants will complete a form which sets out the following information:

- A general description of the advocacy they have carried out;
- Details of their typical case load;
- The proportion or number of cases which have included preparation for trial;
- The range and nature of their advocacy experience, including experience of observed advocacy.

~~18:16.~~ Applicants must submit a portfolio of cases demonstrating their advocacy experience in compliance with the criteria set out at **Annex 3** and portfolio criteria at **Annex 2**.

~~19:17.~~ In their application, applicants will need to satisfy IPSCILEx Regulation that they have an appropriate level of knowledge of law and practice, experience and skills to enable them to undertake the rights of audience skills course and upon successful completion of that course, to exercise the right of audience they seek.

Evaluating Advocacy Experience

~~20:18.~~ IPSCILEx Regulation will need to be satisfied that an applicant is actively undertaking advocacy. In considering whether an applicant is an active advocate, IPSCILEx Regulation will take into account advocacy experience that an applicant has gained outside their normal area of work. It will also take into account that advocacy is part of the dispute resolution process and may be reflected in successful case preparation, negotiation, arbitration and mediation.

~~21:19.~~ IPSCILEx Regulation will also need to be satisfied that applicants have extensive firsthand experience of the style and standards of practice and advocacy expected in the course for which they are seeking extended rights of audience.

~~22:20.~~ An applicant will be expected to have observed advocacy in those areas where currently no rights of audience exist, but where they will be granted rights upon completion of the course. Applicants will be required to state the number of cases they have observed and indicate the nature of the cases concerned.

23.21. HPSCILEx Regulation will take a balanced view about an applicant's experience in deciding whether it is sufficient to grant them a Certificate of Eligibility, particularly where they rely in part on observed advocacy.

24.22. HPSCILEx Regulation will recognise that applicants could have had a break in their experience due to factors such as career breaks, job changes, maternity or paternity leave, long term illness, or disability. HPSCILEx Regulation will not discriminate directly or indirectly against an applicant whose experience has been affected in this way. However, HPSCILEx Regulation will need to ensure that an applicant has an acceptable level of experience.

25.23. Where an applicant has had a break in their experience, they may provide details of experience gained during a different period when they were more actively engaged in practice in the area where rights are sought. However, the break must not have been longer than 5 years. In exceptional circumstances, applications may be accepted from applicants who have had a break longer than 5 years.

26.24. There may be other factors which affect an applicant's experience in the preceding 2 years. HPSCILEx Regulation will consider details of more active periods from applicants whose experience discloses a pattern that they regard as atypical.

Annex 2 - PORTFOLIO GUIDELINES AND ASSESSMENT CRITERIA

Introduction

1. An applicant seeking reserved legal activity rights must provide evidence of their:
 - Knowledge and understanding of the area of law in which they seek rights, demonstrated to ~~GILExCILEX~~ Level 6 standard.
 - Knowledge and understanding of the area of practice in which they seek rights, demonstrated to ~~GILExCILEX~~ Level 6 standard.
 - Evidence of their experience in the area of law in which they seek rights.
 - Skills in the legal practice area in which they seek rights.
2. Applicants must demonstrate their knowledge, skills and experience, set out at Rule 1 in accordance with the competency framework which appears at **Annex 3**.

Knowledge of Law and Legal Practice

3. An applicant who has successfully completed and passed an assessment in the ~~GILExCILEX~~ Level 6 examinations in the law and associated legal practice subject relevant to the area in which they seek practice rights will have demonstrated their knowledge of the law and legal practice.
4. An applicant who has obtained a qualification which is not the ~~GILExCILEX~~ Level 6 qualification, but of an equivalent standard, may rely upon that as evidence of their knowledge. In determining whether to accept an alternative qualification, ~~IPSCILEX Regulation~~ will assess the syllabus of that qualification, date upon which the qualification was obtained and details of the assessment the applicant undertook, to determine whether an exemption may be granted. In assessing the details of the qualification, ~~IPSCILEX Regulation~~ will determine whether the qualification relied upon is of an equivalent standard and covered at least 50% of the syllabus of the relevant ~~GILExCILEX~~ Level 6 subject(s).
5. Where an applicant does not rely upon an alternative qualification, or the qualification is deemed as not providing sufficient coverage to the same standard as the ~~GILExCILEX~~ Level 6 subject(s), they may rely upon experience which has developed their knowledge of the relevant law area and/or legal practice.
6. Applicants seeking to rely upon their experience must demonstrate how they have developed their knowledge of the relevant law and/or legal practice subject area(s) through their experience. Applicants will complete portfolios of 5 cases they have handled, within the 2 years preceding the date of their application, which demonstrate the knowledge they have gained through experience.
7. Applicants will be required to select a range of cases and provide an outline of the following in respect of each portfolio:
 - The facts of the case;
 - The law arising in the case and its application to the facts of the case;

- The appropriate procedural and process matters that arose in the case and how they were dealt with;
 - The evidential issues that arose in the case and how they were dealt with;
 - An outline of any ethical or conduct issues that arose in the case and how they were dealt with;
 - The funding issues that arose in the case and how they were dealt with;
 - The advice the applicant provided to the client and the outcome of the matter;
 - Decisions the applicant had to make in the case and whether they had to take advice on any strategic issues in the case; and
 - Any training or development needs the applicant identified from having dealt with the case.
8. **IPSCILEx Regulation** will assess the portfolios to establish whether they demonstrate that an applicant has acquired sufficient knowledge, through experience, to the same standard as the **CILEx CILEX** Level 6 in the subject. The knowledge gained must cover at least 50% of the syllabus of the **CILEx CILEX** Level 6 subject.
 9. In making its assessment, **IPSCILEx Regulation** will take into account the competence criteria set out at **Annex 3** which outline the knowledge requirements for the relevant subject area.

Experience

10. All applicants must provide an outline of their experience in the area of practice in which they seek to become an authorised person for the purposes of conducting reserved legal activities.
11. Applicants must provide an outline of their experience in an application along with 3 portfolios of cases they have handled which demonstrate their experience.
12. The experience outlined in an application must set out the following information for the 2 years preceding the date of the application:
 - A description of cases that the applicant has handled;
 - A description of the applicant's typical case load, including details about the complexity of the case load and a summary of any difficult cases the applicant has handled;
 - The number of chargeable hours spent on the practice area in which rights are sought;
 - The proportion of time spent on that area of law;
 - A description of the range and nature of matters that the applicant has handled in the area of practice in which rights are sought;
 - Details of any distinctive features of the applicant's work; and
 - Details of any supervisory arrangements under which the applicant works and any supervisory responsibilities they have.
13. An applicant will be required to produce a portfolio of 3 cases which demonstrate their experience in the area in which rights are sought.

14. In the portfolios, applicants must provide the following information:

- The facts of the case;
- The law arising in the case and its application to the facts of the case;
- The procedural and process matters that arose in the case and how they were dealt with;
- The evidential issues that arose in the case and how they were dealt with;
- Any ethical or conduct issues that arose in the case and how they were dealt with;
- The funding issues that arose in the case and how they were dealt with;
- The advice the applicant provided to the client and the outcome of the case;
- Decisions that the applicant had to make in the case, including whether they had to take advice on any strategic issues; and
- Any training or development needs that the applicant identified from having dealt with the case.

15. [IPSCILEx Regulation](#) will assess the outline of experience provided in the application, along with the 3 portfolios. The assessment will consider whether the applicant meets the experience requirements set out in the competency framework at **Annex 3**.

Skills

16. An applicant must provide evidence of their skills in the area in which they seek reserved legal activity rights in accordance with the skills criteria for each practice and law area which appear at **Annex 3**.

17. An applicant may demonstrate their skills through either undertaking a skills course which meets the outcomes set out at **Annex 3** or producing a log of their experience which demonstrates their skills.

18. Where an applicant seeks to rely upon a course, they must demonstrate that the course meets the outcomes set out at **Annex 3**.

19. An applicant who seeks to rely upon their experience as evidence of their skills must demonstrate that they meet each of the outcomes set out at **Annex 3** through the production of a log book and supporting evidence. Applicants will be required to evidence in the log book the outcome that has been met and reflect upon how the outcome was met. Each outcome must be met at least once.

20. [IPSCILEx Regulation](#) will assess the log and supporting evidence provided by applicants to determine whether an applicant has demonstrated that they meet the skills criteria set out at **Annex 3**

Advocacy Experience Post Qualification

21. At the first renewal of the rights of audience certificate, [Chartered Legal Executive Litigators and Advocates](#) must produce portfolios of 3 cases which demonstrate their advocacy experience since they qualified as a Chartered Legal Executive [Litigator and Advocate](#).

22. In selecting cases for their portfolio, [Chartered Legal Executive Litigator and Advocates](#) should identify cases which demonstrate that they have conducted advocacy in accordance with the skills course outcomes set out at **Annex 3**.
23. When considering applications for renewal [IPSCILEx Regulation](#) will expect the skills course outcomes to be reflected in the portfolios and, where they are not, may refuse the application for renewal of the certificate.
24. Where no such advocacy has been carried out, the applicant must explain the reasons. Applicants who have not had an opportunity to exercise their new rights of audience may include details of no more than one case in which they have observed advocacy in open court.
25. Where an applicant has not been able to demonstrate through 3 portfolios that they have conducted advocacy which meets the course outcomes set out at **Annex 3**, they may be granted a certificate for a further year and be required to produce 3 additional portfolios in exercise of their rights the following year.
26. For each portfolio, the record of advocacy must set out the following:
 - Description of the case, its progression and outcome;
 - The nature of the advocacy the applicant has undertaken, including details of any negotiation and arbitration undertaken;
 - The court in which the advocacy took place, and whether it was a contested hearing; the preparation work the applicant carried out before the hearing;
 - The client's objectives for the case;
 - The legal, procedural, evidential and ethical issues that arose during the course of the hearing or advocacy and an outline of how the applicant dealt with them;
 - A statement as to the effectiveness of the advocacy undertaken by the applicant; and
 - Any training or development needs the applicant identified from having dealt with the case.

Practice management and accounts

27. An applicant who relies upon their existing practical experience of practice management and accounts must provide evidence of their knowledge, skills and experience of accounts and practice management in accordance with the competency criteria which appear at **Annexes 5 and 6**.
28. An applicant must demonstrate their knowledge, skills and experience through producing a log which demonstrates that they meet each of the outcomes set out at **Annexes 5 and 6**. The log must be supported by evidence. Applicants will be required to evidence in the log book the outcome that has been met and reflect upon how the outcome was met. Each outcome must be met at least once.

29. [IPSCILEx Regulation](#) will assess the log and supporting evidence provided by applicants to determine whether an applicant has demonstrated that they meet the competency requirements set out at **Annexes 5 and 6**.

Annex 3

INTRODUCTION – CIVIL LITIGATION PRACTICE RIGHTS

The entry criteria, learning outcomes and evidence of competency stated in this schedule set out:

- the level of competency, knowledge and understanding required to practise in the area of civil litigation
- the elements required to evidence that level of competency, knowledge and understanding
- the level of competency required in the relevant skills for this area of practice – client care, research and interviewing
- a statement of the study and work-based experience that demonstrates that an applicant has attained the required level of competence, knowledge and understanding in all the required elements

~~Note: In order to obtain civil litigation practice rights, applicants must combine the application with an application for rights of audience in chambers. An application for rights of audience in open court remains optional and that applicants seeking rights of audience accreditation in hearings in chambers and/or in open court should refer to the criteria set out in the Advocacy Rights accreditation document~~

- the elements required to evidence the required level of competence for these relevant skills.

Certification of Civil Litigation Practice Rights will ensure that the applicant has:

- met the application requirements
- an appropriate level of experience in the field of civil litigation in practice, which must include not less than 2 years relevant experience immediately preceding the application
- an appropriate level of knowledge and appreciation of the key legal features of civil litigation, including the ability to advise, manage and undertake different methods of dispute resolution in all aspects of case management commonly associated with civil practice. Emphasis will be given to the practical aspects of conducting cases in a civil litigation context through the court system but a level of knowledge and understanding of other forms of dispute resolution will also be expected
- the ability and experience to research aspects of case law, legal procedure and documentation that is current
- the ability and experience to interview clients appropriately, identify the client's objectives and different means of achieving those objectives and advise and be aware of the financial, commercial and personal priorities and constraints to be taken account of together with the costs, benefits and risks involved in a transaction or procedure or course of action
- the ability and experience to perform the tasks required to advance transactions or matters, to include (but not restricted by), drafting letters of advice to clients, communicating with co-professionals and with the court
- the ability and experience to draft statements of case, applications and witness statements
- the ability and experience to undertake advocacy in the required fields within this practice area
- demonstrated a level of experience, knowledge and understanding of all aspects of professional conduct and regulation which includes an understanding of the key ethical requirements contained in the relevant conduct rules and other law and regulations and where these may impact and be able to apply them in context.

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Entry Level Competencies	Learning Outcome	Supporting Experience
	The entry requirement to achieve civil litigation practice rights seeks to ensure that an applicant:	The applicant will need to provide evidence of:
STAGE 1 ENTRY CRITERIA KNOWLEDGE UNDERSTANDING SKILLS EXPERIENCE ENTRY KNOWLEDGE AND UNDERSTANDING	<ul style="list-style-type: none"> Has practical knowledge, understanding, experience and skills 	<ul style="list-style-type: none"> Knowledge and understanding qualifications Legal Skills qualifications Fellowship <p>Knowledge and understanding qualifications</p> <ul style="list-style-type: none"> Successful completion of CILEXCILEX Level 6 Professional Higher Diplomas in civil litigation practice and Level 6 contract or tort <p>Or</p> <ul style="list-style-type: none"> Supplied evidence of qualification of an equivalent standard <p>Or</p> <ul style="list-style-type: none"> Supplied evidence of experience of an equivalent standard <p>Legal Skills qualifications</p> <ul style="list-style-type: none"> Successful completion of CILEXCILEX Level 6 Professional Higher Diplomas in Legal Research and Client Care <p>Or</p> <ul style="list-style-type: none"> Supplied evidence of qualification of an equivalent standard <p>Or</p> <ul style="list-style-type: none"> Supplied evidence of experience of an equivalent standard <p>Fellowship</p> <ul style="list-style-type: none"> Is a Fellow of CILEXCILEX <p>Note 1: Where the applicant holds appropriate qualifications which enable an application for Fellowship</p>

Entry Level Competencies	Learning Outcome	Supporting Experience
		<p>to be made, this can be made concurrently with the application for Civil Litigation Practice Rights</p> <p>Note 2: Where the applicant does not hold the relevant Level 6 examinations (or equivalent), they are required to demonstrate their knowledge and understanding through the submission of 5 portfolios, in accordance with the Portfolio Guidelines. Examples will be drawn from a range of cases from the applicant's case load.</p>
<p>KNOWLEDGE AND UNDERSTANDING</p>	<p>Demonstrate knowledge and understanding of civil law, notably in contract and tort</p> <ul style="list-style-type: none"> • Contract • Tort 	<ul style="list-style-type: none"> • Examples from the applicant's work to demonstrate their knowledge and understanding of contract formation and an ability to apply the law to relevant facts. This may include, but is not limited to, evidence of agreement, communication, revocation, termination and acceptance of an offer • Examples from the applicant's work to demonstrate the specific application of matters relating to the law of contract. This may include, but is not limited to, matters of privity, contractual terms, the incorporation of contractual terms, exemption clauses, misrepresentation, duress and undue influence, illegal contracts, discharge, revocation and remedies. <p>and/or</p> <ul style="list-style-type: none"> • Examples from the applicant's work to demonstrate their knowledge and understanding of the tort of negligence and an ability to apply the law to relevant facts. This may include, but is not limited to, evidence of identifying the duty of care, breach of duty (of care), causation, remoteness of damage, quantum, defences and remedies.

Entry Level Competencies	Learning Outcome	Supporting Experience
	Demonstrate knowledge and understanding of civil litigation	<ul style="list-style-type: none"> Examples from the applicant's work to demonstrate the specific application of matters relating to the law of the tort of negligence. This may include, but is not limited to, matters of trespass, employer liability cases, liability for premises, nuisance and defamation. <p>and</p> <ul style="list-style-type: none"> Examples from the applicant's work to demonstrate experience in the application of facts to the law and of the practical advice to be given arising from that application Examples from the applicant's work to demonstrate knowledge, understanding and experience of the practice and procedure of civil litigation to include, but not limited to, pre-action matters, ADR, the application of the CPR and of the steps required to progress an action through the courts. This may include, but is not limited to, matters of funding, the appropriate court, the tracks, causes of action, defences, counterclaims, additional claims, requests for further information, allocation, case management and directions, disclosure, evidence (both of fact and expert evidence), interim applications, costs, judgments, enforcement, appeals and professional conduct issues.
ENTRY SKILLS		<ul style="list-style-type: none"> Where the applicant does not hold the relevant CILEXCILEX Level 6 Legal Research or Client Care (or equivalent) qualification, they should provide a portfolio of evidence and logbook which demonstrates how they met each of the outcomes set out below in

Entry Level Competencies	Learning Outcome	Supporting Experience
Client care	Demonstrate knowledge and understanding of the role of client interviewing and negotiation in legal practice	<p>accordance with the Portfolio Guidelines. Examples will be drawn from a range of cases from the applicant's case load.</p> <ul style="list-style-type: none"> • Explain what is understood by successful client interviewing • Demonstrate interviews which they consider to be successful and identify what made them successful • Explain what is understood by negotiation and its importance in legal practice, including identification of a number of types of negotiation and the importance of preparation in successful negotiation. Identify a number of media through which negotiation can take place • Provide examples of the following which have been overcome in a negotiation situation: <ul style="list-style-type: none"> ○ The use of different types of negotiation using different media ○ A situation in which preparation for negotiation was central to success ○ A situation in which communication barriers were overcome for a successful outcome ○ Use of persuasion to achieve a successful outcome.
	Demonstrate good practice in legal writing	<p>Provide evidence of legal writing which demonstrates their understanding of the following key areas of good practice:</p> <ul style="list-style-type: none"> • Accurate, succinct, complete and precise writing • Awareness of the need to use 'plain English' and writing using correct grammar and spelling • Legal English is used only when necessary and is appropriately explained

Entry Level Competencies	Learning Outcome	Supporting Experience
	<p>Demonstrate knowledge and understanding of professional conduct issues arising in practice</p> <p>Demonstrate knowledge and understanding the importance of client care in legal practice</p>	<ul style="list-style-type: none"> Judicious use of structure to clearly and logically set out information The synthesis of a variety of sources to provide advice to the client. Use of appropriate communication, including use of appropriate tone and style, to sensitively manage client expectations. Explain where they will find the rules of professional conduct which affect their practice of the law Identify situations in which an ethical issue may have arisen in their practice and how they dealt with those situations Identify any professional organisations that exist within their area of practice and explain the benefits of membership. Explain the rules relating to client care and evidence their use of the rules on practice Evidence their use of client care letters and complaint management, 'Your Clients, Your Business' and the benefits of LEXCEL membership etc. Demonstrates an understanding of the need for good client care to benefit the business.
Legal research	Demonstrate knowledge and understanding of legal research and be able to analyse the scope and complexity of situations which need legal research	<ul style="list-style-type: none"> Identify situations in which the need for legal research has arisen in their work Explain the steps they undertook to identify relevant sources of information and how they determined the reliability, accuracy and currency of the information discovered.

Entry Level Competencies	Learning Outcome	Supporting Experience
	<p>Demonstrate knowledge and understanding of and be able to evaluate legal research sources</p> <p>Demonstrate knowledge and understanding of and be able to perform appropriate legal research</p> <p>Demonstrate knowledge and understanding of and be able to analyse the law in relation to practical problems</p> <p>Ability to record and evaluate information</p> <p>Ability to synthesise research to present advice</p>	<ul style="list-style-type: none"> • Explain their understanding of primary and secondary sources and how these sources can be used to ensure they have sufficiently researched the problem. • Identify relevant statutes, case law and other sources from their research. • Evidence how they prioritised and analysed the research and used this to better understand the issues raised in the legal matter • Evidence their synthesis of the research materials to provide a structured and accurate report • Evidence how they evaluated the research ensuring that it is comprehensive and sensitive to the needs of the recipient.
<p>ENTRY EXPERIENCE:</p> <p>ALL APPLICANTS</p>	<ul style="list-style-type: none"> • Civil proceedings litigation experience in the 2 years preceding the application 	<ul style="list-style-type: none"> • General description of civil work carried out • Description of typical case load • An indication of chargeable hours spent on civil proceedings work in each of the last 2 years • The proportion of time spent on civil proceedings work • The number of cases which have included preparation for trial • Details of the supervisory arrangements under which the applicant works and/or their supervisory responsibilities. <p>The applicant is required to demonstrate experience of Contract/Tort Law and Civil Litigation through the submission of 3 portfolios in accordance with the Portfolio Guidelines. Examples will be drawn from a range of cases from</p>

Entry Level Competencies	Learning Outcome	Supporting Experience
		the applicant's case load.
STAGE 2 QUALIFICATION CRITERIA: SKILLS	<p>The qualification requirement to obtain civil litigation practice rights will require the applicant to demonstrate that they meet the following skills:</p>	<p>In order to achieve accreditation the applicant needs to demonstrate the outcomes by either</p> <ul style="list-style-type: none"> • Attendance on a course, or • Through work experience and by satisfying the qualification criteria. <p>This can be evidenced by the civil litigator demonstrating the ability to:</p>
Element 1. INTERVIEWING, ADVISING & COMMUNICATING	<p>INTERVIEWING</p> <ul style="list-style-type: none"> • An ability to conduct effective interviews with the client and potential witnesses across a range of civil disputes <p>ADVISING AND COMMUNICATING</p> <ul style="list-style-type: none"> • An ability to give and communicate clear accurate and practical advice both orally and in writing on matters relating to law, procedure, strategy and prospects of success (either orally, in writing or other media) 	<ul style="list-style-type: none"> • Prepare for an initial interview and apply a structured approach to it • Greet the interviewee appropriately • Use appropriate listening, questioning and feedback techniques • Maintain rapport with the interviewee • Be sensitive to diversity issues • Keep a full and accurate record of the interview • Close the interview appropriately • Obtain all relevant information and identified the clients objectives • Is able to disseminate, appropriately and accurately, the information received from the client and seek appropriate instructions. • Give clear advice on all relevant matters arising • Identify the options available and explain the pros and cons of each of those options • Enable the client to make decisions in the case based on appropriate advice • Give clear, appropriate and accurate advice regarding costs and funding • Seek appropriate instructions and give clear advice regarding the next steps to be taken

Entry Level Competencies	Learning Outcome	Supporting Experience
		<ul style="list-style-type: none"> • Deal appropriately with any diversity issues that arise • Produce an accurate record of the interview • Can identify and effectively communicate the complex legal, tactical and commercial factors involved in litigation and has appreciated the options available for seeking resolution of a dispute.
Element 2. COSTS AND FUNDING	<p>COSTS</p> <ul style="list-style-type: none"> • An awareness of the requirements of the relevant practice rules that relate to contentious and non-contentious costs and be able to give clear, accurate and regular advice or information on costs issues arising in the case <p>FUNDING</p> <ul style="list-style-type: none"> • An ability to provide clear and accurate advice on funding options to include private funding, public funding, insurance, conditional fees and other forms or third party funding 	<ul style="list-style-type: none"> • Provide realistic costs estimates of all costs and disbursements at the start of the case and update throughout the progress of the action to include the cost implications of case strategies • Ensure full compliance with the CPR costs rules • Explain the differences between the indemnity and standard basis of costs • Explain the cost implications of CPR 36 and other Offers to Settle • Provide appropriate advice regarding the fees that will be charged • Prepare estimates and schedules of costs • Understand all matters relating to a summary assessment of costs and detailed costs assessments. • Identify the funding options available in a particular case • Communicate the risks and benefits of each method of funding available • Be aware of the funding regulations and restrictions (for example non-regulated activities) • Advise the client or service user of significant developments in the case • Identify and have regard to potential conflicts of interest on funding issues • Identify the appropriate documents to put in place the agreed funding method.

Entry Level Competencies	Learning Outcome	Supporting Experience
	<p>DOCUMENTATION</p> <ul style="list-style-type: none"> Draft or complete the necessary documents relating to funding 	<ul style="list-style-type: none"> Draft client care letters Draft or complete for the client or inform the client of the appropriate documentation and explain the requirements of the agreed funding method Draft funding agreements Prepare estimates and schedules of costs Understand all matters relating to a summary assessment of costs and detailed costs assessment.
<p>Element 3. CONDUCT AND ETHICS</p>	<p>CONDUCT AND ETHICS</p> <p>PROFESSIONAL OBLIGATIONS</p> <ul style="list-style-type: none"> An awareness of their professional obligations in a diverse range of situations in respect of matters relating to substantive law and the rules of professional conduct An awareness of their obligations to: the court, their client, other lawyers, the public and money laundering legislation and regulation <p>CONFLICTS</p> <ul style="list-style-type: none"> An ability to identify and deal appropriately with conflicts of interest throughout the handling of the matter <p>WITHDRAWAL FROM A CASE</p> <ul style="list-style-type: none"> an awareness of when they can and/or must withdraw from a case; the proper steps to be taken when doing so whilst observing the interest of the client 	<ul style="list-style-type: none"> Draft client care letters Identify situations where their obligations to: the court, their client, other lawyers, the public, and money laundering legislation arise Demonstrate an understanding of the application of their professional obligations in their dealing with these persons or bodies. Identify and deal appropriately with conflicts: arising between the applicant and the client or service user, arising between the applicant and their duty to the court, or arising between him and any relevant third party. Show an awareness of the need to withdraw; show an awareness of the proper action when the client refuses to make proper disclosure, show an awareness when the client's or service user's interests conflict with the applicant's duties to the court or any other circumstances where withdrawal is

Entry Level Competencies	Learning Outcome	Supporting Experience
	<p>UNDERTAKINGS</p> <ul style="list-style-type: none"> an understanding of the bases for the giving of professional undertakings to clients, the court and others; the implications of giving such undertakings; the consequences of breaching such undertakings and demonstrate awareness of the appropriate use of undertakings in legal proceedings <p>CONFIDENTIALITY AND PRIVILEGE</p> <ul style="list-style-type: none"> In respect of confidentiality and privilege the applicant must demonstrate an understanding of and the ability to apply the law and practice of confidentiality and privilege in a variety of practical contexts <p>COMPLAINTS AND NEGLIGENCE</p> <ul style="list-style-type: none"> In respect of complaints and negligence the applicant must demonstrate an understanding of the professional conduct rules as they are applied in practice and the steps that must be taken in the event that a mistake (or an act of negligence) as occurred 	<p>required.</p> <ul style="list-style-type: none"> Identify when an undertaking may be required and shown an awareness of the implications of giving the undertaking and putting in place, or obtaining the appropriate safeguards in respect of the undertaking given. Distinguish between legal advice privilege and litigation privilege Distinguish between confidential information and privileged information. Identify the circumstances when a complaint could be made or negligence may arise Describe/explain the complaints procedure operated by his professional body Be aware of procedures or processes which can be adopted to reduce the risk of complaints or allegations of negligence being made Explain what steps would need to be taken in respect of the identified, or potential, mistake or act of negligence Identify the appropriate professional conduct rules applying and the indicative behaviours that would need to be shown to evidence that no mistake or negligence had occurred.
Element 4. MANAGING LITIGATION WORK	FILE HANDLING	

Entry Level Competencies	Learning Outcome	Supporting Experience
	<ul style="list-style-type: none"> An ability to plan and manage litigation, to progress matters expeditiously and maintain files and records in accordance with procedures 	<ul style="list-style-type: none"> Plan and prioritise a workload and manage files and tasks concurrently, efficiently, making the best use of available resources, exercise good judgment, been realistic (as to the client's or service user's expectations, proportionality, time or available funds) and seek support when necessary Show that he is able to deal with a diverse range of client issues presenting a range of civil disputes Deal with matters without causing delay Maintain files and systems (which may include electronic systems) appropriately and correctly Ensure that files are up to date and 'in budget' Manage financial transactions on the file correctly and appropriately Has exercised and applied appropriate case analysis, critical judgment and evaluation through a thorough risk assessment and has identified the issues arising and applied the correct law and procedures to a matter Is able to adopt and maintain an appropriate, and effective, case strategy that is compatible with the client's aims or requirements and that is legally, procedurally and ethically sustainable Has shown an ability to think independently and highlight strategies available to the client that meet the client's objectives Is able to act within a team and independently and demonstrates self-direction and an assumption of responsibility for the actions undertaken.
	<p>CASE ANALYSIS AND CASE PREPARATION</p> <p>An ability to formulate a case strategy which is:</p>	<ul style="list-style-type: none"> Identify the 'strengths' and the 'weaknesses' in a case Identify gaps in available evidence Draw up a realistic case plan Relate the case theory to the client's or service user's objectives and expectations

Entry Level Competencies	Learning Outcome	Supporting Experience
	<ul style="list-style-type: none"> Compatible with the client's objectives and Is legally and procedurally sustainable <p>An ability to draft legal documents and letters that can be used effectively in the presentation and procedures for an action to proceed either by way of settlement or litigation</p> <p>DEALING WITH OTHER PROFESSIONALS</p> <ul style="list-style-type: none"> An appropriate level of professionalism in establishing an effective working relationship with others involved in a legal matter Identified and provided appropriate information to others involved in a matter which may include; An ability to instruct an advocate when necessary <ul style="list-style-type: none"> An ability to select, appoint and instruct an expert and shown an awareness of the range of expertise that may be needed for a case 	<ul style="list-style-type: none"> Provide the client with a balanced view of the likely risks, costs and benefits of the case strategies Adopt a cost effective, analytical and pragmatic approach to the wider issues (which may include the client's or service users commercial objectives). Deal with other professionals involved in a matter appropriately, professionally and ethically Provide other professionals involved in a matter with appropriate information, instructions and guidance.
Element 5. SETTLEMENT V LITIGATION	SETTLEMENT <ul style="list-style-type: none"> Be able to identify when settlement of a case is in the client's interest and give clear and accurate advice on settling his case and take the necessary steps to secure settlement 	<ul style="list-style-type: none"> Explain the merits of settlement in achieving the client's or service user's objectives Give consideration to offers to settle Understand the significance of 'open' offers, Part 36 Offers and Global Offers Explain the advantages of a form of offer Advise the client when responding to an offer to settle Understand the appropriate way to settle an action (for example by discontinuing or consent orders – these examples are not an exhaustive list of examples that the applicant can use to demonstrate awareness and experience in matters relating to settlement) Understand and has applied an appropriate use of the different types of consent orders.

Entry Level Competencies	Learning Outcome	Supporting Experience
	<p>NEGOTIATION</p> <ul style="list-style-type: none"> Be able to negotiate in a clients case <p>ADR</p> <ul style="list-style-type: none"> Be aware of the ADR processes available, including mediation, early neutral evaluation, and expert determination, identify the relevant and appropriate method of ADR and be aware of the role of the persons engaged in a form of ADR 	<ul style="list-style-type: none"> Negotiate a settlement, this may include, but is not limited to, effective and appropriate negotiation immediately before, and during, a trial or hearing Prepare effectively prior to negotiating with the other party Identify the client's interests and expectations (and manage those expectations appropriately) Identify the other party(ies) interests and expectations Identify the strengths and weaknesses of the client's and other party(ies) cases Prepare an agenda to deal with the relevant issues Explain the appropriateness of the form of negotiation entered into (this may be by, but not limited to, an exchange of letters, or by a meeting). Explain the nature and procedures of alternative dispute resolution methods Explain the advantages and disadvantages of those methods Recommend any appropriate ADR process which would be in the client's, or service user's, best interests Advise the client or service user how to pursue a particular ADR process.
Element 6. LEGAL WRITING AND DRAFTING	<p>LEGAL WRITING AND DRAFTING</p> <ul style="list-style-type: none"> Understand and apply the principles of good writing Use accurate, straightforward and modern language Use correct spelling, grammar, syntax and punctuation Draft a document that is clear, logical, consistent and with appropriate structure and format Draft a document that forms a coherent whole and, where 	<ul style="list-style-type: none"> Understand and apply the principles of good writing Use accurate, straightforward and modern language Use correct spelling, grammar, syntax and punctuation Draft a document that is clear, logical, consistent and with appropriate structure and format Draft a document that forms a coherent whole and,

Entry Level Competencies	Learning Outcome	Supporting Experience
	<p>appropriate, advances the matter, where appropriate identifies the client's objectives and priorities, where appropriate provides a clear risk analysis</p> <ul style="list-style-type: none"> • Address the document appropriately and accurately • Understand the appropriate uses of e-mails, letters, memoranda and other forms of written communication • Choose the appropriate medium, form and style of written communication • Tailor the written communication to suit the purposes of the communication and the needs of different clients or recipients 	<p>where appropriate, has advanced the matter, and where appropriate has identified the client's objectives and priorities, and where appropriate provided a clear risk analysis</p> <ul style="list-style-type: none"> • Address the document appropriately and accurately • Understand the appropriate use of e-mails, letters, memoranda and other forms of written communication • Choose the appropriate medium, form and style of written communication • Tailor the written communication to suit the purposes of the communication and the needs of different clients or recipients.

INTRODUCTION – CIVIL LITIGATION ADVOCACY RIGHTS

In chambers in the High Court and County Courts and in open court in the County Courts and the Coroners' Courts The entry criteria and evidence of competency stated in this schedule set out and envisages:

- that the applicant will already have obtained practice rights in civil litigation practice or is ~~making a combined application~~ applying for litigation advocacy rights at the same time as an application for civil litigation practice rights

NOTE: (an application for Civil Litigation Advocacy Rights may also be combined with one for Family Litigation Practice Rights or Criminal –Litigation Practice Rights (or a combination of these)

Certification of Civil Litigation Advocacy rights will ensure that:

- that the applicant has provided the required evidence to demonstrate the required level of competency, knowledge and understanding set out in this document
- that the applicant has the required level of competency in the relevant skills: advocacy, client care, research and interviewing
- that the applicant has entered onto and passed the ~~CILEX~~ CILEX Rights of Audience advocacy skills course

NOTE: that the applicant may make an application for rights or audience in chambers only or for rights of audience in open court in the County Courts and Coroners Courts.

ENTRY LEVEL Competencies	Learning Outcomes	Supporting Experience
<p>Stage 1</p> <p>ENTRY LEVEL</p> <p>COMPETENCY CRITERIA:</p> <p>In order to apply for the rights of audience qualification the applicant must meet the criteria for civil litigation practice rights and will have relevant advocacy experience (on the determination of the Admissions and Licensing Committee) in the 2 years immediately preceding their application</p>	<p>The applicant will be able to demonstrate :</p> <ul style="list-style-type: none"> • 2 years advocacy experience of an appropriate standard expected in the courts for which they are seeking rights of audience • Ability to carry out analysis, evaluation and critical judgment • Autonomy and an ability to learn 	<p>In relation to the 2 years preceding the application, applicants must give by way of a statement the following information:</p> <ul style="list-style-type: none"> • A general description of the advocacy, trial preparation and trial involvement carried out • A breakdown of the proportion or number of cases which have concluded at trial or been prepared for trial and the stage when the cases were concluded, if before trial • A description of the applicant's typical caseload • A description of the range and nature of advocacy experience including observed advocacy the applicant has undertaken. <p>The applicant must also submit a portfolio of cases based on the case load in which they have been involved (stating the level of their involvement) which demonstrates their advocacy experience in compliance with the competence criteria set out below. The portfolio requirements are set out in the Portfolio Guidelines.</p> <p>The applicant will be expected to be able to demonstrate through their portfolios that they can:</p> <ul style="list-style-type: none"> • Recognise and rank items and issues in terms of relevance and importance • Integrate information and materials from a variety of different sources • Undertake the analysis of factual information in a

ENTRY LEVEL Competencies	Learning Outcomes	Supporting Experience
		<ul style="list-style-type: none"> logical and coherent way • Make critical judgments of the merits of particular arguments • Present and make a reasoned choice between alternative solutions • Act independently in planning, preparing and undertaking tasks in the above areas • Undertake independent research in the above areas using standard legal information sources • Reflect on their learning and make constructive use of feedback.
QUALIFICATION CRITERIA		
Stage 2	Stage 2 The applicant must be able to demonstrate:	This can be evidenced by the applicant demonstrating the ability to:
FOR ALL APPLICANTS		
Case Analysis and Theory	<ul style="list-style-type: none"> • An appropriate level of experience of case analysis, critical judgment and evaluation 	<ul style="list-style-type: none"> ▪ Identify the relevant factual, legal and evidential issues in a given case logically, clearly and coherently • Identify the evidence available to both parties to prove these issues • Understand the strengths and weaknesses of a case • Understand the relevant law in context • Prepare a case theory that is both succinct and persuasive • Prepare a case theory that observes the rules of professional conduct
Judge's Room Advocacy	<ul style="list-style-type: none"> • An appropriate level of experience of judge's room advocacy 	<ul style="list-style-type: none"> • Understand the importance of preparation and effective ways to undertake this • Identify the client's goals • Analyse the relevant factual issues

ENTRY LEVEL Competencies	Learning Outcomes	Supporting Experience
Skeleton Argument	<ul style="list-style-type: none"> The ability to draft a skeleton argument 	<ul style="list-style-type: none"> Understand the legal and evidential context in which these factual issues arise and how they relate to each other Summarise the strengths and weaknesses of each party's case Develop an effective case presentation strategy Outline the relevant facts in a clear, effective format Understand and use the English language proficiently in relation to legal issues Present a sustained argument in a way which is comprehensible to others Prepare and present a coherent submission to the court based upon relevant facts, general principles and legal authorities in a structured, concise and persuasive manner in a practical setting in relation to an interim application Understand and appreciate the relevant communication skills and techniques used by an advocate. Draft a skeleton argument and, where appropriate, a consent order Identify appropriately the relevant chronology and issues Make effective submissions on these issues by use of numbered paragraphs citing relevant authorities, arguments for the case and use of appropriate factual and legal arguments.
Professional Conduct	<ul style="list-style-type: none"> Knowledge and understanding of the rights of audience conduct rules as they apply in civil practice 	<ul style="list-style-type: none"> Deal appropriately with client care and ethical issues Understand the fundamental duties to the court and the administration of justice Make an appropriate decision to appear and

ENTRY LEVEL Competencies	Learning Outcomes	Supporting Experience
		<p>represent the client at court</p> <ul style="list-style-type: none"> Understand when it would be inappropriate to act or appropriate to cease to act as an advocate.
<p>FOR CANDIDATES SEEKING OPEN COURT RIGHTS OF AUDIENCE</p> <p>Trial Advocacy</p>	<ul style="list-style-type: none"> An appropriate level of trial advocacy 	<ul style="list-style-type: none"> Understand in particular the purpose, technique and tactics of opening speeches; examination-in-chief; cross-examination; re-examination and closing speeches to adduce, rebut and clarify evidence Undertake competently an opening speech, examination-in-chief, cross-examination, re-examination and a closing speech Deal appropriately with client care and ethical issues Demonstrate an understanding of the ethics, etiquette and convention of advocacy.

Evidence	<ul style="list-style-type: none"> • Knowledge and understanding of the rules of evidence as they apply in civil proceedings 	<ul style="list-style-type: none"> • Understand the incidence of the burden and standard of proof • Apply the rules relating to competence and compellability of witnesses • Understand the significance and admissibility of circumstantial evidence • Understand and has applied the ways in which evidence may be adduced • Understand the rules relating to admissibility and weight that will be applied to the evidence to be adduced for example relating to hearsay evidence or to prior consistent statements and to impugning the
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ENTRY LEVEL Competencies	Learning Outcomes	Supporting Experience
		<p>testimony of witnesses by their prior inconsistent statements (these examples are not a complete list of examples the applicant can use to demonstrate his ability to understand the rules relating to admissibility and weight)</p> <ul style="list-style-type: none"> • Understand and has applied the rules relating to expert evidence • Understand the relevance of human rights issues.

INTRODUCTION – CRIMINAL LITIGATION PRACTICE RIGHTS

The entry criteria, learning outcomes and evidence of competency stated in this schedule set out:

- the level of competency, knowledge and understanding required to practise in the area of Criminal Litigation
- the elements required to evidence that level of competency, knowledge and understanding
- the level of competency required in the relevant skills for this area of practice – client care, research and interviewing
- the elements required to evidence the required level of competence for these relevant skills
- a statement of the study and work-based experience that demonstrates that an applicant has attained the required level of competence, knowledge and understanding in all the required elements.

Note that applicants seeking rights of audience accreditation in hearings in open court and chambers should refer to the criteria set out in the Advocacy Rights accreditation document.

Certification of Criminal Litigation Practice Rights will ensure that the applicant has:

- met the application requirements
- an appropriate level of experience in the field of criminal litigation in practice which must include not less than two years relevant experience immediately preceding the application
- an appropriate level of knowledge and appreciation of the key legal features of criminal litigation, including the ability to advise, manage and undertake all aspects of case management commonly associated within this field of practice
- the ability and experience to research aspects of case law, legal procedure and documentation that is current
- the ability and experience to interview clients appropriately, identify the client's objectives and different means of achieving those objectives and advise and be aware of the financial and personal priorities and constraints to be taken account of together with the costs, benefits and risks involved in a procedure or course of action
- the ability and experience to perform the tasks required to advance matters, to include (but not restricted to) drafting letters of advice to clients, communicating with co-professionals, the police, the Crown Prosecution Service and with the court
- the ability and experience to draft all relevant documentation including (but not restricted to) drafting applications and notices to the court, case management forms, witness statements and documentation required to obtain public funding
- the ability and experience to undertake advocacy in the required fields within this practice area
- demonstrate a level of experience, knowledge and understanding of all aspects of professional conduct and regulation which includes an understanding of the key ethical requirements contained in the relevant conduct rules and other law and regulations and where these may impact and be able to apply them in context.

	Learning Outcomes	Supporting Experience
	The entry requirement to obtain Criminal litigation practice rights seeks to ensure that an applicant will be able to demonstrate that they:	The applicant will need to provide evidence of:
STAGE 1 ENTRY CRITERIA <ul style="list-style-type: none"> • KNOWLEDGE UNDERSTANDING • SKILLS • EXPERIENCE 		
ENTRY KNOWLEDGE AND UNDERSTANDING	<ul style="list-style-type: none"> • Have practical knowledge, understanding, experience and skills 	<ul style="list-style-type: none"> • Knowledge and understanding qualifications • Legal Skills qualifications • Fellowship <p>Knowledge and understanding qualifications</p> <ul style="list-style-type: none"> • Successful completion of CILEXCILEX Level 6 Professional Higher Diplomas in criminal litigation practice and Level 6 criminal law <p>Or</p> <ul style="list-style-type: none"> • Supplied evidence of qualification of an equivalent standard <p>Or</p> <ul style="list-style-type: none"> • Supplied evidence of experience of an equivalent standard <p>Legal Skills qualifications</p> <ul style="list-style-type: none"> • Successful completion of CILEXCILEX Level 6 Professional Higher Diplomas in Legal Research and Client Care <p>Or</p> <ul style="list-style-type: none"> • Supplied evidence of qualification of an equivalent standard

	Learning Outcomes	Supporting Experience
		<p>Or</p> <ul style="list-style-type: none"> Supplied evidence of experience of an equivalent standard <p>Fellowship</p> <ul style="list-style-type: none"> Is a Fellow of CILEXCILEX <p>Note 1: Where the applicant holds appropriate qualifications which enable an application for Fellowship to be made, this can be made concurrently with the application for Criminal Litigation Practice Rights</p> <p>Note 2: Where the applicant does not hold the relevant Level 6 examinations (or equivalent), they are required to demonstrate their knowledge and understanding through the submission of 5 portfolios, in accordance with the Portfolio Guidelines. Examples will be drawn from a range of cases from the applicant's case load.</p>
KNOWLEDGE AND UNDERSTANDING		Note: elements in italics are optional
ENTRY SKILLS	<p>Demonstrate knowledge and understanding of criminal law as it operates in practice.</p> <p>Demonstrate knowledge and understanding of criminal procedure and the law of evidence as they operate in practice.</p>	<ul style="list-style-type: none"> The criminal law relating to analysis of actus reus, mens rea, offences of strict liability, negligence giving rise to criminal liability and defences. This may be in the context of non-fatal offences, sexual offences, homicide offences, offences against property, road traffic offences and inchoate offences Application and critical evaluation of criminal liability in given factual situations Police investigative powers; public funding of criminal cases; bail; summary proceedings; how and why cases go the Crown Court; trial on indictment; sentencing; appeals and the rules of evidence in criminal proceedings

	Learning Outcomes	Supporting Experience
	<p>Demonstrate knowledge and understanding of professional conduct issues arising in practice</p> <p>Demonstrate knowledge and understanding the importance of client care in legal practice</p>	<p>client expectations.</p> <ul style="list-style-type: none"> • Explain where the applicant will find the rules of professional conduct which affect their practice of the law • Identify situations in which an ethical issue may have arisen in their practice and how the applicant dealt with those situations • Identify any professional organisations that exist within the applicant's area of practice and explain benefits of membership. • Explain the conduct rules relating to client care and evidence use of the rules in practice • Evidence use of client care letters and complaint management, 'Your Clients, Your Business' and the benefits of LEXCEL membership etc. • Demonstrate understanding of the need for good client care to benefit the business.
Legal Research	<p>Demonstrate knowledge and understanding of legal research and be able to analyse the scope and complexity of situations which need legal research</p> <p>Demonstrate knowledge and understanding of and be able to evaluate legal research sources</p> <p>Demonstrate knowledge and understanding of and be able to perform appropriate legal research</p> <p>Demonstrate knowledge and understanding of and be able to analyse the law in relation to practical problems</p> <p>Ability to record and evaluate information</p>	<ul style="list-style-type: none"> • Identify situations in which the need for legal research has arisen in their work • Explain the steps the applicant undertook to identify relevant sources of information and how they determined the reliability, accuracy and currency of the information discovered • Explain their understanding of primary and secondary sources and how these sources can be used to ensure the applicant sufficiently researched the problem • Identify relevant statutes, case law and other sources from research • how research was prioritised and analysed and used to better understand the issues raised in the legal matter • synthesis of the research materials to provide a

	Learning Outcomes	Supporting Experience
	Ability to synthesise research to present advice	<p>structured and accurate report</p> <ul style="list-style-type: none"> • how the applicant evaluated the research ensuring that it is comprehensive and sensitive to the needs of the recipient.
<p>ENTRY EXPERIENCE:</p> <p>ALL APPLICANTS</p>	Criminal proceedings litigation experience in the 2 years preceding the application	<ul style="list-style-type: none"> • General description of criminal work carried out • Description of typical case load • An indication of chargeable hours spent on criminal proceedings work in each of the last 2 years • The proportion of time spent on criminal proceedings work • The number of cases which have included preparation for trial • Details of the supervisory arrangements under which the applicant works and/or their supervisory responsibilities <p>The applicant is required to demonstrate their experience of Criminal Law, Practice and litigation through the submission of 3 portfolios in accordance with the Portfolio Guidelines.</p> <p>Examples will be drawn from a range of cases from the applicant's case load.</p>
<p>STAGE 2</p> <p>QUALIFICATION CRITERIA:</p> <p>SKILLS</p>	The qualification requirement to obtain criminal litigation practice rights will require the applicant to demonstrate that they meet the following skills:	<p>In order to obtain accreditation the applicant needs to demonstrate the outcomes by either:</p> <ul style="list-style-type: none"> • Attendance on a course, or • Through work experience <p>and</p> <ul style="list-style-type: none"> • By satisfying the assessment criteria. <p>Applicants must show the required level of skills in 4 elements, across a range of Criminal matters which may include representing a client in proceedings before:</p>

	Learning Outcomes	Supporting Experience
		(1) a Magistrates' Court; (2) a Youth Court (3) a Crown Court.
Element 1. INTERVIEWING, ADVISING AND COMMUNICATING	INTERVIEWING <ul style="list-style-type: none"> conduct effective interviews with the client and potential witnesses across a range of criminal matters ADVISING & COMMUNICATING <ul style="list-style-type: none"> An ability to give and communicate clear accurate and practical advice both orally and in writing on matters relating to law, procedure, strategy and prospects of success (either orally, in writing or other media). Where necessary, the applicant will be able to refer the client on to outside agencies or professionals better able to deal with the wider aspect of their problem 	<ul style="list-style-type: none"> Prepare for an initial interview and apply a structured approach to it Greet the interviewee appropriately Use appropriate listening questioning and feedback techniques Maintain rapport with the interviewee Be sensitive to diversity issues Keep a full and accurate record of the interview Close the interview appropriately. <ul style="list-style-type: none"> Obtain all relevant information and identify the clients objectives Give clear advice on all relevant matters arising Identify the options available and explain the pros and cons of each of those options Enable the client to make decisions in the case based on appropriate advice Give clear, appropriate and accurate advice regarding costs and funding Seek appropriate instructions and give clear advice regarding the next steps to be taken Deal appropriately with any diversity issues that arise Handle an emotionally distressed client in a sensitive and professional manner Produce an accurate record of the interview.
Element 2. COSTS AND FUNDING	COSTS <ul style="list-style-type: none"> An ability to provide clear and accurate advice on the power of the court to make orders in relation to costs 	<ul style="list-style-type: none"> Provide appropriate advice and information about the court's powers to make an order in relation to a client paying a contribution towards prosecution

	Learning Outcomes	Supporting Experience
	<p>FUNDING</p> <ul style="list-style-type: none"> An ability to provide clear, accurate and regular advice on funding options to include private funding and public funding <p>DOCUMENTATION</p> <ul style="list-style-type: none"> Draft or complete the necessary documents relating to funding 	<p>costs and when defence costs may be paid from central funds or by the prosecution.</p> <ul style="list-style-type: none"> Advise a client about their eligibility for publicly funded legal advice and representation Explain what supporting documentation will be required to obtain publicly funded representation Advising the client on the financial and other implications of obtaining publicly funded representation Provide appropriate information to privately funded clients regarding the fees which will be charged. Draft client care letters Complete all relevant Criminal Defence Solicitor Forms required in order to obtain public funding Complete all relevant Criminal Defence Solicitor Forms required in order to obtain authority to instruct experts when this is necessary prepare estimates and schedules of costs for privately funded clients.
Element 3. PROFESSIONAL CONDUCT AND ETHICS	<p>CONDUCT AND ETHICS</p> <ul style="list-style-type: none"> An awareness of their professional obligations in a diverse range of situations in respect of matters relating to substantive law and the rules of professional conduct An awareness of their obligations to: the court, their client, other lawyers, the public and the Community Legal Service in respect of money laundering legislation and regulation <p>CONFLICTS</p> <ul style="list-style-type: none"> An ability to identify and deal appropriately with conflicts of interest throughout his handling of the matter 	<ul style="list-style-type: none"> Identify situations and their obligations to: the court, their client, other lawyers, the public and money laundering legislation and regulation in practice. Identify and deal appropriately with conflicts; arising between the applicant and the client, arising between the applicant and their duty to the court, or arising between the applicant and any relevant third

	Learning Outcomes	Supporting Experience
	<p>WITHDRAWAL FROM THE CASE</p> <ul style="list-style-type: none"> An awareness of when they can and/or must withdraw from a case; the proper steps to be taken when doing so whilst observing the interest of the client <p>CONFIDENTIALITY AND PRIVILEGE</p> <ul style="list-style-type: none"> An understanding of and the ability to apply the law and practice of confidentiality and privilege in a variety of practical contexts <p>COMPLAINTS AND NEGLIGENCE</p> <ul style="list-style-type: none"> An awareness of how complaints and allegations of negligence might arise and appropriate measures/procedures for preventing and dealing with them 	<p>party.</p> <ul style="list-style-type: none"> Show an awareness of the need to withdraw; when the client's interests conflict with their duties to the court or any other circumstances where withdrawal is required The appropriate steps to take when withdrawing from a case. Distinguish between legal advice privilege and litigation privilege Distinguish between confidential information and privileged information Identify when confidential and privileged information may or must be disclosed and to whom. Describe/explain the complaints procedure operated by his professional body Be aware of procedures or processes which can be adopted to reduce the risk of complaints or allegations of negligence being made Describe the consequences of a successful complaint or allegation of negligence being made.
<p>Element 4. MANAGING LITIGATION WORK</p>	<p>FILE HANDLING</p> <ul style="list-style-type: none"> An ability to plan and manage litigation effectively <p>CASE ANALYSIS AND CASE PREPARATION</p> <ul style="list-style-type: none"> An ability to effectively analyse a case An ability to formulate a case strategy which is: 	<ul style="list-style-type: none"> Allocate time and resources appropriately Adopt and maintain an appropriate case strategy Be aware of procedural requirements including relevant practice directions and procedural rules Actively manage cases. Identify the key points the prosecution must prove in order to secure a conviction

	Learning Outcomes	Supporting Experience
	<ul style="list-style-type: none"> - compatible with the client's objectives - legally and procedurally sustainable <p>ASSEMBLY SKILLS</p> <ul style="list-style-type: none"> • An ability to assemble all materials relevant to the case, in accordance with the case analysis <p>INSTRUCTING ADVOCATES</p> <ul style="list-style-type: none"> • An ability to instruct an advocate when necessary 	<ul style="list-style-type: none"> • Identify the available evidence the prosecution has to prove these points • Identify what defence, if any, the client is raising and what evidence is available in relation to this defence • Identify the strengths and weaknesses in the case • Identify gaps in the available evidence • Draw up a realistic case theory • Relate the case theory to the client's objectives and expectations • Draw up a strategy for the case. <ul style="list-style-type: none"> • Identify relevant law and procedural rules • Efficiently collate all relevant evidence • Summarise relevant law, procedure and evidence • Locate and interview witnesses • Locate and instruct expert witnesses in accordance with relevant Criminal procedure rules. <ul style="list-style-type: none"> • Identify when a specialist legal opinion is required/when it is necessary to instruct an advocate • Identify a suitably qualified/experienced advocate • Agree an appropriate fee for work to be carried out by the advocate • Draft a brief to the advocate where necessary • Liaise between the client and the advocate • Demonstrate an awareness of the obligations of the advocate to the court and under his professional obligations. <ul style="list-style-type: none"> • Appreciate the nature and function of different types of experts relevant to criminal practice

	Learning Outcomes	Supporting Experience
	<p>EXPERTS</p> <ul style="list-style-type: none"> An ability to instruct an expert when necessary <p>INSTRUCTING OTHER PROFESSIONALS</p> <ul style="list-style-type: none"> An ability to correspond or otherwise communicate with the court and these other parties when it is necessary to do so 	<ul style="list-style-type: none"> Identify when it is appropriate to instruct an expert Be familiar with the available registers and databases through which an appropriate expert may be identified and located Understand the relevant procedural rules to ensure that an expert is instructed properly Understand the substantive law relating to expert evidence and the ways in which such evidence can be challenged. Relevant prosecuting agency as the case progresses in relation to the variety of legal, procedural and evidential issues which may arise during the case Legal advisers of a co-defendant in relation to any issues arising between the defendants, court as the case progresses in relation to the variety of legal, procedural and evidential issues which may arise during the case.
<p>Element 5. LEGAL WRITING AND DRAFTING</p>	<ul style="list-style-type: none"> An ability to understand and apply the principles of good writing and drafting 	<ul style="list-style-type: none"> Understand and apply the principles of good writing Use accurate, straightforward and modern language Use correct spelling, grammar, syntax and punctuation Draft a document that is clear, logical, consistent and with appropriate structure and format Draft a document that forms a coherent whole and, where appropriate, advances the matter Understand the appropriate uses of e-mails, letters, memoranda and other forms of written communication Choose the appropriate medium, form and style of written communication Tailor the written communication to suit the purposes of the communication and the needs of

INTRODUCTION – CRIMINAL PRACTICE ADVOCACY RIGHTS



In open court in the Magistrates' Courts (including Youth Courts), bail before judge in chambers in the Crown Court, in open court in the Crown Court for appeals against conviction and sentence where the applicant or his firm represented the defendant in the Magistrates'/Youth Court and on committal for sentence where the applicant or his firm represented the defendant in the Magistrates' Court.

The entry criteria and evidence of competency stated in this schedule set out and envisages:

- that an applicant ~~ntion~~ for Criminal Practice Advocacy rights will already have obtained, ~~or is making a combined application for~~ or is making an application for Criminal Litigation Practice Rights at the same time as the application for Criminal Practice Advocacy Rights provided they have met the Stage 1 entry requirement for Criminal Litigation Practice Rights

NOTE: an application may also be combined with one for Family Litigation Practice Rights or Civil Litigation Practice Rights (or a combination of these)

- that the applicant has provided the required evidence to demonstrate the level of competency, knowledge and understanding set out in this document
- that the applicant has the required level of competency in the relevant skills of: advocacy, client care, research and interviewing
- that the applicant has entered onto and passed the ~~CILEX~~ Rights of Audience advocacy skills course

NOTE: that the applicant may make an application for rights or audience to appear in open court in the Magistrates' Courts (including Youth Courts), bail before judge in chambers in the Crown Court, in open court in the Crown Court for appeals against conviction and sentence where the applicant or his firm represented the defendant in the Magistrates'/Youth Court and on committal for sentence where the applicant or his firm represented the defendant in the Magistrates' Court.

QUALIFICATION Competencies	Learning Outcomes	Supporting Experience
<p>Stage 1 ENTRY LEVEL COMPETENCY CRITERIA: In order to apply for the rights of audience qualification the applicant must meet the criteria for criminal litigation rights, And will have, relevant experience on the determination of the Admissions and Licensing Committee in the 2 years immediately preceding their application.</p>	<p>The criminal practice advocate will be able to demonstrate:</p> <ul style="list-style-type: none"> • 2 years advocacy experience • Either appropriate experience of the style and standards of practice of advocacy expected in the courts for which they are seeking rights of audience, or have observed advocacy in those areas where currently no rights of audience exist but where they will be granted rights upon achieving the qualification • Analysis, critical judgment and evaluation • Autonomy and ability to learn. 	<p>In relation to the 2 years preceding the application, applicants must give by way of a statement the following information:</p> <ul style="list-style-type: none"> • A general description of the advocacy, trial preparation and trial involvement carried out • A breakdown of the proportion or number of cases which have included preparation for trial or prepared for trial and the stage when the cases were concluded if before trial • A description of the applicant's typical caseload • A description of the range and nature of advocacy experience including observed advocacy (this may include advocacy experience gained through representing clients at police stations). <p>The applicant must also submit a portfolio of cases which demonstrates their advocacy experience based on the caseload in which they have been involved (stating their level of involvement) in compliance with the competence criteria set out below. The portfolio requirements are set</p>

QUALIFICATION Competencies	Learning Outcomes	Supporting Experience
		<p>out in the Portfolio Guidelines.</p> <p>The applicant will be expected to be able to demonstrate through their portfolios that they can:</p> <ul style="list-style-type: none"> • Recognise and rank items and issues in terms of relevance and importance • Integrate information and materials from a variety of different sources • Undertake the analysis of factual information in a logical and coherent way • Make critical judgments of the merits of particular arguments • Present and make a reasoned choice between alternative solutions • Act independently in planning, preparing and undertaking tasks in the above areas of law <ul style="list-style-type: none"> • Undertake independent research in the above areas of law using standard legal information sources <ul style="list-style-type: none"> • Reflect on their learning and make constructive use of feedback

QUALIFICATION CRITERIA	LEARNING OUTCOMES	SUPPORTING EVIDENCE
Stage 2	Stage 2 The applicant must be able to demonstrate:	This can be evidenced by the applicant demonstrating the ability to:
Case Analysis and Theory	<ul style="list-style-type: none"> An appropriate level of case analysis, critical judgement and evaluation 	<ul style="list-style-type: none"> Identify the relevant factual, legal and evidential issues in a given case Identify the evidence available to the prosecution to prove these issues and the evidence available to the defence to challenge these issues and where appropriate to prove or support a defence Identify the strengths and weaknesses of a case Understand the relevant law in context Prepare a case theory that is both succinct and persuasive Prepare a case theory that observes the rules of professional conduct.
Trial Advocacy	<ul style="list-style-type: none"> An appropriate level of trial advocacy 	<ul style="list-style-type: none"> Understand the importance of preparation and effective ways to undertake this Identify the client's goals Analyse the relevant factual issues Understand the legal and evidential context in which these factual issues arise and how they relate to each other Summarise the strengths and weaknesses of the prosecution's case and the defence case Develop an effective case presentation strategy Prepare a coherent submission to the court based upon relevant facts, general principles and legal authority in a structured, concise and persuasive manner in a practical setting which may include a

QUALIFICATION CRITERIA	LEARNING OUTCOMES	SUPPORTING EVIDENCE
		<p>contested bail application or bail appeal; making a submission of no case to answer; a trial, a voire dire hearing and a plea in mitigation</p> <ul style="list-style-type: none"> • Understand and appreciate the relevant communication skills and techniques used by an advocate • Understand in particular the purpose, technique and tactics of examination-in-chief; cross-examination; re-examination and closing speeches to adduce, rebut and clarify evidence • Deal appropriately with client care and ethical issues • Demonstrate an understanding of the ethics, etiquette and conventions of advocacy.
Evidence	<ul style="list-style-type: none"> • Knowledge and understanding of the rules of evidence as they apply in criminal proceedings 	<ul style="list-style-type: none"> • The incidence of the burden and standard of proof • The rules relating to competence and compellability of the accused and all other witnesses • The ways in which evidence may be adduced • The rules relating to memory refreshing • The rules relating to hostile and unfavourable witnesses • The rules relating to admissibility and weight to be attached to prior consistent statements and to impugning the testimony of witnesses by their prior inconsistent statements • The rules relating to finality to collateral issues • The rules relating to the admissibility of hearsay evidence • The admissibility of confessions in criminal trials • The rules relating to inferences • The rules relating to the admissibility of and weight to be attached to disputed visual identification evidence • The rules relating to the admissibility of improperly

QUALIFICATION CRITERIA	LEARNING OUTCOMES	SUPPORTING EVIDENCE
		<p>obtained evidence</p> <ul style="list-style-type: none"> • The statutory rules relating to the admissibility of character evidence of the accused and non-defendants • The relevance of human rights issues • The rules relating to expert evidence.
Professional Ethics and Conduct	Knowledge and understanding of the conduct rules as they apply in criminal practice	<ul style="list-style-type: none"> • The fundamental duties to the court and the administration of justice • The decision to appear • Ceasing to act as an advocate • Conduct of work.

INTRODUCTION – FAMILY LITIGATION PRACTICE RIGHTS

The entry criteria, learning outcomes and evidence of competency stated in this schedule set out:

- the level of competency, knowledge and understanding required to practise in the area of Family Litigation
- the elements required to evidence that level of competency, knowledge and understanding
- the level of competency required in the relevant skills for this area of practice – client care, research and interviewing
- the elements required to evidence the required level of competence for these relevant skills
- a statement of the study and work-based experience that demonstrates that an applicant has attained the required level of competence, knowledge and understanding in all the required elements
- ~~In order to obtain Family Litigation Practice Rights, applicants must combine the application with an application for rights of audience in chambers in the County Courts. An application for advocacy rights of audience in open court remains optional (although it will be necessary in the case of applicants seeking rights of audience in the Family Proceedings Court).~~

Note: that applicants seeking rights of audience accreditation in hearings in open court and/or in chambers should refer to the criteria set out in the Advocacy Rights accreditation document.

Certification of Family Litigation Practice Rights will ensure that the applicant has:

- met the application requirements
- an appropriate level of experience in the field of family litigation in practice, which must include not less than 2 years relevant experience immediately preceding the application
- an appropriate level of knowledge and appreciation of the key legal features of family litigation, including the ability to advise, manage and undertake different methods of dispute resolution in all aspects of family practice. Emphasis will be given to the practical aspects of conducting cases in a family litigation context through the court system but a level of knowledge and understanding of other forms of dispute resolution will also be expected
- the ability and experience to research aspects of case law, legal procedure and documentation that is current
- the ability and experience to interview clients appropriately, identify the client's objectives and different means of achieving those objectives and advise and be aware of the financial, commercial and personal priorities and constraints to be taken account of together with the costs, benefits and risks involved in a transaction or procedure or course of action
- the ability and experience to perform the tasks required to advance transactions or matters, to include (but not restricted by), drafting letters of advice to clients, communicating with co-professionals and with the court
- the ability and experience to draft statements of case, applications and witness statements
- the ability and experience to undertake advocacy in the required fields within this practice area
- demonstrate a level of experience, knowledge and understanding of all aspects of professional conduct and regulation which includes an understanding of the key ethical requirements contained in the relevant conduct rules and other law and regulations and where these may impact and be able to apply them in context.

	LEARNING OUTCOME:	SUPPORTING EXPERIENCE:
	To obtain Family Litigation Practice Rights an applicant must:	The applicant will need to provide evidence of:
STAGE 1 ENTRY CRITERIA <ul style="list-style-type: none"> • KNOWLEDGE • UNDERSTANDING • SKILLS • EXPERIENCE ENTRY KNOWLEDGE AND UNDERSTANDING	<ul style="list-style-type: none"> • Have practical knowledge, understanding, experience and skills 	<ul style="list-style-type: none"> • Knowledge and understanding qualifications • Legal Skills qualifications • Fellowship <p>Knowledge and understanding qualifications</p> <ul style="list-style-type: none"> • Successful completion of CILEXCILEX Level 6 Professional Higher Diplomas in family practice and Level 6 family law <p>Or</p> <ul style="list-style-type: none"> • Supplied evidence of qualification of an equivalent standard <p>Or</p> <ul style="list-style-type: none"> • Supplied evidence of experience of an equivalent standard <p>Legal Skills qualifications</p> <ul style="list-style-type: none"> • Successful completion of CILEXCILEX Level 6 Professional Higher Diplomas in Legal Research and Client Care <p>Or</p> <ul style="list-style-type: none"> • Supplied evidence of qualification of an equivalent standard <p>Or</p> <ul style="list-style-type: none"> • Supplied evidence of experience of an equivalent standard <p>Fellowship</p> <ul style="list-style-type: none"> • Is a Fellow of CILEXCILEX

	LEARNING OUTCOME:	SUPPORTING EXPERIENCE:
		<p>Note 1: Where the applicant holds appropriate qualifications which enable an application for Fellowship to be made, this can be made concurrently with the application for Family Litigation Practice Rights</p> <p>Note 2: Where the applicant does not hold the relevant Level 6 examinations (or equivalent), they are required to demonstrate their knowledge and understanding through the submission of 5 portfolios, in accordance with the Portfolio Guidelines. Examples will be drawn from a range of cases from the applicant's case load.</p>
KNOWLEDGE AND UNDERSTANDING	<p>Demonstrate knowledge and understanding of the underlying legal principles of marriage, adult partnerships and nullity in marriage</p> <p>Demonstrate knowledge and understanding of the underlying legal principles of dissolution of marriage, civil partnership and judicial separation</p>	<ul style="list-style-type: none"> • Examples from their work which evidence their knowledge, understanding and application of at least one of these areas, for example analysis of the legal differences between marriage and cohabitation, the concept of domicile and foreign marriages, the legal consequences of a void marriage etc. • Examples from their work which evidence their knowledge and understanding of the requirements for each and the application of these. This should include the discussion of undefended divorce and dissolution of civil partnership, the process and effect of each, costs which may be incurred, funding implications and identify best practice (including with reference to the Family Law Protocol) • Using examples from their caseload, identify the most common forms of dispute resolution including mediation and the costs involved in this process.

	LEARNING OUTCOME:	SUPPORTING EXPERIENCE:
	<p>Demonstrate knowledge and understanding of the legal basis for parental responsibility, or</p> <p>Demonstrate knowledge and understanding of the law relating to children: private law</p>	<p>effects of the statutory charge)</p> <ul style="list-style-type: none"> • Explain the overriding objective in relation to proportionality of costs including tactics for making offers to settle and the pre application protocol • Using examples from their caseload, applicants should identify the most common forms of dispute resolution including mediation, collaborative law, the benefits and limitation as well as the costs involved in those processes. • Provide examples from their work which evidence their knowledge and understanding of how parental responsibility arises automatically and how it can be acquired under the Children Act 1989, including the factors the court considers in parentage identification cases. • Provide examples from their work which evidence their knowledge, understanding and application of the welfare principle, no delay principle and no order principle, the orders available for private matters under the Children Act 1989, section 8 orders and entitlement to apply (including requirement for leave), the key legal principles under the Children Act that the court will consider in making any order and their application and the procedure for obtaining these orders. Applicants should where possible identify best practice (with reference to relevant sections of the protocol) • <i>Applicants may also include examples which evidence their knowledge and understanding of relevant legislation and current practice directions relating to removal from the jurisdiction, child abduction or change of name, financial relief</i>

	LEARNING OUTCOME:	SUPPORTING EXPERIENCE:
	<p>Demonstrate knowledge and understanding of the law relating to children: public law</p> <p>Demonstrate knowledge and understanding of the law relating to adoption</p> <p>Demonstrate knowledge and understanding of the legislation, provisions and remedies available in cases of domestic violence and molestation</p>	<p><i>available for children under Children Act 1989 and the powers of the court to make family assistance orders. This evidence should demonstrate an understanding of the relevant procedure and the impact of relevant protocols and practice directions.</i></p> <ul style="list-style-type: none"> <i>Provide examples from their work which evidences their knowledge and understanding of Local Authority obligations to support families and children in need; the requirements for the making of and the impact of interim orders, to include emergency protection orders; the statutory criteria for the making of care and supervision orders and the legal effect of such orders and the discharge of those orders; contact relating to children within public law proceedings and the making of special guardianship orders and their effect.</i> <i>Examples from their work which evidence knowledge and understanding of relevant legislation and current practice direction relating to the making of adoption orders and their effect.</i> <i>Knowledge and understanding of the alternatives to court proceedings in domestic violence cases, the impact of legislation in this area (FLA 1996 and Protection from Harassment Act 1997), the procedure and criteria to apply for appropriate orders, including non molestation and exclusion orders (with or without notice) and methods of enforcement of both orders.</i>
ENTRY SKILLS:		<ul style="list-style-type: none"> Where the applicant does not hold the relevant CILEXCILEX Level 6 Legal Research or Client Care (or

	LEARNING OUTCOME:	SUPPORTING EXPERIENCE:
	<p>Demonstrate knowledge and understanding of professional conduct issues arising in practice</p> <p>Demonstrate knowledge and understanding the importance of client care in legal practice</p>	<ul style="list-style-type: none"> • Awareness of the need to use 'plain English' and writing using correct grammar and spelling • Legal English is used only when necessary and is appropriately explained • Judicious use of structure to clearly and logically set out information • The synthesis of a variety of sources to provide advice to the client. • Use of appropriate communication, including use of appropriate tone and style, to sensitively manage client expectations. • Explain where they will find the rules of professional conduct which affect their practice of the law • Identify situations in which an ethical issue may have arisen in their practice and how they dealt with those situations • Identify any professional organisations that exist within their area of practice and explain benefits of membership. • Explain the rules relating to client care and evidence their use of the rules in practice • Evidence use of the use of client care letters and complaint management, 'Your Clients, Your Business' and the benefits of LEXCEL membership etc. • Demonstrate understanding of the need for good client care to benefit the business.
Legal Research	Demonstrate knowledge and understanding of legal research and be able to analyse the scope and complexity of situations which need legal research	<ul style="list-style-type: none"> • Identify situations in which the need for legal research has arisen in their work • Explain the steps they undertook to identify relevant

	LEARNING OUTCOME:	SUPPORTING EXPERIENCE:
	<p>Demonstrate knowledge and understanding of and be able to evaluate legal research sources</p> <p>Demonstrate knowledge and understanding of and be able to perform appropriate legal research</p> <p>Demonstrate knowledge and understanding of and be able to analyse the law in relation to practical problems</p> <p>Ability to record and evaluate information</p> <p>Ability to synthesise research to present advice</p>	<p>sources of information and how they determined the reliability, accuracy and currency of the information discovered</p> <ul style="list-style-type: none"> • Explain their understanding of primary and secondary sources and how these sources can be used to ensure they have sufficiently researched the problem • Identify relevant statutes, case law and other sources from their research • Evidence how they prioritised and analysed the research and used this to better understand the issues raised in the legal matter • Evidence their synthesis of the research materials to provide a structured and accurate report • Evidence how they evaluated the research ensuring that it is comprehensive and sensitive to the needs of the recipient.
<p>ENTRY EXPERIENCE:</p> <p>ALL APPLICANTS</p>	<ul style="list-style-type: none"> • Family proceedings litigation experience in the 2 years preceding the application 	<ul style="list-style-type: none"> • General description of family work carried out • Description of typical case load • An indication of chargeable hours spent on family proceedings work in each of the last 2 years • The proportion of time spent on family proceedings work • The number of cases which have included preparation for trial • Details of the supervisory arrangements under which the applicant works and/or their supervisory responsibilities <p>The applicant is required to demonstrate their</p>

	LEARNING OUTCOME:	SUPPORTING EXPERIENCE:
		<p>experience of Family Law and Practice through the submission of 3 portfolios in accordance with the Portfolio Guidelines.</p> <p>Examples will be drawn from a range of cases from the applicant's case load.</p>
STAGE 2 QUALIFICATION CRITERIA: SKILLS	<p>To obtain Family Litigation Practice Rights the applicant must demonstrate:</p>	<p>The applicant must demonstrate the outcomes by either:</p> <ul style="list-style-type: none"> • attendance on a course, or • through work experience <p>and</p> <ul style="list-style-type: none"> • by satisfying the assessment criteria. <p>Applicants must show the required level of skills in 6 elements, across a range of family matters to include:</p> <ul style="list-style-type: none"> • Matrimonial/divorce and Civil Partnership Proceedings • Relationship breakdown between cohabitants • Financial matters/proceedings • Domestic violence • Private law children proceedings; issues relating to children involving both parents and the wider family • Public law children proceedings • Adoption • Bankruptcy and insolvency in so far as it may affect family problems • Welfare benefits and housing. <p>This can be evidenced by the applicant demonstrating the ability to:</p>

	LEARNING OUTCOME:	SUPPORTING EXPERIENCE:
Element 1. INTERVIEWING, ADVISING AND COMMUNICATING	INTERVIEWING <ul style="list-style-type: none"> An ability to conduct effective interviews with the client and potential witnesses across a range of family disputes ADVISING & COMMUNICATING <ul style="list-style-type: none"> An ability to give and communicate clear accurate and practical advice both orally and in writing on matters relating to law, procedure, strategy and prospects of success (either orally, in writing or other media). Where necessary, the applicant will be able to refer the client on to outside agencies or professionals better able to deal with the wider aspect of their problem 	<ul style="list-style-type: none"> Prepare for an initial interview and apply a structured approach to it Greet the interviewee appropriately Use appropriate listening, questioning and feedback techniques Maintain rapport with the interviewee Be sensitive to diversity issues Keep a full and accurate record of the interview Close the interview appropriately. Obtain all relevant information and identifying the clients objectives Give clear advice on all relevant matters arising Identify the options available and explain the pros and cons of each of those options Enable the client to make decisions in the case based on appropriate advice Give clear, appropriate and accurate advice regarding costs and funding Seek appropriate instructions and give clear advice regarding the next steps to be taken Deal appropriately with any diversity issues that arise Handle an emotionally distressed client in a sensitive and professional manner Producing an accurate record of the interview.
Element 2. COSTS & FUNDING	COSTS <ul style="list-style-type: none"> An awareness of the requirements of the relevant practice rules that relate to contentious and non-contentious costs and be able to give clear, accurate and regular advice or information on costs issues arising in the case 	<ul style="list-style-type: none"> Provide realistic costs estimates of all costs and disbursements at the start of the case and update throughout the progress of the action to include the cost implications of case strategies Ensure full compliance with the FPR, FP(FPC)R and CPR costs rules

	LEARNING OUTCOME:	SUPPORTING EXPERIENCE:
	<p>FUNDING</p> <ul style="list-style-type: none"> An ability to provide clear and accurate advice on funding options to include private funding, public funding and third party funding <p>DOCUMENTATION</p> <ul style="list-style-type: none"> Draft or complete the necessary documents relating to funding 	<ul style="list-style-type: none"> Explain the differences between the indemnity and standard basis of costs Explain the steps that can be taken under CPR and FPR to transfer costs risks to the other side Provide appropriate advice regarding the fees that will be charged. Identify the funding available in a particular case and advise on the suitability of alternative funding sources Communicate the risks and benefits of each method of funding available Be aware of the funding regulations and restrictions (for example non-regulated activities) Advise the client of significant developments in the case Identify and have regard to potential conflicts of interest on funding issues If the client is in receipt of public funding, provide appropriate advice including relevant financial implications and in particular explain the significance of the statutory charge in publicly funded cases where this might have an impact and take all necessary steps to protect the interests of both the client and the CLS fund Prepare estimates and schedules of costs Understand all matters relating to a summary assessment of costs and detailed costs assessment. Draft client care letters Complete all appropriate applications, notices and records in publicly funded cases Prepare detailed cost assessments or instruct a specialist to do so.

	LEARNING OUTCOME:	SUPPORTING EXPERIENCE:
Element 3. PROFESSIONAL CONDUCT AND ETHICS	CONDUCT AND ETHICS PROFESSIONAL OBLIGATIONS <ul style="list-style-type: none"> An awareness of their professional obligations in a diverse range of situations in respect of matters relating to substantive law and the rules of professional conduct An awareness of their obligations to: the court, their client, other lawyers, the public, the Community Legal Service in respect of money laundering legislation and regulation CONFLICTS <ul style="list-style-type: none"> An ability to identify and deal appropriately with conflicts of interest throughout his handling of the matter WITHDRAWAL FROM THE CASE <ul style="list-style-type: none"> an awareness of when they can and/or must withdraw from a case; the proper steps to be taken when doing so whilst observing the interest of the client UNDERTAKINGS <ul style="list-style-type: none"> An understanding of the bases for the giving of professional undertakings to clients, the court and others; the implications of giving such undertakings; the consequences of breaching such undertakings and demonstrate awareness of the appropriate use of undertakings in legal proceedings CONFIDENTIALITY AND PRIVILEGE <ul style="list-style-type: none"> An understanding of and the ability to apply the law and practice of confidentiality and privilege in a variety of practical contexts 	<ul style="list-style-type: none"> Identify situations and their obligations to: the court, their client, other lawyers, the public, and money laundering legislation. Identify and deal appropriately with conflicts: arising between the applicant and the client, arising between the applicant and their duty to the court, or arising between the applicant and any relevant third party. Show an awareness of the need to withdraw; of the proper action when the client refuses to make proper disclosure; of the proper action where the interests conflict with the applicant's duties to the court or any other circumstances where withdrawal is required. Identify when an undertaking may be required and show an awareness of the implications of giving the undertaking and putting in place, or obtaining the appropriate safeguards in respect of the undertaking given. istinguish between legal advice privilege and litigation privilege Distinguish between confidential information and privileged information.

	LEARNING OUTCOME:	SUPPORTING EXPERIENCE:
	<p>COMPLAINTS AND NEGLIGENCE</p> <ul style="list-style-type: none"> An awareness of how complaints and allegations of negligence might arise and appropriate measures/procedures for preventing and dealing with them and the ability to apply the relevant conduct rules and other law and regulations in respect of complaints and negligence 	<ul style="list-style-type: none"> Identify the circumstances when a complaint could be made or negligence may arise Describe/explain the complaints procedure operated by their professional body Be aware of procedures or processes which can be adopted to reduce the risk of complaints or allegations of negligence being made Explain what steps would need to be taken in respect of the identified, or potential, mistake or act of negligence Identify the appropriate professional conduct rules applying and the indicative behaviours that would need to be shown to evidence that no mistake or negligence had occurred.
<p>Element 4.</p> <p>MANAGING LITIGATION WORK</p>	<p>FILE HANDLING</p> <ul style="list-style-type: none"> An ability to plan and manage litigation; to progress matters expeditiously and maintain files and records in accordance with procedures <p>CASE ANALYSIS AND CASE PREPARATION</p> <ul style="list-style-type: none"> An ability to formulate a case strategy which is: <ul style="list-style-type: none"> Compatible with the client's objectives Is legally and procedurally sustainable 	<ul style="list-style-type: none"> Allocate time and resources appropriately and prioritise workloads effectively Deal with matters without causing delay Apply project planning principles to casework Adopt and maintain an appropriate case strategy Be aware of procedural requirements including relevant protocols Actively and efficiently manage cases, making best use of resources Maintain files and systems (including electronic systems) appropriately and correctly. Identify strengths and weaknesses in a case Identify gaps in available evidence Draw up a realistic case plan Relate the case theory to the client's objectives and expectations

	LEARNING OUTCOME:	SUPPORTING EXPERIENCE:
DEALING WITH OTHER PROFESSIONALS	<ul style="list-style-type: none"> An ability to draft legal documents and letters that can be used effectively in the presentation and procedures for an action to proceed either by way of settlement or litigation <p>ASSEMBLY SKILLS</p> <ul style="list-style-type: none"> An ability to assemble all materials relevant to the case, in accordance with the case analysis <p>INSTRUCTING ADVOCATES</p> <ul style="list-style-type: none"> An ability to instruct an advocate when necessary <p>EXPERTS</p> <ul style="list-style-type: none"> An ability to select, instruct and appoint an expert and show an awareness of the range of expertise that may be needed 	<ul style="list-style-type: none"> Provide the client with a balanced view of the likely risks, costs and benefits of case strategies Adopt a cost effective, analytical and pragmatic approach to the wider factual issues Draft or write documents, letters, memoranda or agreements that have been used effectively in the presentation and procedures for an action to proceed by way of settlement or litigation. <ul style="list-style-type: none"> Identify relevant law Efficiently collate all relevant evidence Summarise relevant law and evidence Locate and interview witnesses Locate and instruct expert witnesses in accordance with relevant family procedure rules. <ul style="list-style-type: none"> Identify when a specialist legal opinion is required/when it is necessary to instruct an advocate Identify a suitably qualified/experienced advocate Agree an appropriate fee for work to be carried out by the advocate Draft a brief to the advocate providing appropriate information and instructions Liaise between the client and advocate Demonstrate an awareness of the obligations of the advocate to the court and under his professional obligations Deal with the advocate in an appropriate and professional manner. <ul style="list-style-type: none"> Appreciate the nature and function of different type of expert relevant to family practice, such as child psychiatrist, educational psychologist and forensic

	LEARNING OUTCOME:	SUPPORTING EXPERIENCE:
	for a case	<p>accountant</p> <ul style="list-style-type: none"> Identify when it is appropriate to instruct an expert Agree an appropriate fee for work to be carried out by the expert Be familiar with the available registers and databases through which an appropriate expert may be identified and located Instruct an expert appropriately applying relevant rules and protocol; for example the Children Act Protocol Provide the expert with appropriate information, instructions and guidance Understand the substantive law relating to expert evidence and the ways in which such evidence can be challenged Deal with the expert in an appropriate and professional manner.
<p>Element 5.</p> <p>SETTLEMENT V LITIGATION</p>	<p>CONCLUDING CASES</p> <ul style="list-style-type: none"> Identify and carry out steps to be taken to conclude cases <p>SETTLEMENT</p> <ul style="list-style-type: none"> Be able to identify when settlement of a case is in the client's interest, give clear and accurate advice on settling a case and take the necessary steps to secure settlement 	<ul style="list-style-type: none"> Draft and check orders of the court and/or agreements of the parties Check judgements Advise clients on the outcome of the proceedings or disputes and any further steps necessary Implement and/or enforce agreements/orders Understand the rules/procedure relating to appeals against a judgment Deal with any costs issues arising. Explain the merits of settlement in achieving the client's objectives Give consideration to offers to settle Understand the significance of 'open' offers under

	LEARNING OUTCOME:	SUPPORTING EXPERIENCE:
	<p>NEGOTIATION</p> <ul style="list-style-type: none"> Knowledge and understanding of effective and appropriate negotiation (to include immediately before, and during, the trial or hearing) <p>ADR</p> <p>Be aware of the ADR processes available, including mediation, early neutral evaluation, conciliation and Financial Dispute Resolution appointments in financial proceedings and be able to identify those which are relevant to the case in hand and when they should be applied</p>	<p>the financial relief costs rules</p> <ul style="list-style-type: none"> Explain the advantages of conciliation, negotiation, counselling, mediation and resolving matters using a collaborative lawyer. Apply the principles of proportionality Prepare effectively prior to negotiation Prepare an agenda to deal with relevant issues Determine the client's and opponent's underlying interests and expectations Identify the strengths and weaknesses of the client's and opponent's position Identify the most and least favourable outcomes for the client Identify the likely outcome if the case goes to trial Draft negotiated agreements and secure relevant orders. Explain the nature and procedures of alternative dispute resolution methods Explain the advantages and disadvantages of those methods Recommend any appropriate ADR process which would be in the client's best interests Advise a client how to pursue a particular ADR process.
<p>Element 6</p> <p>LEGAL WRITING AND DRAFTING</p>	<p>An ability to understand and apply the principles of good writing and drafting</p>	<ul style="list-style-type: none"> Understand and apply the principles of good writing Use accurate, straightforward and modern language Use correct spelling, grammar, syntax and punctuation Draft a document that is clear, logical,

	LEARNING OUTCOME:	SUPPORTING EXPERIENCE:
		<p>consistent and with appropriate structure and format</p> <ul style="list-style-type: none"> • Draft a document that forms a coherent whole and, where appropriate, has advanced the matter, and where appropriate has identified the client's objectives and priorities, and where appropriate provided a clear risk analysis • Address the document appropriately and accurately • Understand the appropriate use of e-mails, letters, memoranda and other forms of written communication • Choose the appropriate medium, form and style of written communication • Tailor the written communication to suit the purposes of the communication and the needs of different clients or recipients.

INTRODUCTION – FAMILY LITIGATION ADVOCACY RIGHTS

In chambers and in open court in the Family Proceedings Court, County Courts and Coroners' Courts The entry criteria and evidence of competency stated in this schedule set out and envisages:

- that the applicant will already have obtained practice rights in Family Litigation Practice or ~~is making a combined application~~ is applying for Family Litigation Advocacy Rights at the same as an application for Family Litigation Practice Rights

NOTE: (an application may also be combined with one for Civil Litigation Practice Rights or Criminal Litigation Practice Rights (or a combination of these)

Certification of Family Proceedings Advocacy Rights will ensure:

- that the applicant has provided the required evidence to demonstrate the required level of competency, knowledge and understanding set out in this document
- that the applicant has the required level of competency in the relevant skills: in advocacy, client care, research and interviewing
- that the applicant has entered on to and passed the relevant ~~CILEX~~ CILEX advocacy skills course

NOTE: that the applicant may make an application for rights of audience in chambers only in the County Courts or for rights of audience in open court in the County Courts and the Family Proceedings Court (FPC) and that applicants seeking rights of audience in the FPC must complete the open court rights of audience qualification.

QUALIFICATION Competencies	Learning Outcomes	Supporting Experience
<p>Stage 1</p> <p>ENTRY LEVEL</p> <p>COMPETENCY CRITERIA:</p> <p>In order to apply for the rights of audience qualification the applicant must meet the criteria for Family Litigation Rights and will have relevant advocacy experience (on the determination of the Admissions and Licensing Committee) in the 2 years immediately preceding their application</p>	<p>The applicant will be able to demonstrate</p> <ul style="list-style-type: none"> • 2 years advocacy experience of an appropriate standard of advocacy expected in the courts for which they are seeking rights of audience • Analysis, evaluation and critical judgement • Autonomy and ability to learn 	<p>In relation to the 2 years preceding the application, the applicant must give, by way of statement, the following information:</p> <ul style="list-style-type: none"> • A general description of the advocacy, trial preparation and trial involvement carried out • A breakdown of the proportion or number of cases which have concluded at trial or been prepared for trial and the stage when the cases were concluded if before trial. • A description of the applicant's typical caseload • A description of the range and nature of advocacy experience including observed advocacy. <p>The applicant must also submit a portfolio of cases based on the caseload in which they have been involved (stating their level of involvement) which demonstrates their advocacy experience in compliance with the competence criteria set out below. The portfolio requirements are set out in the Portfolio Guidelines. The applicant will be expected to be able to demonstrate through their portfolios that they can:</p> <ul style="list-style-type: none"> • Recognise and rank items and issues in terms of relevance and importance • Integrate information and materials from a variety of different sources • Undertake the analysis of factual information in a logical and coherent way

QUALIFICATION Competencies	Learning Outcomes	Supporting Experience
QUALIFICATION CRITERIA Stage 2 FOR ALL APPLICANTS Case analysis and theory	Stage 2 The applicant must be able to demonstrate:	<ul style="list-style-type: none"> • Make critical judgments of the merits of particular arguments • Present and make a reasoned choice between alternative solutions. <p>An applicant will be expected to be able to demonstrate through their portfolio that they can:</p> <ul style="list-style-type: none"> • Act independently in planning, preparing and undertaking tasks in the above areas of law • Undertake independent research in the above areas of law using standard legal information sources • Reflect on their learning and make constructive use of feedback. <p>This can be evidenced by the applicant demonstrating the ability to:</p>
	<ul style="list-style-type: none"> • An appropriate level of experience of case analysis, critical judgment and evaluation 	<ul style="list-style-type: none"> • Identify the relevant factual, legal and evidential issues in a given case • Identify the evidence available to both parties to prove these issues • Identify the strengths and weaknesses of a case • Understand the relevant law in context • Prepare a case theory that is both succinct and persuasive • Prepare a case theory that observes the rules of professional conduct. • Understand the importance of preparation and effective ways to undertake this • Identify the client's goals • Analyse the relevant factual issues • Understand the legal and evidential context in which

Judges Room Advocacy	<ul style="list-style-type: none"> • An appropriate level of experience of judge's room advocacy 	<p>these factual issues arise and how they relate to each other</p> <ul style="list-style-type: none"> • Summarise the strengths and weaknesses of each party's case • Develop an effective case presentation strategy. • Outline the relevant facts in a clear, effective format • Understand and use the English language proficiently in relation to legal issues. • Present a sustained argument in a way which is comprehensible to others • Prepare and present a coherent submission to the court based upon relevant facts, general principles and legal authority in a structured, concise and persuasive manner in a practical setting in relation to a without notice application • Understand and appreciate the relevant communication skills and techniques used by an advocate.
Skeleton Arguments	<ul style="list-style-type: none"> • The ability to draft a skeleton argument 	<ul style="list-style-type: none"> • Draft a skeleton argument and consent order • Identify appropriately the relevant chronology and issues • Make effective submissions on these issues by use of numbered paragraphs; citing relevant authorities; arguments for the case and use of appropriate factual and legal arguments.
Professional Conduct	<ul style="list-style-type: none"> • knowledge and understanding of the conduct rules as they apply in family proceedings 	<ul style="list-style-type: none"> • How to deal appropriately with client care and ethical issues • The fundamental duties to the court and the administration of justice • Making an appropriate decision to appear and represent the client at court • When it would be appropriate to cease to act as an advocate.

QUALIFICATION Competencies	Learning Outcomes	Supporting Experience
<p>FOR APPLICANTS SEEKING OPEN COURT RIGHTS OF AUDIENCE</p> <p>Trial Advocacy</p>	<ul style="list-style-type: none"> • An appropriate level of trial advocacy 	<ul style="list-style-type: none"> • Understand in particular the purpose, technique and tactics of opening speeches; examination-in-chief; cross-examination; re-examination and closing speeches to adduce, rebut and clarify evidence • Undertake competently an opening speech, examination-in-chief, cross-examination, re-examination and a closing speech • Deal appropriately with client care and ethical issues • Demonstrate an understanding of the ethics, etiquette and convention of advocacy.
<p>Evidence</p>	<ul style="list-style-type: none"> • knowledge and understanding of the rules of evidence as they apply in family proceedings 	<ul style="list-style-type: none"> • The incidence of the burden and standard of proof • The rules relating to competence and compellability of witnesses • The significance and admissibility of circumstantial evidence • The ways in which evidence may be adduced. • The rules relating to admissibility and weight to be attached to prior consistent statements and to impugning the testimony of witnesses by their prior inconsistent statements • The rules relating to finality to collateral issues • The rules relating to the admissibility of hearsay evidence • The rules relating to expert evidence • The relevance of human rights issues.

Annex 4

ASSESSMENT CRITERIA AND FRAMEWORK DOCUMENT FOR ADVOCACY SKILLS COURSES

GENERAL

Assessment Criteria

The competence of candidates will be assessed in accordance with the criteria set out in this appendix by means of case studies relating to a trial or an application.

Assessment Standard

The standard of competence for each assessment will be 50% and candidates will be required to meet this standard of attainment for each formal assessment to attain an overall level of competence. This requirement only applies to formal assessments and candidates will not be required to reach this standard on the formative assessments which will take place at various stages during the Advocacy Skills Course. Course providers will decide which assessments will be formally assessed.

The Assessment Organisation(s) will be required to develop their own mark and weighting bands for each element of the formal assessment criteria to be approved by ILEX. Assessors should have the flexibility to mark in between the weighting bands devised by the Assessment Organisation(s).

Assessors will retain a general discretion to determine overall competence even if a candidate reaches the appropriate mark of 50% in each formal assessment. The following is a non-exhaustive list of examples that may affect the assessor's overall assessment of competence:

- errors relating to gross professional misconduct;
- fundamental errors of law / evidence / procedure;
- making a majority of submissions from a prepared script;
- engaging in inappropriate court room behaviour.

Written Test

The standard that candidates seeking open court rights of audience will be required to achieve in evidence will be comparable to the standard required generally. However, the marks required to achieve a comparable standard may be higher than 50% where a multiple choice question format is adopted. The nature of the written test and the proposed standard of competence will be considered by the Admissions and Licensing Committee.

Resubmissions

A candidate who is assessed as being not yet competent in one or more of the formal assessments will be allowed one further opportunity to achieve the required standard of competence in relation to that assessment(s). If he or she is successful they may be awarded a pass mark. If they are still assessed as being not yet competent on this resubmission then they will be required to undertake all the assessments again before they can achieve the appropriate level of competence.

A candidate who is unable to complete one or more of the formal assessments owing to ill health or other such cause, beyond their control, will be allowed a further opportunity to achieve the required standard of competence.

Professional Conduct

Case studies will enable candidates to be assessed on their ability to recognise and deal with issues of professional and ethical conduct in the course of advocacy in accordance with the Rights of Audience Conduct Rules. The conduct issues to be assessed may include:

- The overriding duty to the court.
- The duty not to engage in conduct which is dishonest/discreditable, prejudicial to the administration of justice or likely to diminish public confidence in the administration of justice or the legal profession.
- The duty to the client to promote and protect their interests, to act in good faith towards them and to avoid or deal with any conflict.
- The interests of the client and the advocate, his employer and any other party to the proceedings.
- The duty not to discriminate against, nor treat less favourably any person, including the client, on the grounds of their age, race, colour, ethnic or national origin, sex, sexual orientation, religion or political persuasion of the client.
- The duty of confidentiality in relation to a client's affairs and misuse of confidential information.
- The duties owed to other advocates in court.

ASSESSMENT CRITERIA FOR THE CIVIL PROCEEDINGS CERTIFICATE

In order to pass the advocacy assessments for the Civil Proceedings Certificate a candidate seeking chambers rights of audience must demonstrate competence in the following assessment categories:

- Case Analysis & Theory or Skeleton Arguments
- Interim Applications.

In order to pass the advocacy assessments for the Civil Proceedings Certificate a candidate seeking open court rights of audience must demonstrate competence in one assessment from each of the following assessment categories:

- Opening speech or closing speech
- Examination in Chief, Cross Examination or Exchanged witness statement/ sworn statement and re-examination
- Legal submission

A candidate who completes the chambers and open court rights of audience course at the same time must demonstrate competence in one assessment from each of the following assessment categories:

- Case analysis and theory or skeleton arguments
- Opening speech or closing speech
- Examination in Chief, Cross Examination or Exchanged witness statement/ sworn statement and re-examination
- Interim application / legal submission

ANALYSIS & THEORY

It will normally be expected that this element will be assessed by a written assessment where candidates are required to produce a case theory based on a case study and / or to make use of such a case theory during an interim application, a piece of cross-examination or a closing speech.

ACTIVITY	CRITERIA
CASE ANALYSIS	Factual issues <ul style="list-style-type: none">▪ 3 best facts▪ 3 worst facts Available evidence to prove factual issues Legal issues Relevant law
CASE THEORY	<ul style="list-style-type: none">▪ Succinct▪ Provable

SKELETON ARGUMENTS

It will normally be expected that this element will be assessed by a written assessment where candidates are required to produce a skeleton argument based on a case study.

ACTIVITY	CRITERIA
STRUCTURE	Identifies appropriately: <ul style="list-style-type: none">▪ Parties▪ Chronology▪ List of issues▪ Relevant facts▪ Relevant law
SUBMISSIONS	States and develops a sound argument in an effective and persuasive manner on the above issues
GENERAL	<ul style="list-style-type: none">▪ Divided into numbered paragraphs▪ Paged consecutively▪ Cites main authorities relied on▪ Avoids formality▪ Appropriate use of abbreviations▪ Use of clear, grammatical English

INTERIM APPLICATION / LEGAL SUBMISSIONS

It will normally be expected that this element will be assessed by an oral assessment where candidates are required to represent a party in an interim application or to make legal submissions to a court in the context of a case study scenario.

ACTIVITY	CRITERIA
PREPARATION	<ul style="list-style-type: none"> ▪ Undertake case analysis ▪ Perform appropriate legal research
CONTENT	<p>The application / submission must:</p> <ul style="list-style-type: none"> ▪ Be appropriate and relevant to context ▪ Be legally, evidentially and factually accurate ▪ Have appropriate reference to legal sources ▪ Use documents where necessary ▪ Observe the rules of professional conduct
STRUCTURE	<ul style="list-style-type: none"> ▪ Clear and logical ▪ Respond to the judge's questions ▪ Respond to points raised by the other side
DELIVERY	<ul style="list-style-type: none"> ▪ Clear and fluent ▪ Appropriate language, pace, volume and mannerisms ▪ Refer to documents when required
EFFECTIVE AND PERSUASIVE	The extent to which the application / response influences the tribunal to find for the applicant / respondent

OPENING SPEECH

It will normally be expected that this element will be assessed by an oral assessment where candidates are required to represent a party in a contested trial in the context of one or more case study scenarios.

ACTIVITY	CRITERIA
INTRODUCTION	Appropriate "in" line introducing self, opponent and nature of case
DOCUMENTS	Check court has relevant documents and the opportunity to read them
SUMMARISES DISPUTE	<ul style="list-style-type: none"> ▪ Background ▪ Identifies legal and factual issues in dispute
EVIDENCE	Introduces evidence by reference to the witnesses intend to call and matters contained in agreed documents
LAW	<ul style="list-style-type: none"> ▪ Summarises legal principles involved ▪ Indicates areas where a ruling will be necessary
CONCLUSION	Appropriate "out" line
GENERAL	<ul style="list-style-type: none"> ▪ Speaks effectively (including not reading from a prepared text) ▪ Maintains suitable court room demeanour ▪ Avoids overstating case ▪ Deals appropriately with any conduct issues

EXCHANGED WITNESS STATEMENT / SWORN STATEMENT & RE-EXAMINATION

It will normally be expected that this element will be assessed by an oral assessment where candidates are required to represent a party in a contested trial in the context of one or more case study scenarios.

ACTIVITY	CRITERIA
EXAMINATION-IN-CHIEF	<ul style="list-style-type: none">▪ Name, address, occupation▪ Directions▪ Identifies witness statement/ sworn statement▪ Identifies signature▪ Confirms date signed▪ Elicits further evidence with an appropriate range of non-leading questions▪ Confirms truth to the best of knowledge and belief▪ “Out” line (with appropriate directions to remain for xx)
RE-EXAMINATION	<ul style="list-style-type: none">▪ Was it necessary to re-examine?▪ No inappropriate leading questions▪ Only deals with issues already raised▪ “Out” line
GENERAL	<ul style="list-style-type: none">▪ Speaks effectively (including not reading from a prepared text)▪ Maintains suitable court room demeanour▪ Deals appropriately with any conduct issues

CROSS-EXAMINATION

It will normally be expected that this element will be assessed by an oral assessment where candidates are required to represent a party in a contested trial in the context of one or more case study scenarios.

ACTIVITY	CRITERIA
TECHNIQUES	<ul style="list-style-type: none">▪ Leading questions to control witness▪ Short questions that witness understands▪ Asks one question at a time▪ Listens to witnesses answers and makes appropriate notes▪ Avoids: Making statements; asking too many questions; misquoting witness; echoing witness’ reply inappropriately

OBJECTIVES	<p>Does the advocate achieve the following objectives where appropriate:</p> <ul style="list-style-type: none"> ▪ Obtains favourable information from the witness ▪ Demonstrates that the witness is wrong (mistaken/lying) ▪ Undermines the witnesses' credibility ▪ Puts the client's case to the witness
GENERAL	<ul style="list-style-type: none"> ▪ Appropriate range of leading questions ▪ Speaks effectively (including not reading from a prepared text) ▪ Maintains suitable court room demeanour ▪ Deals appropriately with any conduct issues

CLOSING SPEECH

It will normally be expected that this element will be assessed by an oral assessment where candidates are required to represent a party in a contested trial in the context of one or more case study scenarios.

ACTIVITY	CRITERIA
ISSUES	Identifies the outstanding issues
EVIDENCE	<p>Summarises the evidence appropriately by highlighting the points which</p> <ul style="list-style-type: none"> ▪ Strengthen own case ▪ Weaken opponent's case <p>Deals appropriately with unfavourable evidence</p> <p>Deals appropriately with burden of proof</p>
LAW	Makes appropriate submissions on points of law (with copies of authorities if necessary)
CONCLUSION	Appropriate "out" line
GENERAL	<ul style="list-style-type: none"> ▪ Speaks effectively (including not reading from a prepared text) ▪ Maintains suitable court room demeanour ▪ Avoids giving evidence/introducing new matters ▪ Deals with any conduct issues

EVIDENCE

Candidates seeking open court rights of audience will be required to sit an examination on the rules and principles of evidence as they operate in civil proceedings. The examination will be in the format of a written test or multiple choice questions.

Candidates must achieve a mark 50% or above to be assessed as competent in this examination. The examination will assess candidates' knowledge and understanding on a number of the following rules and principles of the law of evidence as they apply to civil proceedings:

- The operation of the burden and standard of proof.
- Competence and compellability of witnesses.
- The admissibility and significance of circumstantial evidence.
- The court's power to control evidence.
- Expert opinion evidence.
- Examination-in-chief and re-examination of witnesses called by that party.
- Admissibility and relevance of previous consistent and inconsistent statements made by witnesses.
- Cross-examination of witnesses called for the other party.
- Finality to collateral issues.
- Admissibility and weight to be given to hearsay evidence.
- Improperly obtained evidence.
- Character and disposition in relation to a party or a witness to the proceedings.
- Privilege and public interest immunity.
- The relevance of human rights issues in civil proceedings.

ASSESSMENT CRITERIA FOR THE FAMILY PROCEEDINGS CERTIFICATE

In order to pass the advocacy assessments for the Family Proceedings Certificate a candidate seeking chambers rights of audience must demonstrate competence in the following assessment categories:

- Case Analysis & Theory or Skeleton Arguments
- Interim Application

In order to pass the advocacy assessments for the Family Proceedings Certificate a candidate seeking open court rights of audience must demonstrate competence in one assessment from each of the following assessment categories:

- Opening speech or closing speech
- Examination in Chief, Cross Examination or Exchanged witness statement/ sworn statement and re-examination
- Legal submission

A candidate who completes the chambers and open court rights of audience course at the same time must demonstrate competence in one assessment from each of the following assessment categories:

- Case analysis and theory or skeleton arguments
- Opening speech or closing speech
- Examination in Chief, Cross Examination or Exchanged witness statement/ sworn statement and re-examination
- Interim application / legal submission

CASE ANALYSIS & THEORY

It will normally be expected that this element will be assessed by a written assessment where candidates are required to produce a case theory based on a case study and / or to make use of such a case theory during an interim application, a piece of cross-examination or a closing speech.

ACTIVITY	CRITERIA
CASE ANALYSIS	Factual issues <ul style="list-style-type: none">▪ 3 best facts▪ 3 worst facts Available evidence to prove factual issues Legal issues Relevant law
CASE THEORY	<ul style="list-style-type: none">▪ Succinct▪ Provable

SKELETON ARGUMENTS

It will normally be expected that this element will be assessed by a written assessment where candidates are required to produce a skeleton argument based on a case study.

ACTIVITY	CRITERIA
STRUCTURE	Identifies appropriately: <ul style="list-style-type: none">▪ Parties▪ Chronology▪ List of issues▪ Relevant facts▪ Relevant law
SUBMISSIONS	States and develops a sound argument in an effective and persuasive manner on the above issues
GENERAL	<ul style="list-style-type: none">▪ Divided into numbered paragraphs▪ Paged consecutively▪ Cites main authorities relied on▪ Avoids formality▪ Appropriate use of abbreviations▪ Use of clear, grammatical English

WITHOUT NOTICE APPLICATION / LEGAL SUBMISSIONS

It will normally be expected that this element will be assessed by an oral assessment where candidates are required to represent a party in an interim application or to make legal submissions to a court in the context of a case study scenario.

ACTIVITY	CRITERIA
PREPARATION	<ul style="list-style-type: none"> ▪ Undertake case analysis ▪ Perform appropriate legal research
CONTENT	<p>The application / submission must:</p> <ul style="list-style-type: none"> ▪ Be appropriate and relevant to context ▪ Be legally, evidentially and factually accurate ▪ Have appropriate reference to legal sources ▪ Use documents where necessary ▪ Observe the rules of professional conduct
STRUCTURE	<ul style="list-style-type: none"> ▪ Clear and logical ▪ Respond to the judge's questions ▪ Respond to points raised by the other side
DELIVERY	<ul style="list-style-type: none"> ▪ Clear and fluent ▪ Appropriate language, pace, volume and mannerisms ▪ Refer to documents when required
EFFECTIVE AND PERSUASIVE	The extent to which the application / response influences the tribunal to find for the applicant / respondent

OPENING SPEECH

It will normally be expected that this element will be assessed by an oral assessment where candidates are required to represent a party in a contested trial in the context of one or more case study scenarios.

ACTIVITY	CRITERIA
INTRODUCTION	Appropriate "in" line introducing self, opponent and nature of case
DOCUMENTS	Check court has relevant documents and the opportunity to read them
SUMMARISES DISPUTE	<ul style="list-style-type: none"> ▪ Background ▪ Identifies legal and factual issues in dispute
EVIDENCE	Introduces evidence by reference to the witnesses intend to call and matters contained in agreed documents
LAW	<ul style="list-style-type: none"> ▪ Summarises legal principles involved ▪ Indicates areas where a ruling will be necessary
CONCLUSION	Appropriate "out" line
GENERAL	<ul style="list-style-type: none"> ▪ Speaks effectively (including not reading from a prepared text) ▪ Maintains suitable court room demeanour ▪ Avoids overstating case ▪ Deals appropriately with any conduct issues

EXCHANGED WITNESS STATEMENT / SWORN STATEMENT & RE-EXAMINATION

It will normally be expected that this element will be assessed by an oral assessment where candidates are required to represent a party in a contested trial in the context of one or more case study scenarios.

ACTIVITY	CRITERIA
EXAMINATION-IN-CHIEF	<ul style="list-style-type: none">▪ Name, address, occupation▪ Directions▪ Identifies witness statement, Form E or sworn statement▪ Identifies signature▪ Confirms date signed▪ Elicits further evidence with an appropriate range of non-leading questions▪ Confirms truth to the best of knowledge and belief▪ "Out" line (with appropriate directions to remain for xx)
RE-EXAMINATION	<ul style="list-style-type: none">▪ Was it necessary to re-examine?▪ No inappropriate leading questions▪ Only deals with issues already raised▪ "Out" line
GENERAL	<ul style="list-style-type: none">▪ Speaks effectively (including not reading from a prepared text)▪ Maintains suitable court room demeanour▪ Deals appropriately with any conduct issues

CROSS-EXAMINATION

It will normally be expected that this element will be assessed by an oral assessment where candidates are required to represent a party in a contested trial in the context of one or more case study scenarios.

ACTIVITY	CRITERIA
TECHNIQUES	<ul style="list-style-type: none">▪ Leading questions to control witness▪ Short questions that witness understands▪ Asks one question at a time▪ Listens to witnesses answers and makes appropriate notes▪ Avoids: Making statements; asking too many questions; misquoting witness; echoing witness' reply inappropriately
OBJECTIVES	<p>Does the advocate achieve the following objectives where appropriate:</p> <ul style="list-style-type: none">▪ Obtains favourable information from the witness

GENERAL	<ul style="list-style-type: none"> ▪ Appropriate range of leading questions ▪ Speaks effectively (including not reading from a prepared text) ▪ Maintains suitable court room demeanour ▪ Deals appropriately with any conduct issues
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CLOSING SPEECH

It will normally be expected that this element will be assessed by an oral assessment where candidates are required to represent a party in a contested trial in the context of one or more case study scenarios.

ACTIVITY	CRITERIA
ISSUES	Identifies the outstanding issues
EVIDENCE	Summarises the evidence appropriately by highlighting the points which <ul style="list-style-type: none"> ▪ Strengthen own case ▪ Weaken opponent's case Deals appropriately with unfavourable evidence Deals appropriately with burden of proof
LAW	Makes appropriate submissions on points of law (with copies of authorities if necessary)
CONCLUSION	Appropriate "out" line
GENERAL	<ul style="list-style-type: none"> ▪ Speaks effectively (including not reading from a prepared text) ▪ Maintains suitable court room demeanour ▪ Avoids giving evidence/introducing new matters ▪ Deals with any conduct issues

EVIDENCE

Candidates seeking open court rights of audience will be required to sit an examination on the rules and principles of evidence as they operate in family proceedings. The examination will be in the format of a written test or multiple choice questions.

Candidates must achieve a mark 50% or above to be assessed as competent in this examination.

The examination will assess candidates' knowledge and understanding on a number of the following rules and principles of the law of evidence as they apply to family proceedings:

- The operation of the burden and standard of proof.
- The court's power to control evidence.
- Competence and compellability of witnesses.
- Expert opinion evidence.
- Examination-in-chief and re-examination of witnesses called by that party.
- Previous consistent and inconsistent statements made by witnesses.
- Cross-examination of witnesses called for the other party.
- Finality to collateral issues.
- Admissibility and weight to be given to hearsay evidence.
- Improperly obtained evidence.
- Character and disposition in relation to a party or a witness to the proceedings.
- Privilege and public interest immunity.
- The relevance of human rights issues in family proceedings.

ASSESSMENT CRITERIA AND FRAMEWORK FOR THE CRIMINAL LITIGATION SKILLS COURSE

In order to pass the formal assessments for the Criminal Litigation Skills Course a candidate must demonstrate competence in the following criteria for those activities in which he is assessed:

ELEMENT 1: CLIENT CARE

It will normally be expected that Element 1 will be assessed by an oral assessment of an interview with a client and a witness followed by the drafting of a letter to the client and an attendance note of the interview with the client.

INTERVIEWING, ADVISING & COMMUNICATING

ACTIVITY	CRITERIA
INTERVIEWING THE CLIENT	<ul style="list-style-type: none">▪ Appropriate preparation.▪ Meet & greet client appropriately.▪ Obtain client's instructions by appropriate use of listening, questioning & feedback techniques.▪ Identify any "hidden agendas".▪ Maintain rapport with client.▪ Deal appropriately with any diversity issues.▪ Close interview appropriately.▪ Keep an accurate record of the interview.▪ Work within the time constraints that operate in practice.
ADVISING	<ul style="list-style-type: none">▪ Accurately identify the relevant issues arising in the case.▪ Accurately identify what it is the client seeks to achieve.▪ Provide clear advice on all relevant matters arising.▪ Accurately summarise the available options open to the client to ensure the client is able to make an informed decision.▪ Accurately explain the relevant procedure to be followed including any steps the criminal litigator will take and any the client will need to take.▪ Provide clear advice on available funding options and if applicable, the firm's charging rates.▪ Provide clear advice on the next steps to be taken by the criminal litigator and the client.▪ Deal appropriately with any diversity issues.
COMMUNICATING	<ul style="list-style-type: none">▪ Obtain all relevant information from the client.▪ Advise the client of any significant developments in the case.▪ Provide appropriate advice on options, procedures and strategies as the case develops.▪ Explain the advantages and disadvantages of each available option.

INTERVIEWING WITNESSES	<ul style="list-style-type: none"> ▪ Understand the ethical rules relating to interviewing witnesses. ▪ Prepare a statement of proof so that it may be admitted in evidence if the witness is unable to testify. ▪ Understand how a witness's evidence may be admitted in their absence. ▪ Understand the special measure provisions available for vulnerable and / or intimidated witnesses and how to apply for such measures. ▪ Exercise judgement in selecting the appropriate location in which to conduct the interview and whether this task can be appropriately delegated.
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ELEMENT 2: FUNDING

It will normally be expected that Element 2 will be assessed by the drafting of a letter to a client and the completion of the necessary documentation relating to funding.

FUNDING, COSTS & DOCUMENTATION

ACTIVITY	CRITERIA
FUNDING	<ul style="list-style-type: none"> ▪ Advise the client clearly about their potential eligibility for public funding; ▪ Explain what supporting documentation will be needed to obtain publicly funded representation; ▪ Advise the client on the financial and other implications of obtaining publicly funded representation; ▪ Provide appropriate information to privately funding clients regarding the fees which will be charged.
DOCUMENTATION	<p>Draft the following:</p> <ul style="list-style-type: none"> ▪ client care letters; ▪ complete the relevant Criminal Defence Solicitor Forms (CDS) required by the Legal Services Commission (LSC) in order to obtain public funding; ▪ complete the relevant CDS forms required by the LSC in order to obtain authority to instruct experts when this is necessary. <p>Prepare the following:</p> <ul style="list-style-type: none"> ▪ estimates and schedules of costs for privately funded clients.

ELEMENT 3: CONDUCT & ETHICS

It will normally be expected that Element 3 will be assessed by the use of multiple choice questions or a case study. This element is also a pervasive topic and so may appear in any of the assessments.

ACTIVITY	CRITERIA
PROFESSIONAL OBLIGATIONS	<p>Demonstrate an understanding of the professional obligations in relation to:</p> <ul style="list-style-type: none"> ▪ the court; ▪ the client; ▪ witnesses; ▪ other lawyers; ▪ the public; ▪ money laundering legislation.
CONFLICT	<p>Identify and deal appropriately with conflicts arising between:</p> <ul style="list-style-type: none"> ▪ the criminal litigator and the client; ▪ clients; ▪ the criminal litigator and the duty owed to the court or to the administration of justice generally.
WITHDRAWAL	<p>Demonstrate an understanding of:</p> <ul style="list-style-type: none"> ▪ when to withdraw from a case; ▪ the appropriate steps to take when withdrawing from a case.
CONFIDENTIALITY & PRIVILEGE	<ul style="list-style-type: none"> ▪ Identify and distinguish between legal advice privilege, Criminal Litigation privilege and confidential information. ▪ Apply the relevant law and practice rules relating to privilege and confidence. ▪ Identify when confidential and privileged information may or must be disclosed and to whom.
COMPLAINTS & NEGLIGENCE	<p>Describe:</p> <ul style="list-style-type: none"> ▪ the complaints procedure operated by the criminal litigator's professional body; ▪ what actions should be taken when a complaint or allegation of negligence is made; ▪ the procedures and processes that can be adopted to reduce the risk of complaints or allegations of negligence being made; ▪ the consequences of a complaint or allegation of negligence being upheld.

ELEMENT 4: MANAGING CRIMINAL LITIGATION WORK

It will normally be expected that Element 4 will be assessed by way of a written assessment which could consist of one or more of the following methods of assessment: drafting a brief to counsel; drafting a letter to the client; drafting instructions to an expert; drafting correspondence to the relevant prosecuting body, the court or to the legal adviser of a co- defendant; drafting relevant documentation; questions based on a case study; multiple choice questions.

CRIMINAL LITIGATION MANAGEMENT SKILLS

ACTIVITY	CRITERIA
CASE ANALYSIS	<p>Identify:</p> <ul style="list-style-type: none"> the key points the prosecution must be able to prove in order to secure a conviction; what available evidence the prosecution has to prove these points; what defence, if any, the client is raising; what evidence is available in relation to this defence; strengths and weaknesses in the case; gaps in the available evidence; a realistic case theory; a case theory that will meet the client's objectives and expectations; a strategy for the case.
RESEARCH SKILLS	<p>Undertake appropriate research to ensure that a case is thoroughly prepared by:</p> <ul style="list-style-type: none"> accessing the relevant substantive law; accessing the relevant practice and procedural rules; accurately applying the relevant substantive law and procedural rules to a given case.
ASSEMBLY SKILLS	<p>In accordance with the case analysis:</p> <ul style="list-style-type: none"> identify the relevant law and procedural rules; collect all the relevant evidence; summarise the relevant law, procedure and evidence succinctly and coherently; locate and interview potential witnesses; locate, make proper use of and instruct expert witnesses in accordance with the relevant procedural rules.
INSTRUCTING ADVOCATES	<ul style="list-style-type: none"> Identify when specialist legal opinion is needed. Identify when it is necessary to instruct an advocate. Locate an appropriate advocate. Agree an appropriate fee basis for work to be carried out by the advocate where the client is funding the case privately. Draft an appropriate brief to the advocate. Liaise appropriately between the advocate and the client. Understand the legal and professional obligations of the advocate.

INSTRUCTING EXPERTS	<p>Demonstrate:</p> <ul style="list-style-type: none"> ▪ an understanding of the nature and functions of different types of expert witnesses; ▪ when it may be appropriate to instruct an expert; ▪ how to locate an appropriately qualified expert through available registers and databases; ▪ sufficient knowledge of the relevant procedural rules so that the expert can be instructed properly; ▪ sufficient knowledge of the substantive law relating to expert
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	evidence and how such evidence may be admitted in evidence and also appropriately challenged.
COMMUNICATING WITH THE PROSECUTION, CO- DEFENDANTS AND THE COURT	<p>Demonstrate an ability to correspond or otherwise communicate with the:</p> <ul style="list-style-type: none"> ▪ relevant prosecuting agency as the case progresses in relation to the wide variety of legal, procedural and evidential issues that may arise during the case; ▪ legal advisers of a co-defendant in relation to any issues that arise between the defendants; ▪ court as the case progresses in relation to the wide variety of legal, procedural and evidential issues that may arise during the case.

Annex 5

INTRODUCTION – PRACTICE MANAGEMENT

The qualification criteria, learning outcomes and evidence of competency stated in this schedule set out:

- the level of competency, knowledge and understanding required to run a business which provides a legal service, having consideration for rules and regulations, both professional and legislative
- the elements required to evidence that level of competency, knowledge and understanding.
- the level of competency required in the relevant skills for this area of practice –what it means to be part of a profession, CILEx ~~Regulation's regulations~~regulations, management of a legal entity and business acumen
- the elements required to evidence the required level of competence for these relevant skills
- a statement of the study and work-based experience that demonstrates that an applicant has attained the required level of competence, knowledge and understanding in all the required elements.

Certification of practice management will ensure that the applicant has:

- met the application requirements
- an appropriate level of suitability to manage a practice
- an appropriate level of knowledge and appreciation of the key features both financial and non-financial of practice management to include the ability to deal with risk, have a strategy, make informed business decisions, manage and motivate others, the benefits of IT and the external and internal forces which will ultimately will affect an organisation's ability to succeed
- the ability and skill to advance the organisation through the creation of a strategy appropriate to the market sector the organisation wishes to target, to include the use of a business plan, marketing plan, corporate social responsibility policy and other appropriate associated documents which may be needed to support the organisation's strategy
- the ability and skill to manage a client's expectations appropriately, not just at the outset of a case, but throughout the life of the retainer relationship
- the ability and skill to read and interpret the firm's accounts, in addition to any supporting budgets, cash flows, management accounts and ad hoc reports pertaining to the firm's profitability and financial position
- the ability and skill to perform the tasks required to evaluate the benefits of IT and the need for good project management
- to demonstrate a level of experience, knowledge and understanding of professional conduct and regulation contained in the relevant conduct rules and other law and regulations, including government legislation, and where these may impact and to be able to apply them in context.

	Learning Outcome	Supporting Evidence
	An applicant seeking practice rights must demonstrate:	The applicant will need to provide evidence to:
QUALIFICATION CRITERIA <ul style="list-style-type: none"> • KNOWLEDGE • UNDERSTANDING • EXPERIENCE • SKILLS 	<ul style="list-style-type: none"> • Sufficient practical knowledge, understanding, experience and skills – note these are different depending of the role of the applicant 	<p>Demonstrate they meet the outcomes set out below by:</p> <ul style="list-style-type: none"> • attendance on a course, or • practical experience <p>The outcomes are split into the following levels:</p> <ul style="list-style-type: none"> • Level 1 - mandatory for all applicants • Level 2a - mandatory for compliance managers • Level 2b - mandatory for compliance manager undertaking practice management • Level 2c - mandatory for compliance manager undertaking accounts management
Element 1 BEING PART OF A PROFESSION	EXTERNAL INFLUENCES Demonstrate knowledge, understanding and application of the current legal market and legal entities which may be created to provide a legal service	<p>LEVEL 1:</p> <ul style="list-style-type: none"> • Knowledge and understanding of the types of structure through which a legal entity may be formed • Knowledge and understanding of those able to regulate reserved legal activities • Understanding that the structure and regulation of legal entities and activities may change and be able to identify these changes • Knowledge and understanding of a business plan, taking into account recent and current changes to the legal services market • Knowledge, understanding and ability to comply with a complaints procedure in line with LeO guidelines. <p>LEVEL 2a:</p> <ul style="list-style-type: none"> • Ability to prepare a business plan, taking into account recent and current changes to the legal services market

	Learning Outcome	Supporting Evidence
	An applicant seeking practice rights must demonstrate:	The applicant will need to provide evidence to:
		<ul style="list-style-type: none"> Ability to create a complaints procedure in line with LeO guidelines.
	<p>REGULATION</p> <p>Demonstrate knowledge, understanding and application of the relevant conduct rules and other laws and regulation affecting the professional and legal practice</p> <p>Demonstrate knowledge, understanding and appropriate application of effective procedures for compliance</p>	<p>LEVEL 1:</p> <ul style="list-style-type: none"> Knowledge, understanding and application of obligations to the court, the client, other lawyers and barristers, stakeholders, third parties and the general public Knowledge, understanding and application of the regulations for which an individual is personally responsible Knowledge, understanding and application of obligations to the client Knowledge and understanding of how and when a retainer relationship should be terminated Knowledge and understanding of professional indemnity insurance. <p>LEVEL 2a:</p> <ul style="list-style-type: none"> Ability to complete a professional indemnity proposal form, gathering and identifying relevant information for proposal. <p>LEVEL 1:</p> <ul style="list-style-type: none"> Knowledge and understanding of the nomination procedure and suitability for the Money Laundering Reporting Officer (MLRO) Knowledge and understanding of the Money Laundering regulations. <p>LEVEL 2b:</p> <ul style="list-style-type: none"> Ability to identify and appoint a MLRO Knowledge, understanding and application of procedures which a

	Learning Outcome	Supporting Evidence
	An applicant seeking practice rights must demonstrate:	The applicant will need to provide evidence to:
	Demonstrate knowledge, understanding and appropriate application of the administration requirements of a CILEx Regulation regulated entity in addition to any requirements to remain individually compliant	<p>following a cost benefit analysis</p> <ul style="list-style-type: none"> • Knowledge, understanding and ability to provide realistic cost estimates in the form of a 'costing' of all costs and disbursements at the start of the case and to provide regular updates throughout the life of the file • Knowledge and understanding of identification, documentation and dealing appropriately with potential conflicts of interests both at the outset and throughout a retainer relationship • Knowledge and understanding of situations which may give rise to an undertaking and the implications of giving an undertaking • Knowledge and understanding of situations which would result in a breach of the equality and diversity code. <p>LEVEL 2a:</p> <ul style="list-style-type: none"> • Knowledge, understanding and demonstration of good internal governance • Knowledge, understanding and application of systems, procedures and reporting to monitor compliance • Application of monitoring equality and diversity, both in the workplace and in the selection of external resources. <p>LEVEL 2b:</p> <ul style="list-style-type: none"> • Knowledge, understanding and implementation of procedures to review and test systems put in place to meet the outcomes of the CILEx Regulation practice rules (including management of undertakings, cost information, file reviews, client care, referral arrangements and conflicts of interest • Ability to identify when a fee earner has undertaken work in the absence of sufficient resources and outside their competence • Ability to draft policies which promote equality and diversity • Ability to draft appropriate safeguards for the issuing of

	Learning Outcome	Supporting Evidence
	An applicant seeking practice rights must demonstrate:	The applicant will need to provide evidence to:
	appropriate application of good file management	<p>methods which could be used in recording such dates in a diarised system and on the client's file</p> <ul style="list-style-type: none"> • Ability to identify and record key dates. <p>LEVEL 2a:</p> <ul style="list-style-type: none"> • Knowledge and understanding of the elements of a good case management system, including the potential benefits • Ability to implement and operate a case management system, including for use as a supervision and compliance monitoring tool • Ability to design and implement a file closure procedure. <p>LEVEL 2b:</p> <ul style="list-style-type: none"> • Ability to create and perform a file review process covering both legal and administrative obligations • Ability to participate significantly in the successful application of an accreditation standard.
Element 3 MANAGEMENT OF A LEGAL ENTITY	EXTERNAL INFLUENCES Demonstrate knowledge, understanding and impact of external influences on a business	<p>LEVEL 1:</p> <ul style="list-style-type: none"> • Knowledge and understanding of recent and/or current external issues facing business/legal entities • Knowledge and understanding of the impact of inflation, how this impacts on business and actions which can be taken to counterbalance this. <p>LEVEL 2a:</p> <ul style="list-style-type: none"> • Ability to assess the impact of the current economic environment. <p>LEVEL 2b:</p> <ul style="list-style-type: none"> • Knowledge, understanding and ability to identify pending

	Learning Outcome	Supporting Evidence
	An applicant seeking practice rights must demonstrate:	The applicant will need to provide evidence to:
	<p>application of basic contingency planning</p> <p>PEOPLE MANAGEMENT</p> <p>Demonstrate knowledge, understanding and application of good supervision; including appropriate management, motivation and delegation</p> <p>PROJECT MANAGEMENT</p> <p>Demonstrate knowledge, understanding and application of planning, control, managing and evaluating a project successfully</p> <p>INFORMATION TECHNOLOGY (IT)</p> <p>Demonstrate knowledge, understanding and application of IT in a legal environment</p>	<p>contingency plan, and the need for regular review</p> <ul style="list-style-type: none"> • Ability to draft a contingency plan • Ability to test a contingency plan. <p>LEVEL 1:</p> <ul style="list-style-type: none"> • Knowledge and understanding of the negative effects of poor management • Ability to manage and motivate others. <p>LEVEL 2a:</p> <ul style="list-style-type: none"> • Ability to identify the link between low motivation and low production • Knowledge, understanding and application of procedures to manage and motivate • Ability to use specific, measurable, achievable, relative, time bound objectives to delegate • Ability to encourage a culture of continuous improvement. <p>LEVEL 2a:</p> <ul style="list-style-type: none"> • Knowledge and understanding of the need for a project plan and the elements which should be included in the plan • Ability to apply these elements to allow for successful project management • Ability to evaluate the success of the project. <p>LEVEL 1:</p>

	Learning Outcome	Supporting Evidence
	An applicant seeking practice rights must demonstrate:	The applicant will need to provide evidence to:
		<ul style="list-style-type: none"> • Knowledge and understanding of /and ability to differentiate between fixed and variable costs and direct and indirect costs • Knowledge and understanding of the use of appropriate ratios and formulae to ascertain an organisation's overall profitability and department profitability • Ability to calculate 2 ratios to assist in ascertaining overall profitability • Ability to use appropriate formulae to ascertain a department's profitability • Knowledge and understanding of what is meant by direct, indirect, fixed and variable costs • Knowledge and understanding of what is meant by inefficiencies and how processes can be measured for value • Ability to identify inefficiencies which would lead to a loss of profit:

The entry criteria, learning outcomes and evidence of competency stated in this schedule set out:

- the level of competency, knowledge and understanding required to keep the books of accounts specific to a legal entity and to apply a minimum standard of accountancy for a business
- the elements required to evidence that level of competency, knowledge and understanding
- the level of competency required in the relevant skills for this area of practice – to accurately account for clients' money, run the firm's own accounts, apply CILEx [Regulation](#) accounts rules, bring the accounts from trial balance to profit and loss /balance sheet account position
- the elements required to evidence the required level of competence for these relevant skills
- a statement of the study and work-based experience that demonstrates that an applicant has attained the required level of competence, knowledge and understanding in all the required elements.

Certification of accounts will ensure that the applicant has:

- met the application requirements
- an appropriate level of expertise to manage the firms accounts and finances to an acceptable standard
- an appropriate level of knowledge and appreciation of the key features of protecting client's money, effective billing and efficient financial management
- the appropriate level of knowledge and skill to perform double entry booking, raise a valid invoice and a three way bank reconciliation.

	Learning Outcome	Supporting Evidence
	An applicant must meet the following outcomes:	The applicant will need to provide evidence to:
QUALIFICATION CRITERIA <ul style="list-style-type: none"> • KNOWLEDGE • UNDERSTANDING • EXPERIENCE • SKILLS 	<ul style="list-style-type: none"> • Has sufficient practical knowledge, understanding, experience and skills – note these are different depending of the role of the applicant 	<p>Demonstrate they meet the outcomes set out below by:</p> <ul style="list-style-type: none"> • attendance on a course, or • practical experience <p>The outcomes are split into the following levels:</p> <ul style="list-style-type: none"> • Level 1 - mandatory for all applicants • Level 2a - mandatory for compliance managers • Level 2b - mandatory for compliance manager undertaking practice management • Level 2c - mandatory for compliance manager undertaking accounts management
QUALIFICATION CRITERIA Element 1 CILE x REGULATION x ACCOUNTS RULES	Demonstrate knowledge, understanding and where appropriate apply the rules and regulations relating to the handling of client money	LEVEL 1: <ul style="list-style-type: none"> • Knowledge and understanding of the accounts rules • Ability to complete a three way bank reconciliation to accurately account for all client money • Ability to record and account for client money, ensuring it is banked promptly and not left unattended or unsecure • Understand the importance of the audit trail and ensure there is a clear audit trail • Understand the need to keep client money safe and separate from that of the business • Knowledge and understanding of the situations where it is fair and reasonable to account for interest to the client • Knowledge and understanding of money held as an agent/stakeholder • Knowledge, understanding and application of the internal policy on who can withdraw money

	Learning Outcome	Supporting Evidence
	An applicant must meet the following outcomes:	The applicant will need to provide evidence to: <ul style="list-style-type: none"> Knowledge and understanding of what is meant by trust money and an individual's legal responsibility as a trustee. <p>LEVEL 2a:</p> <ul style="list-style-type: none"> Ability to apply controls to safeguard client money Communicate knowledge and understanding of the accounts rules to staff to ensure compliance Understand the difference between client money and client account. <p>LEVEL 2c:</p> <ul style="list-style-type: none"> Ability to draft, implement and test robust internal controls, including who can withdraw client money and be able to distinguish between a material and non-material breach Ability to perform an internal audit Ability to draft, implement and communicate a fair and reasonable interest policy Ability to make a calculation of interest Ensure files are closed in a timely manner and surplus funds are returned promptly Ability to draft, implement and periodically review a compliance register and maintain complete records of all breaches Control the release of client bank details outside of the legal entity Knowledge, understanding and application of time costing and understanding the benefits of this information for reporting purposes.
Element 2 GENERAL BOOKKEEPING	DOUBLE ENTRY BOOKKEEPING Demonstrate knowledge, understanding and application of double entry bookkeeping	<p>LEVEL 1:</p> <ul style="list-style-type: none"> Knowledge and understanding of posting entries to the client ledger account and appropriate cashbooks of a legal entity Knowledge and understanding of a bill of costs

	Learning Outcome	Supporting Evidence
	An applicant must meet the following outcomes:	The applicant will need to provide evidence to:
	<p>FINANCIAL STATEMENTS</p> <p>Demonstrate knowledge and understanding of the use of financial statements</p>	<ul style="list-style-type: none"> Knowledge and understanding of a trial balance. <p>LEVEL 2c:</p> <ul style="list-style-type: none"> Ability to post entries to client ledger account and cashbooks Ability to produce bill of costs Ability to produce trial balance. <p>LEVEL 1:</p> <ul style="list-style-type: none"> Knowledge and understanding of when it is appropriate to provide the client with a financial statement. <p>LEVEL 2c:</p> <ul style="list-style-type: none"> Ability to produce clear and informative financial statements which reflect the client's position and which include balances due to the client or to the legal entity Ability to draft a financial statement Knowledge, understanding and application of time costing and understanding the benefits of this information for reporting purposes.
<p>Element 3</p> <p>FINANCES</p>	<p>VALUE ADDED TAX (VAT)</p> <p>Demonstrate knowledge, understanding and appropriate application of VAT</p>	<p>LEVEL 1:</p> <ul style="list-style-type: none"> Knowledge and understanding as to how to calculate VAT payable Knowledge and understanding of a vatable disbursement and a re-charge and understand the difference between the two. <p>LEVEL 2c:</p> <ul style="list-style-type: none"> Ability to post a vatable disbursement and a re-charge to a client ledger Ability to perform a partial exemption calculation

	Learning Outcome	Supporting Evidence
	An applicant must meet the following outcomes:	The applicant will need to provide evidence to:
	<p>ACCOUNTS</p> <p>Demonstrate knowledge, understanding and application of information relating to the financial position of a legal entity</p> <p>Demonstrate outline knowledge and understanding of taxation</p> <p>SET OF ACCOUNTS</p>	<ul style="list-style-type: none"> • Ability to post entries to a nominal ledger. <p>LEVEL 1:</p> <ul style="list-style-type: none"> • Ability to read and interpret management reports which include Profit and Loss Accounts and Balance Sheet • Ability to identify significant variations to the accounts from previous years. <p>LEVEL 2a:</p> <ul style="list-style-type: none"> • Ability to determine the general financial position of a legal entity. <p>LEVEL 2c:</p> <ul style="list-style-type: none"> • Ability to produce Profit and Loss Accounts and Balance Sheet • Ability to calculate a liquidity ratio, provide commentary on the findings and provide guidance on what is viewed as a poor liquidity ratio • Ability to understand and explain working capital and how it can be effectively and efficiently managed • Ability to explain different finance options available to each type of legal structure. <p>LEVEL 1:</p> <ul style="list-style-type: none"> • Knowledge and understanding of the taxation system as it applies to individuals and corporations. <p>LEVEL 2c:</p> <ul style="list-style-type: none"> • Ability to apply rules of taxation to individuals and corporations. <p>LEVEL 1:</p>

	Learning Outcome	Supporting Evidence
	An applicant must meet the following outcomes:	The applicant will need to provide evidence to:
	Demonstrate knowledge, understanding and appropriate application of the creation and interpretation of accounts	<ul style="list-style-type: none"> • Ability to understand a profit and loss account and balance sheet and relationship with a trial balance • Ability to interpret a profit and loss account and balance sheet. <p>LEVEL 2a:</p> <ul style="list-style-type: none"> • Ability to identify that the business is unlikely to meet its forthcoming liabilities and when it is appropriate to notify ILEX Professional Standards of this. <p>LEVEL 2c:</p> <ul style="list-style-type: none"> • Ability to produce profit and loss account and balance sheet from a trial balance • Ability to make the necessary annual adjustments to produce an accurate set of accounts • Ability to calculate a liquidity ratio • Ability to identify and explain the early indicators of a failing business • Ability to identify the point when a business is no longer a going concern.



CILEXREGULATIONPRACTICERIGHTSCERTIFICATEFORCHARTEREDLEGAL EXECUTIVES 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;
- “Appeals Panel” means the Panel established to hear appeals against decisions made by the Admissions and Licensing Committee following a rehearing;
- “Applicant” means any Chartered Legal Executive making an application for one or more Practice Rights Certificate pursuant to these Rules;
- “Approved Course” means a specified course of study or training in the Specified Practice Area for which the Practice Rights Certificate is ~~sought~~sought, and which is delivered by an Authorised Provider;
- “Assessment” means an assessment of competence in the Specified Practice Area for which the Practice Rights Certificate is ~~sought~~sought, and which is delivered by an Authorised Provider;
- “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”;
- “Authorised Provider” means an organisation authorised by CILEx Regulation to provide an Approved Course or Assessment;
- ~~“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~~r~~ and Advocate” means a Fellow who has been granted a ~~Litigation Certificate~~Rights to Conduct Litigation Certificate and a ~~Rights of Audience Certificate~~ by CILEx Regulation;
- “CILEX~~x~~ Institute Board” means the Board of the Chartered Institute;
- “CILEx Regulation” means CILEx Regulation Ltd;
- “CILEX~~x~~” means the Chartered Institute of Legal Executives;

- “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;
- “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 of CILEx or applicant in good standing” means a Fellow of CILEx whose subscriptions to CILEx are fully paid or an applicant seeking registration with CILEx Regulation and, in both cases, in respect of whose conduct there is no complaint or misconduct matter outstanding, whose CPD requirements are up to date and against whom there is no disciplinary record which in the view of CILEx Regulation affects their suitability to be a Chartered Legal Executive;
- “Practice Rights Certificate” means a Conveyancing Certificate, Family Litigation Certificate, Immigration Certificate, Litigation (Civil) Certificate, Litigation (Criminal) Certificate, Probate Certificate, identified in these Rules;
- “Satisfactory Evidence” means relevant, sufficient and adequate evidence of qualifying experience in the Specified Practice Area;
- “Specified Practice Area” means any of the practice areas of Conveyancing, Family Litigation, Immigration, Litigation (Civil), Litigation (Criminal) and Probate and in respect of which a certificate may be granted according to these Rules.
- “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.

PRACTICE RIGHTS CERTIFICATES FOR FELLOWS

5. A Fellow of CILE~~xX~~ or applicant in good standing who meets the requirements specified in these rules may be granted one or more of the following Practice Rights Certificates:

~~5.~~

- (a) Conveyancing Certificate
- (b) ~~Rights to Conduct Family~~ Litigation (~~Family Proceedings~~) Certificate
- (c) Immigration Certificate
- (d) ~~Rights to Conduct~~ Litigation (Civil ~~Proceedings~~) Certificate
- (e) ~~Rights to Conduct~~ Litigation (Criminal ~~Proceedings~~) Certificate
- (f) Probate Certificate.

6. These Rules do not affect the right of any Fellow or applicant in good standing to apply for any of the following:

~~6.~~

- (a) a Probate Certificate pursuant to the Probate Rights Certification Rules,
- (b) an Immigration Certificate pursuant to the Immigration Certification Rules; or
- (c) a Conveyancing Certificate pursuant to the Reserved Instrument Activity Certification Rules.
- (d) a Criminal, Family or Civil Litigation Certificate pursuant to the Rights to ~~C~~conduct Litigation and Rights of Audience Rules
- ~~(d)~~

7. A Fellow with 5 years or more qualifying employment and 2 ~~years'~~ years or more experience in the Specified Practice Area may be granted a certificate to practice in that Specified Practice Area provided that he or she meets the following requirements:

~~7.~~

- (a) ~~pass an Assessment administered by an Authorised Provider in the Specified Practice area; and~~
- ~~(a) Pass an Assessment in the relevant practice area; and~~
- (a) ~~provide Satisfactory Evidence of experience in the Specified Practice Area.~~
- ~~(b) provide Satisfactory Evidence of experience in the relevant practice area.~~

8. A Fellow with 5 years or more qualifying employment and less than 2 years' experience in the Specified Practice Area may be granted a certificate to practice in that Specified Practice Area provided that he or she meets the following requirements:

~~8.~~

- (a)(b) ~~complete an Approved Course delivered by an Authorised Provider; and~~
- (b)(c) ~~pass an Assessment administered by an Authorised Provider in the Specified Practice area; and~~
- (e)(d) ~~provide Satisfactory Evidence of experience in the Specified Practice Area.~~

~~9.—An Applicant intending to conduct Family Litigation, Civil Litigation and/or Criminal Litigation must also apply for and be granted the relevant certificate or certificates relating to rights of audience and advocacy pursuant to the Rights to Conduct Litigation and the Rights of Audience Certification Rules.~~

DEFINITION OF QUALIFYING EMPLOYMENT

9. A person is in qualifying employment if he is employed either:

~~10.~~

- 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.

10. An Applicant will be regarded as being employed if:

~~11.~~

- 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.

12.11. 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.

13.12. Unpaid work may be regarded as 'employment' for the purposes of these rules.

14.13. A break in employment for any reason does not count as qualifying employment.

APPLICATIONS

15.14. Applicants who seek a Practice Rights Certificate must meet the requirements set out in these Rules, 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

~~16:15~~. The Admissions and Licensing Committee established under the Admissions and Licensing Committee Rules shall be responsible for matters relating to these Rules.

~~17:16~~. 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.

~~18:17~~. CILEx Regulation may appoint external advisors to advise CILEx Regulation and the Admissions and Licensing Committee on matters relating to these Rules.

~~19:18~~. 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~~~~Applicant~~, they may request additional information from the Applicant and/or refer the application to the Admissions and Licensing Committee for a decision.

~~20:19~~. Where the Officer decides that the Applicant has not met the requirements, they will give reasons for their decision. 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.

~~21:20~~. 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~~~~and~~ may call the Applicant for interview or call for further information from any person or source it considers appropriate.

~~22:21~~. 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.

~~23-22.~~ The Officer will notify an applicant of their decision or the decision of the Admissions and Licensing Committee.

~~24-23.~~ Where the application has been approved, the notification shall include the Practice Rights Certificate.

~~25-24.~~ 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.

AUTHORISED PERSONS AT CILEX REGULATION

~~26-25.~~ An Applicant who has been awarded a Conveyancing Certificate will be known as a **Chartered Legal Executive (Conveyancing)** and authorised to carry out the work specified in **Annex 1A**.

~~27-26.~~ An Applicant who has been awarded a ~~Rights to Conduct~~ Litigation ~~and Advocacy~~ (Civil Proceedings) Certificate will be a **Chartered Legal Executive Litigator (Civil Litigation)** ~~and Advocate (Civil Litigation)~~ and, subject to meeting the requirements specified in Rule 9, authorised to carry out the work specified in **Annex 1B**

~~28-27.~~ An Applicant who has been awarded a ~~Rights to Conduct~~ Litigation ~~and Advocacy~~ (Criminal Proceedings) Certificate will be a **Chartered Legal Executive Litigator and Advocate (Criminal Litigation)** and, subject to meeting the requirements specified in Rule 9, authorised to carry out the work specified in **Annex 1C**.

~~29-28.~~ An Applicant who has been awarded a ~~Rights to Conduct~~ Litigation ~~and Advocacy~~ (Family Proceedings) Certificate will be a **Chartered Legal Executive Litigator and Advocate (Family Litigation)** and, subject to meeting the requirements specified in Rule 9, authorised to carry out the work specified in **Annex 1D**.

~~30-29.~~ An Applicant who has been awarded an Immigration Certificate will be known as a **Chartered Legal Executive (Immigration)** and authorised to carry out the work specified in **Annex 1E**.

~~31.~~30. An Applicant who has been awarded a Probate Certificate will be known as a **Chartered Legal Executive (Probate)** and authorised to carry out the work specified in **Annex 1F**.

CONTINUING PROFESSIONAL DEVELOPMENT

~~32.~~31. Chartered Legal Executives are required to undertake Continuing Professional Development (CPD) in accordance with the CPD regulations issued by CILEx Regulation from time to time.

~~33.~~32. Where a Chartered Legal Executive 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

~~34.~~33. Chartered Legal Executives 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.

~~35.~~34. Where a complaint is made, or an issue is brought to the attention of CILEx Regulation, regarding the conduct of a Chartered Legal Executive, that matter will be dealt with in accordance with the CILEx Regulation Enforcement Rules. Where a finding, order or decision is made against a Chartered Legal Executive, 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 remains a suitable person to hold a Practice Certificate. The Admissions and Licensing Committee must give reasons for its decision.

35. Rule 35 shall not apply where an order is made excluding a Chartered Legal Executive from registration of CILEx Regulation or membership of CILEx. In such a case the Chartered Legal Executive's Practice Certificate shall be invalid from the date the exclusion from membership or registration takes effect.

~~36.~~

37:36. Where the Admissions and Licensing Committee decides that the Chartered Legal Executive is no longer a suitable person to hold a Practice Certificate or their Practice Certificate is invalid in accordance with Rule 35, 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 may not exercise any practice rights granted to them under their Practice Certificate after they have been notified of the decision.

38:37. Notwithstanding the Admissions and Licensing Committee ~~Rules~~Rules, an appeal against the decision of the Admissions and Licensing Committee that a Chartered Legal Executive is no longer ~~a suitable~~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.

~~AN~~ANNEX 1A

CONVEYANCING PRACTICE RIGHTS

The rights exercisable by a Fellow holding a Conveyancing Practice Rights Certificate are

- 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:

ANNEX 1B

RIGHTS TO CONDUCT LITIGATION (CIVIL PROCEEDINGS) CERTIFICATE

To conduct litigation in all civil proceedings excluding family proceedings.

~~THE RIGHTS OF AUDIENCE EXERCISABLE BY LITIGATORS HOLDING RIGHTS OF AUDIENCE CERTIFICATES~~

~~a) 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:~~

~~b) 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.

ANNEX 1C

RIGHTS TO CONDUCT LITIGATION (CRIMINAL PROCEEDINGS) CERTIFICATE

To conduct litigation in all criminal proceedings.

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.~~

ANNEX 1D

RIGHTS OF ~~AUDIENCE~~ (LITIGATION) (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. To conduct litigation 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.~~

ANNEX 1E

IMMIGRATION PRACTICE RIGHTS

The rights exercisable by a Fellow holding an Immigration Practice Rights Certificate are:

Immigration Advice is advice which

- Relates to a particular individual;
- Is given in connection with one or more relevant matters;
- 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
- Is not given in connection with representing an individual before a Court in criminal proceedings or matters ancillary to criminal proceedings;

Immigration Services means the making of representations on behalf of a particular individual in:

- civil proceedings before a Court, Immigration Services Tribunal or Adjudicator in the United Kingdom, or

- b) 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);

ANNEX 1F

PROBATE PRACTICE RIGHTS

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.



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, 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:
 - (a) claim for asylum;
 - (aa) an application for an ETA (within the meaning of section 11C of the Immigration Act 1971 (electronic travel authorisations));
 - (b) an application for or the variation of, entry clearance or leave to enter or remain in the United Kingdom;
 - (ba) an application for an immigration employment document
 - (c) unlawful entry into the United Kingdom;
 - (d) nationality and citizenship under the law of the United Kingdom;
 - (e) removal or deportation from the United Kingdom;
 - (f) an application for bail under the Immigration Acts or under the Special Immigrations Appeals Commission Act 1997;
 - (g) an appeal against, or an application for judicial review in relation to, any decision taken in connection with a matter referred to in Paragraph (a) to (f)*.
- “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 have completed 2,300 hours qualifying experience.
6. A period of up to 644 hours 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 Training Course recognised by the Bar Council in connection with qualification as a Barrister will be treated as qualifying experience.

DEFINITION OF QUALIFYING EXPERIENCE

7. Qualifying experience is work that contributes to the provision of legal services.

ADMISSION

8. An applicant may be admitted as a Fellow if he:
 - Has completed at least 2,300 hours qualifying experience;
 - Has met the Chartered Legal Executive knowledge and competence requirements in accordance with the requirements set by CILEx Regulation;
 - Has paid all subscriptions and other fees payable by him to CILEX or has made arrangement for payment;
 - 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

- Accepts any obligations imposed on him by the Charter and Bye Laws and regulations and rules made by the CILEX Institute Board.

APPLICATIONS

9. To qualify as a Fellow, applicants must be able to demonstrate competence against the knowledge and competence requirements set out at Annex A.
10. Applicants for Fellowship should demonstrate meeting the knowledge and competence requirements using the documentation prescribed by CILEx Regulation to produce a portfolio of evidence.
11. 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

12. 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.
13. The Officer is not able to make a decision where there is doubt as to whether the outcomes have been met or have been properly written up.
14. 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

15. 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.
16. The immigration practice rights exercisable by a person holding an Immigration Certificate are to provide immigration advice and immigration services.

Conveyancing Certificate

17. 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.
18. 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

19. 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.
20. 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

21. 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.
22. The Employment Certificate will authorise a person to exercise rights to administer oaths.

Business Certificate

23. 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.
24. The Business Certificate will authorise a person to exercise rights to administer oaths.

General Certificate

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

APPLICATIONS

27. 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.
28. 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

29. 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

30. 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

31. 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

32. 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

33. 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

34. 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

35. The Admissions and Licensing Committee established under the Admissions and Licensing Committee Rules shall be responsible for matters relating to these Rules.
36. 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.
37. CILEx Regulation shall appoint external advisors to advise CILEx Regulation and the Admissions and Licensing Committee on matters relating to these Rules.

38. 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.
39. 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.
40. 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.
41. 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.
42. 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.
43. 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.
44. 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.
45. The Officer will notify an applicant of their decision or the decision of the Admissions and Licensing Committee.
46. Where the application has been approved, the notification shall include the Practice Rights Certificate.
47. 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 Practice Rights

ELIGIBILITY

48. 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.

49. 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.

APPLICATIONS

Rights to Conduct Litigation Certificates

50. 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 10~~1~~, in accordance with the application guidelines set by CILEx Regulation.
51. 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 11~~2~~, in accordance with the application guidelines set by CILEx Regulation.
52. 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~~12~~, in accordance with the application guidelines set by CILEx Regulation.
53. 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.
54. An application for a Rights to Conduct Litigation Certificate 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

55. Decisions about applications for a Rights to Conduct Litigation Certificate 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.
56. Where the application has been approved the notification shall include the Rights to Conduct Litigation Certificate.
57. 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.

Litigation and Advocacy Practice Rights

ELIGIBILITY

ELIGIBILITY

~~48. 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.~~

~~49-58.~~ An applicant ~~must~~ may, at the same time as their application for a Litigation Certificate or in the future, 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.

~~50. 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.~~

~~51-59.~~ 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

- ~~52. 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.~~
- ~~53. 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.~~
- ~~54. 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.~~
- ~~55. 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.~~

APPLICATIONS

Rights of Audience – Application for Certificate of Eligibility

- ~~56-60.~~ Applicants must make an application for a Certificate of Eligibility to undertake the rights of audience skills course relevant to the Certificate they seek.
- ~~57-61.~~ 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.

~~58-62.~~ 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.

~~59-63.~~ 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.

~~60-64.~~ 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.

~~61-65.~~ 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.

~~62-66.~~ 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

~~63-67.~~ 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.

~~64-68.~~ 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.~~

~~65-69.~~ 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

- ~~66-70.~~ 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.
- ~~67-71.~~ 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.
- ~~68-72.~~ 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 CERTIFICATES

- ~~69-73.~~ 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 an~~ Advocacy Certificate.
- ~~70-74.~~ Applicants who seek an ~~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.
- ~~71-75.~~ The Officer will process the application for ~~a Litigation and an~~ Advocacy Certificate. The applicant shall be granted ~~a Litigation and an~~ Advocacy Certificate provided the Officer is satisfied that the applicant:
- is a Fellow in good standing;
 - holds a Rights to Conduct Litigation Certificate;
 - has met the relevant knowledge and competence requirements; and
 - has completed and passed an advocacy skills course and assessment.
- ~~72-76.~~ Where the Officer has any doubt as to the suitability of the applicant to be awarded an ~~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.
- ~~73-77.~~ Applications referred to the Admissions and Licensing Committee will be governed by Rules 43-44.
- ~~74-78.~~ Notification of application decisions will be governed by Rules 45-47, save that in Rule 46 reference to Practice Rights Certificate should be a reference to the ~~Litigation and~~ Advocacy Certificate.

AWARD OF HIGHER RIGHTS OF AUDIENCE

- ~~75-79.~~ 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.
- ~~76-80.~~ 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.
- ~~77-81.~~ Applicants holding a Rights of Audience (Criminal Proceedings) Certificate will be eligible to apply for a Higher Rights (Criminal Proceedings) Certificate.

~~78-82.~~ 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.

~~83.~~ 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.

~~79.~~

Higher Rights Advocacy Skills Courses

~~80-84.~~ 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.

~~81-85.~~ 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

~~82-86.~~ 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.

~~83-87.~~ 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.

~~84-88.~~ 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.

~~85-89.~~ 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.

~~86-90.~~ Applications referred to the Admissions and Licensing Committee will be governed by Rules 43-44.

~~87-91.~~ Notification of application decisions will be governed by Rules 45-47, save that in Rule 46 reference to Practice Rights Certificate should be a reference to the Higher Rights Advocacy Certificate.

Authorised Persons at CILEx Regulation

~~88-92.~~ 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)**.

- ~~89-93.~~ 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)**.
- ~~90-94.~~ 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)**.
- ~~91-95.~~ 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)**.
- ~~96.~~ 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)**.
- ~~97.~~ An applicant who has been awarded Fellowship and a Rights to Conduct Litigation (Civil Proceedings) Certificate will be a Chartered Legal Executive Litigator (Civil Litigation).
- ~~98.~~ An applicant who has been awarded Fellowship and a Rights to Conduct Litigation (Criminal Proceedings) Certificate will be a Chartered Legal Executive Litigator (Criminal Litigation).
- ~~92-99.~~ An applicant who has been awarded Fellowship and a Rights to Conduct Litigation (Family Proceedings) Certificate will be a Chartered Legal Executive Litigator (Family Litigation).
- ~~93-100.~~ An applicant who has been admitted as a Fellow and awarded an Immigration Certificate will be known as a **Chartered Legal Executive (Immigration)**.
- ~~94-101.~~ An applicant who has been admitted as a Fellow and awarded a Conveyancing Certificate will be known as a **Chartered Legal Executive (Conveyancing)**.
- ~~95-102.~~ An applicant who has been admitted as a Fellow and awarded a Probate Certificate will be known as a **Chartered Legal Executive (Probate)**.
- ~~96-103.~~ An applicant who has been awarded a Conveyancing Certificate will be known as a **CILEX Practitioner (Conveyancing)**.
- ~~97-104.~~ An applicant who has been awarded a Probate Certificate will be known as a **CILEX Practitioner (Probate)**.
- ~~98-105.~~ An applicant who has been admitted as a Fellow and awarded an Employment Certificate will be known as a **Chartered Legal Executive (Employment)**.
- ~~99-106.~~ An applicant who has been admitted as a Fellow and awarded a Business Certificate will be known as a **Chartered Legal Executive (Business)**.
- ~~100-107.~~ 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

- ~~101-108.~~ 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.
- ~~102-109.~~ 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.
- ~~103-110.~~ 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.

~~104-111.~~ _____ Decisions about applications for the first renewal of an Advocacy Certificate will be governed by Rules 39 to 47, save that in Rule 46, reference to Practice Rights Certificate should be a reference to the Advocacy Certificate.

LAPSED ADVOCACY CERTIFICATES

~~105-112.~~ _____ A Chartered Legal Executive Litigator and Advocate who has held an ~~Litigation and~~ Advocacy Certificate which has lapsed may apply for that certificate to be renewed.

~~106-113.~~ _____ 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.

~~107-114.~~ _____ 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.

~~108-115.~~ _____ 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.

~~109-116.~~ _____ Decisions about applications to renew a lapsed ~~Litigation and~~ Advocacy Certificate will be made by the Admissions and Licensing Committee.

~~110-117.~~ _____ 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.

~~111-118.~~ _____ 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.

~~112-119.~~ _____ 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.

~~113-120.~~ _____ Applications to renew of a lapsed ~~Litigation and~~ Advocacy certificate referred to the Admissions and Licensing Committee will governed by rules 43 to 47 save that in rule 46 reference to a Practice Rights Certificate should be reference to the ~~Litigation and~~ Advocacy Certificate.

~~114-121.~~ _____ 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.

~~115-122.~~ _____ 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

~~116-123.~~ 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.

~~117-124.~~ 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

~~118-125.~~ 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.

~~119-126.~~ 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.

~~120-127.~~ 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.

~~121-128.~~ 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.

~~122-129.~~ 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.

~~123-130.~~ 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 Litigator and~~ Advocate (Civil Litigation)

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

Annex 3: Chartered Legal Executive ~~Litigator and 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 10: Chartered Legal Executive Litigator \(Civil Litigation\)](#)

[Annex 11: Chartered Legal Executive Litigator \(Criminal Litigation\)](#)

[Annex 12: Chartered Legal Executive Litigator \(Family Litigation\)](#)

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

ANNEX 1: CHARTERED LEGAL EXECUTIVE LITIGATOR AND ADVOCATE (CIVIL LITIGATION)¹

A Chartered Legal Executive (Civil Litigation) must follow the Chartered Legal Executive route to qualification as being a CILEX Fellow is a prerequisite of practising civil litigation independently.

The technical knowledge requirements are set out below and must be coupled with the general qualification route to Chartered Legal Executive status. Where knowledge requirements have been met as part of the route to qualification as a Chartered Legal Executive, this need not be repeated.

Chartered Legal Executive knowledge requirements should be set and assessed at Level 6 as a minimum

In addition to demonstrating this knowledge, individuals must also demonstrate the requirements set out in the competence framework, contextualised for their area of practice.

¹ This document forms the education standards for Civil Litigators and Advocates

KNOWLEDGE REQUIREMENTS:**GENERAL KNOWLEDGE REQUIREMENTS FOR ALL CHARTERED LEGAL EXECUTIVES**

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 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

TECHNICAL KNOWLEDGE REQUIREMENTS SPECIFIC TO A CHARTERED LEGAL EXECUTIVE LITIGATOR AND ADVOCATE (CIVIL LITIGATION)

MINIMUM CONTENT:
Contract law
The core principles of the law of contract including:
The requirements of a legally binding contract
Determining a party's intention to create legal relations
Understanding 'Consideration'

Understanding Privity of contract and the rights of third parties
Determining the terms of a contract – both express and implied terms, including certainty
Understanding the implications of Exemption clauses and unfair terms
Understanding Misrepresentation and mistake
Determining whether Duress and/or undue influence arises
Understanding Illegal contracts
Determining the discharge of a contract
Understanding the legal and equitable Remedies for breach of contract that may arise, including interpretation of terms and performance
Tort law
The core principles of tortious liability and sources – cases, statutes or regulations
Understanding the objectives of the law of tort
Understanding vicarious liability
Understanding Trespass
Understanding Negligence, including causation, duty of care and remoteness (of damage)
Understanding Employers' liability
Understanding Occupiers' liability
Understanding Nuisance
Determining defences including consent and contributory negligence
Remedies, including damages and injunctions
Civil litigation
Understanding Alternative Dispute Resolution (ADR) – methods and their appropriateness as a means of dispute resolution
Main underlying features that enable litigation, including courts' structure
The portals
Pre-action steps before a claim is issued (including ADR)
Understanding limitation, joinder
The stages of proceedings in court, including jurisdiction and which court
Drafting Statements of Case
Understanding when a matter can be terminated without a trial
Track allocation system, directions
Disclosure
Key steps made in the progress of a matter to trial

Interim applications
Evidence, drafting witness statements and drafting applications
Offers of settlement
Trial procedure and preparations for trial
Orders and judgments, enforcement and appeal
Costs and Funding
Evidence
Rules and principles of evidence as they operate in civil proceedings
Drafting witness statements
Expert evidence – appropriate use, adducing
Throughout to demonstrate an ability to act honestly and with integrity and in accordance with the principles of professional conduct rules

COMPETENCE REQUIREMENTS:

1. APPLICATION OF LAW AND PRACTICE

- ✓ Undertake legal research
- ✓ Critically analyse facts and law
- ✓ Synthesise all relevant information to provide advice
- ✓ Find solutions where possible
- ✓ Draft legal documents

2. COMMUNICATION

- ✓ Communicate orally and in writing, clearly and effectively
- ✓ Negotiate effectively
- ✓ Deliver advocacy/oral presentations
- ✓ Develop, maintain and manage 3rd party relationships

3. CLIENT RELATIONSHIPS

- ✓ Take instructions

- ✓ Evaluate options and risks to your client
- ✓ Give advice
- ✓ Provide good customer service

4. EFFECTIVE WORKING PRACTICES

- ✓ Progress matters
- ✓ Plan workload and manage files
- ✓ Manage caseload

5. BUSINESS AWARENESS

- ✓ Identify and evaluate options and risks to the business in which you work
- ✓ Undertake business development
- ✓ Network
- ✓ Identify marketing opportunities
- ✓ Understand and use financial management tools

6. 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)

7. CONDUCT, ETHICS AND PROFESSIONALISM

- ✓ Understand and put into practice the CILEX Code of Conduct
- ✓ Understand and put into practice all relevant legal and regulatory requirements (e.g. data protection, anti-money laundering legislation and regulation, conflicts, withdrawal from a case, undertakings, confidentiality and privilege)
- ✓ 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 and draft compliant client care letters
- ✓ Understand and put into practice complaint handling requirements
- ✓ Understand and put into practice, principles of equality, diversity and inclusion, 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

8. USE OF TECHNOLOGY

- ✓ Use available technology as it is used in civil litigation and advocacy
- ✓ Identify uses for emerging technology in civil litigation and advocacy and recommend its implementation where appropriate
- ✓ Understand the ethical challenges and the limitations of technology and use technology ethically

ANNEX 2: CHARTERED LEGAL EXECUTIVE LITIGATOR AND ADVOCATE (CRIMINAL LITIGATION)²

A Chartered Legal Executive Litigator and Advocate (Criminal Litigation) must follow the Chartered Legal Executive route to qualification as being a CILEX Fellow is a pre-requisite of practising criminal litigation independently.

The technical knowledge requirements are set out below and must be coupled with the general qualification route to Chartered Legal Executive status. Where knowledge outcomes have been met as part of the route to qualification as a Chartered Legal Executive, this need not be repeated.

Chartered Legal Executive knowledge requirements should be set and assessed at Level 6 as a minimum

In addition to demonstrating this knowledge, individuals must also demonstrate the requirements set out in the competence framework, contextualised for their area of practice.

² This document forms the education standards for Criminal Litigators and Advocates

KNOWLEDGE REQUIREMENTS:**GENERAL KNOWLEDGE REQUIREMENTS FOR ALL CHARTERED LEGAL EXECUTIVES**

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

TECHNICAL KNOWLEDGE REQUIREMENTS SPECIFIC TO A CHARTERED LEGAL EXECUTIVE LITIGATOR AND ADVOCATE (CRIMINAL LITIGATION)

MINIMUM CONTENT:
Criminal Law
Fundamental legal principles of criminal liability
Requirements for liability for homicide
Requirements for liability for non-fatal offences against the person, including harassment offences
Requirements for liability for criminal damage
Requirements for liability for theft, robbery and burglary
Requirements for liability for inchoate offences and accomplice liability

Requirements for general defences and defences specific to the offences of theft, homicide, sexual offences, criminal damage, inchoate offences and non-fatal offences against the person
Criminal Litigation
Criminal Procedure Rules
Police powers of stop and search, identification procedures, arrest and detention for the purposes of investigating a crime
Public funding for advice, assistance and representation in the criminal justice process
Procedures and processes involved in advising clients at the police station
Special rules relating to juveniles and vulnerable clients in relation to giving advice at the police station and throughout criminal proceedings, including youth court proceedings
Rules and procedures relating to bail applications
The stages and procedures in the magistrates' and Crown Courts from the first hearing before the Magistrates to trial and sentencing
Sentencing and ancillary orders in criminal proceedings
Appeals procedures from magistrates' Court and Crown Court
Principles of professional ethics in criminal matters
Evidence
Rules and principles of evidence as they operate in the investigation of a crime and criminal proceedings for example, their relationship with Human Rights contained in Articles 5,6 & 8 of the ECHR

COMPETENCE REQUIREMENTS:**1. APPLICATION OF LAW AND PRACTICE**

- ✓ Undertake legal research
- ✓ Critically analyse facts and law
- ✓ Synthesise all relevant information to provide advice
- ✓ Find solutions where possible
- ✓ Draft legal documents

2. COMMUNICATION

- ✓ Communicate orally and in writing, clearly and effectively
- ✓ Negotiate effectively
- ✓ Deliver advocacy/oral presentations
- ✓ Develop, maintain and manage 3rd party relationships

3. CLIENT RELATIONSHIPS

- ✓ Take instructions
- ✓ Evaluate options and risks to your client
- ✓ Give advice
- ✓ Provide good customer service

4. EFFECTIVE WORKING PRACTICES

- ✓ Progress matters
- ✓ Plan workload and manage files
- ✓ Manage caseload

5. BUSINESS AWARENESS

- ✓ Identify and evaluate options and risks to the business in which you work

- ✓ Undertake business development
- ✓ Network
- ✓ Identify marketing opportunities
- ✓ Understand and use financial management tools

6. 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)

7. CONDUCT, ETHICS AND PROFESSIONALISM

- ✓ Understand and put into practice the CILEX Code of Conduct
- ✓ Understand and put into practice all relevant legal and regulatory requirements (e.g. data protection, anti-money laundering legislation and regulation, conflicts, withdrawal from a case, undertakings, confidentiality and privilege)
- ✓ 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 and draft compliant client care letters
- ✓ Understand and put into practice complaint handling requirements
- ✓ Understand and put into practice principles of equality, diversity and inclusion, 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

8. USE OF TECHNOLOGY

- ✓ Use available technology as it is used in criminal litigation and advocacy
- ✓ Identify uses for emerging technology in criminal litigation and advocacy and recommend its implementation where appropriate
- ✓ Understand the ethical challenges and the limitations of technology and use technology ethically

ANNEX 3: CHARTERED LEGAL EXECUTIVE LITIGATOR AND ADVOCATE (FAMILY LITIGATION)³

A Chartered Legal Executive (Family Litigation) must follow the Chartered Legal Executive route to qualification as being a CILEX Fellow is a pre-requisite of practising family litigation independently.

The technical knowledge requirements are set out below and must be coupled with the general qualification route to Chartered Legal Executive status. Where knowledge outcomes have been met as part of the route to qualification as a Chartered Legal Executive, this need not be repeated.

Chartered Legal Executive knowledge requirements should be set and assessed at Level 6 as a minimum

In addition to demonstrating this knowledge, individuals must also demonstrate the requirements set out in the competence framework, contextualised for their area of practice.

³ This document forms the education standards for Family Litigators and Advocates

TECHNICAL KNOWLEDGE REQUIREMENTS:**GENERAL KNOWLEDGE REQUIREMENTS FOR ALL CHARTERED LEGAL EXECUTIVES**

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 LITIGATOR AND ADVOCATE (FAMILY LITIGATION)

MINIMUM CONTENT:
Family Law
Formation of marriage and civil partnership
Validity of marriage and civil partnerships
Dissolution, nullity, judicial separation and divorce
Financial provision during and after marriage/civil partnership
Provisions for family property and ownership
Inheritance and intestacy
Cohabitation and financial consequences of a relationship breakdown including the Trusts of Land and Appointment of Trustees Act 1996

Domestic violence and abuse
Legal basis of parental responsibility
Legal provisions relating to private matters under the Children Act 1989
Family law practice
The Family Court
Alternative dispute resolution in family law
Law and procedure relating to termination of a marriage/civil partnership
Pre-marital agreements
Financial orders following divorce or dissolution
Pensions in financial proceedings
Procedures for financial orders, including variation and enforcement
Protection orders and procedures in cases of domestic violence and abuse
Private children law procedures
Child abduction
Public children procedures
Child care law practice
Legal framework governing children proceedings including the public law proceedings from the Children Act 1989
Role, powers and duties of personnel involved in child protection processes and proceedings
Duties of local authorities in relation to the welfare and protection of children
Law and procedures relating to care and supervision orders
Options for securing a permanent placement for a child
Emergency interventions

COMPETENCE REQUIREMENTS:**9. APPLICATION OF LAW AND PRACTICE**

- ✓ Undertake legal research
- ✓ Critically analyse facts and law
- ✓ Synthesise all relevant information to provide advice
- ✓ Find solutions where possible
- ✓ Draft legal documents

10. COMMUNICATION

- ✓ Communicate orally and in writing, clearly and effectively
- ✓ Negotiate effectively
- ✓ Deliver advocacy/oral presentations
- ✓ Develop, maintain and manage 3rd party relationships

11. CLIENT RELATIONSHIPS

- ✓ Take instructions
- ✓ Evaluate options and risks to your client
- ✓ Give advice
- ✓ Provide good customer service

12. EFFECTIVE WORKING PRACTICES

- ✓ Progress matters
- ✓ Plan workload and manage files
- ✓ Manage caseload

13. BUSINESS AWARENESS

- ✓ Identify and evaluate options and risks to the business in which you work

- ✓ Undertake business development
- ✓ Network
- ✓ Identify marketing opportunities
- ✓ Understand and use financial management tools

14. 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)

15. CONDUCT, ETHICS AND PROFESSIONALISM

- ✓ Understand and put into practice the CILEX Code of Conduct
- ✓ Understand and put into practice all relevant legal and regulatory requirements (e.g. data protection, anti-money laundering legislation and regulation, conflicts, withdrawal from a case, undertakings, confidentiality and privilege)
- ✓ 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 and draft compliant client care letters
- ✓ Understand and put into practice complaint handling requirements
- ✓ Understand and put into practice principles of equality, diversity and inclusion, including the needs of vulnerable consumers
- ✓ Identify situations where ethical, legal and regulatory requirements are engaged and take appropriate action
- ✓ Resist pressure to condone, ignore or act unethically

16. USE OF TECHNOLOGY

- ✓ Use available technology as it is used in family litigation and advocacy
- ✓ Identify uses for emerging technology in family litigation and advocacy and recommend its implementation where appropriate
- ✓ Understand the ethical challenges and the limitations of technology and use technology ethically

ANNEX 4: CHARTERED LEGAL EXECUTIVE (IMMIGRATION)⁴

A Chartered Legal Executive (Immigration) must follow the Chartered Legal Executive route to qualification as being a CILEX Fellow is a pre-requisite of practising immigration independently.

The technical knowledge requirements are set out below and must be coupled with the general qualification route to Chartered Legal Executive status. Where knowledge outcomes have been met as part of the route to qualification as a Chartered Legal Executive, this need not be repeated.

Chartered Legal Executive knowledge requirements should be set and assessed at Level 6 as a minimum

In addition to demonstrating this knowledge, individuals must also demonstrate the requirements set out in the competence framework, contextualised for their area of practice.

⁴ This document forms the education standards for Immigration Practitioners

TECHNICAL KNOWLEDGE REQUIREMENTS:**GENERAL KNOWLEDGE REQUIREMENTS FOR ALL CHARTERED LEGAL EXECUTIVES**

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 (IMMIGRATION)

MINIMUM CONTENT:
Immigration Law and practice
The legal framework of immigration control in the UK
Rights of abode and citizenship
The routes to admission for employment or self-employment
Rules relating to family, partners and children
Visits, study and temporary purposes
Other settlement routes
British nationality law

Discretionary provisions including human rights law
Refugees, asylum and humanitarian protection rules and procedures
Welfare provisions for migrants and asylum seekers
Law and procedure relating to deportation and removal
Refusals
Detention, bail and immigration offences
Appeals process, Administrative review and other remedies
The jurisdiction and powers of the First Tier, Upper Tribunal and Special Immigration Appeals Commission
Judicial review law and procedure
Judicial review principles: remedy, restrictions and procedure in the UT and Administrative Court
Grounds for judicial review
Funding a judicial review case
Settlement and costs
Protective costs orders
Third party interventions

COMPETENCE REQUIREMENTS:**17. APPLICATION OF LAW AND PRACTICE**

- ✓ Undertake legal research
- ✓ Critically analyse facts and law
- ✓ Synthesise all relevant information to provide advice
- ✓ Find solutions where possible
- ✓ Draft legal documents

18. COMMUNICATION

- ✓ Communicate orally and in writing, clearly and effectively:
- ✓ Negotiate effectively
- ✓ Deliver advocacy/oral presentations
- ✓ Develop, maintain and manage 3rd party relationships

19. CLIENT RELATIONSHIPS

- ✓ Take instructions
- ✓ Evaluate options and risks to your client
- ✓ Give advice
- ✓ Provide good customer service

20. EFFECTIVE WORKING PRACTICES

- ✓ Progress matters
- ✓ Plan workload and manage files
- ✓ Manage caseload

21. BUSINESS AWARENESS

- ✓ Identify and evaluate options and risks to the business in which you work

- ✓ Undertake business development
- ✓ Network
- ✓ Identify marketing opportunities
- ✓ Understand and use financial management tools

22. 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)

23. CONDUCT, ETHICS AND PROFESSIONALISM

- ✓ Understand and put into practice the CILEX Code of Conduct
- ✓ Understand and put into practice all relevant legal and regulatory requirements (e.g. data protection, anti-money laundering legislation and regulation, conflicts, withdrawal from a case, undertakings, confidentiality and privilege)
- ✓ 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 and draft compliant client care letters
- ✓ Understand and put into practice complaint handling requirements
- ✓ Understand and put into practice principles of equality, diversity and inclusion, 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

24. USE OF TECHNOLOGY

- ✓ Use available technology as it is used in immigration law
- ✓ Identify uses for emerging technology in immigration law and recommend its implementation where appropriate
- ✓ Understand the ethical challenges and the limitations of technology and use technology ethically

ANNEX 5: CHARTERED LEGAL EXECUTIVE (CONVEYANCING) OR CILEX PRACTITIONER (CONVEYANCING)⁵

There are two available routes that individuals can take to be authorised to practise conveyancing independently.

Individuals seeking to be authorised as a Chartered Legal Executive (Conveyancing) must follow the Chartered Legal Executive route to qualification.

Alternatively, an individual may complete the knowledge requirements specific to becoming a CILEX Practitioner (Conveyancing) (for stage 1 highlighted in grey + stage 2), in which case they will be authorised as a CILEX Practitioner (Conveyancing) and not a Chartered Legal Executive.

The knowledge requirements are set out below and must be coupled with the general qualification route to achieve Chartered Legal Executive status. Where knowledge outcomes have been met as part of the route to qualification as a Chartered Legal Executive, this need not be repeated.

In addition to demonstrating this knowledge, individuals must also demonstrate the requirements set out in the competence framework, contextualised for their area of practice.

Chartered Legal Executive and CILEX Practitioner knowledge requirements should be set and assessed at Level 6 as a minimum

⁵ This document forms the education standards for Conveyancers

TECHNICAL KNOWLEDGE REQUIREMENTS:**GENERAL KNOWLEDGE REQUIREMENTS FOR ALL CHARTERED LEGAL EXECUTIVES**

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 OR CILEX PRACTITIONER
Basic accounts
Specialist legal technology
Conduct and professional ethics

KNOWLEDGE REQUIREMENTS SPECIFIC TO A CHARTERED LEGAL EXECUTIVE (CONVEYANCING) OR CILEX PRACTITIONER (CONVEYANCING)

MINIMUM CONTENT:
Land law
Legal concepts of real and personal property
Characteristics and significance of legal and equitable property interests
Creation of legal and equitable interests in land
Protection of third-party rights and interests
Registered and unregistered land systems and different titles in land
Co-ownership and trusts of land

Proprietary rights: easements, freehold covenants and mortgages
Equity and trusts
The role of equity and equitable principles
Equitable remedies
The creation of express and implied trusts including when trusts will be implied by law (resulting trusts, constructive trusts and secret trusts)
Rules relating to purpose trusts
The duties, remedies and powers of personal representatives and trustees
Rights, remedies and powers of trustees and beneficiaries
Co-ownership and succession
Landlord and tenant
Key features of leasehold property, including the superior and inferior leasehold titles, sub-leases, etc
Formal requirements for the grant of a lease
Leasehold covenants and remedies for different types of breach
Enforceability of leasehold covenants between landlord and tenant (including under 'old' and 'new leases'), successor parties and third parties
Key clauses in a lease
Assignment of a lease
Termination of a lease
Nature and regulation of business tenancies including security of tenure
Stamp Duty Land Tax and VAT
Contract law
General nature of the law of contract
Formation of a contract
Intention to create legal relations
Consideration
Privity of contract
Terms and warranties
Exemption clauses
Misrepresentation
Duress and undue influence
Illegal contracts
Discharge of a contract
Remedies for breach of contract
Conveyancing of registered and unregistered freehold and leasehold transactions in England and Wales

The critical steps in a conveyancing transaction
Professional conduct and regulation relating to property transactions, including money laundering
Taking instructions
Pre-contract searches and enquiries
Deducing and investigating title in both registered and unregistered freehold and leasehold transactions
Sales of part
Funding of a property transaction
Acting for a lender and the mortgage documentation
Preparing the contract for sale and preparation for exchange of contracts
Drafting and negotiating conveyancing deed and ancillary documents
Issues relating specifically to planning, building regulations and newly built residential property
Exchange of contracts, including methods of holding a deposit, insurance and undertakings
Consequences of exchange of contracts
Pre-completion steps, requirements and formalities
Completion steps, requirements and formalities
Post-completion steps, requirements and formalities
Late completion and other default
Core principles of property taxation: Stamp Duty Land tax, VAT and Capital Gains Tax

COMPETENCE REQUIREMENTS:**25. APPLICATION OF LAW AND PRACTICE**

- ✓ Undertake legal research
- ✓ Critically analyse facts and law
- ✓ Synthesise all relevant information to provide advice
- ✓ Find solutions where possible
- ✓ Draft legal documents

26. COMMUNICATION

- ✓ Communicate orally and in writing, clearly and effectively
- ✓ Negotiate effectively
- ✓ Deliver advocacy/oral presentations
- ✓ Develop, maintain and manage 3rd party relationships

27. CLIENT RELATIONSHIPS

- ✓ Take instructions
- ✓ Evaluate options and risks to your client
- ✓ Give advice
- ✓ Provide good customer service

28. EFFECTIVE WORKING PRACTICES

- ✓ Progress matters
- ✓ Plan workload and manage files
- ✓ Manage caseload

29. BUSINESS AWARENESS

- ✓ Identify and evaluate options and risks to the business in which you work

- ✓ Undertake business development
- ✓ Network
- ✓ Identify marketing opportunities
- ✓ Understand and use financial management tools

30. 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)

31. CONDUCT, ETHICS AND PROFESSIONALISM

- ✓ Understand and put into practice the CILEX Code of Conduct
- ✓ Understand and put into practice all relevant legal and regulatory requirements (e.g. data protection, anti-money laundering legislation and regulation, conflicts, withdrawal from a case, undertakings, confidentiality and privilege)
- ✓ 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 and draft compliant client care letters
- ✓ Understand and put into practice complaint handling requirements
- ✓ Understand and put into practice principles of equality, diversity and inclusion, 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

32. USE OF TECHNOLOGY

- ✓ Use available technology as it is used in conveyancing
- ✓ Identify uses for emerging technology in conveyancing and recommend its implementation where appropriate
- ✓ Understand the ethical challenges and the limitations of technology and use technology ethically

ANNEX 6: CHARTERED LEGAL EXECUTIVE (PROBATE) OR CILEX PRACTITIONER (PROBATE)⁶

There are two available routes that individuals can take to be authorised to practise probate independently.

Individuals seeking to be authorised as a Chartered Legal Executive (Probate) must follow the Chartered Legal Executive route to qualification.

Alternatively, an individual may complete the knowledge requirements specific to becoming a CILEX Practitioner (Probate) (for stage 1 highlighted in grey + stage 2), in which case they will be authorised as a CILEX Practitioner (Probate) and not a Chartered Legal Executive.

The technical knowledge requirements are set out below and must be coupled with the general qualification route to Chartered Legal Executive status. Where knowledge outcomes have been met as part of the route to qualification as a Chartered Legal Executive, this need not be repeated.

In addition to demonstrating this knowledge, individuals must also demonstrate the requirements set out in the competence framework, contextualised for their area of practice.

Chartered Legal Executive and CILEX Practitioner requirements should be set and assessed at Level 6 as a minimum.

⁶ This document forms the education standards for Probate Practitioners

TECHNICAL KNOWLEDGE REQUIREMENTS:**GENERAL KNOWLEDGE REQUIREMENTS FOR ALL CHARTERED LEGAL EXECUTIVES**

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 Or CILEX PRACTITIONER
Basic accounts
Specialist legal technology
Conduct and professional ethics

KNOWLEDGE REQUIREMENTS SPECIFIC TO A CHARTERED LEGAL EXECUTIVE (PROBATE) OR CILEX PRACTITIONER (PROBATE)

MINIMUM CONTENT:
Wills and Probate Practice
Formal requirements for making a will
Testamentary capacity and intention
Duress and undue influence
Legal principles relating to legacies and devises
Execution of a will
Alterations to a will and the use of codicils
Revocation

Principles of construction
Assets passing outside of a will
Statutory rules for entitlement to property on intestacy, including the Inheritance and Trustees Powers Act 2014
Law and procedure relating to Grants of Representation
Powers, duties and liabilities of personal representatives
Law and practice relating to the administration and distribution of the estate including taxation
Claims against the estate under the Inheritance (Provision For Family and Dependants) Act 1975 and the effect on the distribution of the estate and the operation of the intestacy rules
Effect of post death variations and disclaimers
The preparation of estate accounts
Key principles of inheritance tax relating to lifetime transfers, potentially exempt transfers and transfers on death
Inheritance Tax – exemptions and reliefs, anti-avoidance provisions
Rules for the submission of IHT accounts to HMRC
Basic principles of income tax, capital gains tax and IHT applying to trusts
Basic inheritance tax planning in lifetime and in the will
The law and procedure relating to Enduring and Lasting Powers of Attorney
Living and statutory wills
Requirements for mental capacity
Equity and trusts
The role of equity and equitable principles
Equitable remedies
The creation of trusts including when trusts will be implied by law (resulting trusts, constructive trusts and secret trusts)
Rules relating to purpose trusts
The duties, remedies and powers of personal representatives and trustees
Rights, remedies and powers of beneficiaries
Anti-money laundering legislation

COMPETENCE REQUIREMENTS:**33. APPLICATION OF LAW AND PRACTICE**

- ✓ Undertake legal research
- ✓ Critically analyse facts and law
- ✓ Synthesise all relevant information to provide advice
- ✓ Find solutions where possible
- ✓ Draft legal documents

34. COMMUNICATION

- ✓ Communicate orally and in writing, clearly and effectively
- ✓ Negotiate effectively
- ✓ Deliver advocacy/oral presentations
- ✓ Develop, maintain and manage 3rd party relationships

35. CLIENT RELATIONSHIPS

- ✓ Take instructions
- ✓ Evaluate options and risks to your client
- ✓ Give advice
- ✓ Provide good customer service

36. EFFECTIVE WORKING PRACTICES

- ✓ Progress matters
- ✓ Plan workload and manage files
- ✓ Manage caseload

37. BUSINESS AWARENESS

- ✓ Identify and evaluate options and risks to the business in which you work

- ✓ Undertake business development
- ✓ Network
- ✓ Identify marketing opportunities
- ✓ Understand and use financial management tools

38. 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)

39. CONDUCT, ETHICS AND PROFESSIONALISM

- ✓ Understand and put into practice the CILEX Code of Conduct
- ✓ Understand and put into practice all relevant legal and regulatory requirements (e.g. data protection, anti-money laundering legislation and regulation, conflicts, withdrawal from a case, undertakings, confidentiality and privilege)
- ✓ 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 and draft compliant client care letters
- ✓ Understand and put into practice complaint handling requirements
- ✓ Understand and put into practice principles of equality, diversity and inclusion, 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

40. USE OF TECHNOLOGY

- ✓ Use available technology as it is used in probate
- ✓ Identify uses for emerging technology in probate and recommend its implementation where appropriate
- ✓ Understand ethical challenges and the limitations of technology and use technology ethically

ANNEX 7: CHARTERED LEGAL EXECUTIVE (EMPLOYMENT)⁷

A Chartered Legal Executive (Employment) may follow the Chartered Legal Executive route to qualification.

The technical knowledge requirements are set out below and must be coupled with the general qualification route to Chartered Legal Executive status where this authorisation is sought. Where knowledge outcomes have been met as part of the route to qualification as a Chartered Legal Executive, this need not be repeated.

Chartered Legal Executive knowledge requirements should be set and assessed at Level 6 as a minimum

In addition to demonstrating this knowledge, individuals must also demonstrate the requirements set out in the competence framework, contextualised for their area of practice.

⁷ This document forms the education standards for Employment Practitioners

TECHNICAL KNOWLEDGE REQUIREMENTS:**GENERAL KNOWLEDGE REQUIREMENTS FOR ALL CHARTERED LEGAL EXECUTIVES**

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 (EMPLOYMENT)

MINIMUM CONTENT:
Employment Law and Practice
An understanding of the law relating to the formation and structure of the employment relationship including the statutory definitions of “employee” and “worker”
An understanding of the various means of engaging labour and the respective legal implications of each as well as the rights and obligations of each of the parties
An understanding of the contract of employment: legality; formalities and; express and implied terms
An understanding of the use of express terms to protect the business interests of the employer
An understanding of ‘Vicarious liability’ of employers for certain actions of employees

An understanding of the remuneration package, including holiday pay and working time regulation and family friendly policies
An understanding of termination of a contract and the consequences at common law and statute
An understanding of the protections given to workers against unlawful treatment, unfair, constructive and wrongful dismissal and redundancy
An understanding of the principles and concepts which underpin the law on discrimination in the workplace including equal pay
An understanding of the law and policy relating to fair reasons for dismissal
An understanding of the law and procedure relating to presenting and defending claims for unlawful treatment, unfair and wrongful dismissal, including remedies available, recoupment of benefits and of interest on Employment Tribunal awards
An understanding of the tax implications of termination payments and Employment Tribunal awards
An understanding of the law and procedure relating to presenting and defending claims of discrimination
An understanding of employment rights and protections governed by the Transfer of Undertaking Regulations
An understanding of the role of ACAS
An understanding of the processes leading to a settlement of employment disputes and compromise agreements
An understanding of the implications of Insolvency and Employment Law
Understanding best practice in HRM
Throughout to demonstrate an ability to act honestly and with integrity and in accordance with the principles of professional conduct rules

COMPETENCE REQUIREMENTS:**41. APPLICATION OF LAW AND PRACTICE**

- ✓ Undertake legal research
- ✓ Critically analyse facts and law
- ✓ Synthesise all relevant information to provide advice
- ✓ Find solutions where possible
- ✓ Draft legal documents

42. COMMUNICATION

- ✓ Communicate orally and in writing, clearly and effectively:
- ✓ Negotiate effectively
- ✓ Deliver advocacy/oral presentations
- ✓ Develop, maintain and manage 3rd party relationships

43. CLIENT RELATIONSHIPS

- ✓ Take instructions
- ✓ Evaluate options and risks to your client
- ✓ Give advice
- ✓ Provide good customer service

44. EFFECTIVE WORKING PRACTICES

- ✓ Progress matters
- ✓ Plan workload and manage files
- ✓ Manage caseload

45. BUSINESS AWARENESS

- ✓ Identify and evaluate options and risks to the business in which you work
- ✓ Undertake business development
- ✓ Network
- ✓ Identify marketing opportunities
- ✓ Understand and use financial management tools

46. 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)

47. CONDUCT, ETHICS AND PROFESSIONALISM

- ✓ Understand and put into practice the CILEX Code of Conduct
- ✓ Understand and put into practice all relevant legal and regulatory requirements (e.g. data protection, anti-money laundering legislation and regulation, conflicts, withdrawal from a case, undertakings, confidentiality and privilege)
- ✓ 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 and draft compliant client care letters
- ✓ Understand and put into practice complaint handling requirements
- ✓ Understand and put into practice principles of equality, diversity and inclusion, 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

48. USE OF TECHNOLOGY

- ✓ Use available technology as it is used in employment law
- ✓ identify uses for emerging technology in employment law and recommend its implementation where appropriate
- ✓ Understand the ethical challenges and the limitations of technology and use technology ethically

ANNEX 8: CHARTERED LEGAL EXECUTIVE (BUSINESS)⁸

A Chartered Legal Executive (Business) may follow the Chartered Legal Executive route to qualification.

The technical knowledge requirements are set out below and must be coupled with the general qualification route to Chartered Legal Executive status, where this authorisation is sought. Where knowledge outcomes have been met as part of the route to qualification as a Chartered Legal Executive, this need not be repeated.

Chartered Legal Executive knowledge requirements should be set and assessed at Level 6 as a minimum.

In addition to demonstrating this knowledge, individuals must also demonstrate the requirements set out in the competence framework, contextualised for their area of practice. This is set out below.

⁸ This document forms the education standards for Business Practitioners

TECHNICAL KNOWLEDGE REQUIREMENTS:**GENERAL KNOWLEDGE REQUIREMENTS FOR ALL CHARTERED LEGAL EXECUTIVES**

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 (BUSINESS)

MINIMUM CONTENT:
Contract law
An understanding of the core principles of the law of contract including
The requirements of a legally binding contract
Determining a party's intention to create legal relations
Understanding 'Consideration'
Understanding Privity of contract and the rights of third parties
Determining the terms of a contract – both express and implied terms, including certainty
Understanding the implications of Exemption clauses and unfair terms

Understanding Misrepresentation and mistake
Determining whether Duress and/or undue influence arises
Understanding Illegal contracts
Determining the discharge of a contract
Understanding the legal and equitable Remedies for breach of contract that may arise, including interpretation of terms and performance
Company and Partnership law and practice
An understanding of the various business models
An understanding of the key legal and taxation frameworks in which the different business models operate
An understanding of the procedural requirements and formalities relevant to the formation of each business model
An understanding of 'Limited liability', and of the 'legal personality' in a business context
An understanding of 'Partnerships' and LLP's, including partnership agreements, decision-making, partnership property and termination of the partnership
An understanding of the prospective rights, duties and responsibilities as an employer within a business model
An understanding of the legal and commercial factors arising for a business (within each business model) as a party to common commercial transactions
An understanding of the rules and procedures necessary to ensure proper governance of each business model
An understanding of basic business accounting and business finance
An understanding of the procedure/processes to issue, allot and transfer shares, share capital and capital maintenance
An understanding of company borrowing and security for debts
An understanding of corporate governance and company decision-making and meetings
An understanding of the rights and protection of minority shareholders
An understanding of the principles of reconstruction, merger and acquisition
An understanding of the key concepts of bankruptcy and insolvency
An understanding of the procedural requirements relating to the options available for continuing the business or winding up and the order of priority for creditors
Throughout to demonstrate an ability to act honestly and with integrity and in accordance with the principles of professional conduct rules

COMPETENCE REQUIREMENTS:**49. APPLICATION OF LAW AND PRACTICE**

- ✓ Undertake legal research
- ✓ Critically analyse facts and law
- ✓ Synthesise all relevant information to provide advice
- ✓ Find solutions where possible
- ✓ Draft legal documents

50. COMMUNICATION

- ✓ Communicate orally and in writing, clearly and effectively
- ✓ Negotiate effectively
- ✓ Deliver advocacy/oral presentations
- ✓ Develop, maintain and manage 3rd party relationships

51. CLIENT RELATIONSHIPS

- ✓ Take instructions
- ✓ Evaluate options and risks to your client
- ✓ Give advice
- ✓ Provide good customer service

52. EFFECTIVE WORKING PRACTICES

- ✓ Progress matters
- ✓ Plan workload and manage files
- ✓ Manage caseload

53. BUSINESS AWARENESS

- ✓ Identify and evaluate options and risks to the business in which you work

- ✓ Undertake business development
- ✓ Network
- ✓ Identify marketing opportunities
- ✓ Understand and use financial management tools

54. 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)

55. CONDUCT, ETHICS AND PROFESSIONALISM

- ✓ Understand and put into practice the CILEX Code of Conduct
- ✓ Understand and put into practice all relevant legal and regulatory requirements (e.g. data protection, anti-money laundering legislation and regulation, conflicts, withdrawal from a case, undertakings, confidentiality and privilege)
- ✓ 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 and draft compliant client care letters
- ✓ Understand and put into practice complaint handling requirements
- ✓ Understand and put into practice principles of equality, diversity and inclusion, 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

56. USE OF TECHNOLOGY

- ✓ Use available technology as it is used in business law
- ✓ Identify uses for emerging technology in business law and recommend its implementation where appropriate
- ✓ Understand the ethical challenges and the limitations of technology and use technology ethically

ANNEX 9: CHARTERED LEGAL EXECUTIVE (GENERAL)⁹

An individual may follow the Chartered Legal Executive route to qualification where this authorisation is sought.

This requires individuals to demonstrate knowledge outcomes in a distinct area of practice. Where knowledge outcomes have been met as part of the route to qualification as a Chartered Legal Executive, this need not be repeated.

Chartered Legal Executive knowledge requirements should be set and assessed at Level 6 as a minimum

In addition to demonstrating this knowledge, individuals must also demonstrate the requirements set out in the competence framework, contextualised for their area of practice. This is set out below.

⁹ This document forms the education standards for Chartered Legal Executives

TECHNICAL KNOWLEDGE REQUIREMENTS:**GENERAL KNOWLEDGE REQUIREMENTS FOR ALL CHARTERED LEGAL EXECUTIVES**

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 (GENERAL)

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:**57. APPLICATION OF LAW AND PRACTICE**

- ✓ Undertake legal research
- ✓ Critically analyse facts and law
- ✓ Synthesise all relevant information to provide advice
- ✓ Find solutions where possible
- ✓ Draft legal documents

58. COMMUNICATION

- ✓ Communicate orally and in writing, clearly and effectively:
- ✓ Negotiate effectively
- ✓ Deliver advocacy/oral presentations
- ✓ Develop, maintain and manage 3rd party relationships

59. CLIENT RELATIONSHIPS

- ✓ Take instructions
- ✓ Evaluate options and risks to your client
- ✓ Give advice
- ✓ Provide good customer service

60. EFFECTIVE WORKING PRACTICES

- ✓ Progress matters
- ✓ Plan workload and manage files
- ✓ Manage caseload

61. BUSINESS AWARENESS

- ✓ Identify and evaluate options and risks to the business in which you work

- ✓ Undertake business development
- ✓ Network
- ✓ Identify marketing opportunities
- ✓ Understand and use financial management tools

62. 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)

63. CONDUCT, ETHICS AND PROFESSIONALISM

- ✓ Understand and put into practice the CILEX Code of Conduct
- ✓ Understand and put into practice all relevant legal and regulatory requirements (e.g. data protection, anti-money laundering legislation and regulation, conflicts, withdrawal from a case, undertakings, confidentiality and privilege)
- ✓ 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 and draft compliant client care letters
- ✓ Understand and put into practice complaint handling requirements
- ✓ Understand and put into practice principles of equality, diversity and inclusion, 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

64. USE OF TECHNOLOGY

- ✓ Use available technology as it is used in the area of practice
- ✓ Identify uses for emerging technology in the area of practice and recommend its implementation where appropriate
- ✓ Understand the ethical challenges and the limitations of technology and use technology ethically

ANNEX 10: CHARTERED LEGAL EXECUTIVE LITIGATOR (CIVIL LITIGATION)¹⁰

A Chartered Legal Executive (Civil Litigation) must follow the Chartered Legal Executive route to qualification as being a CILEX Fellow is a pre-requisite of practising civil litigation independently.

The technical knowledge requirements are set out below and must be coupled with the general qualification route to Chartered Legal Executive status. Where knowledge requirements have been met as part of the route to qualification as a Chartered Legal Executive, this need not be repeated.

Chartered Legal Executive knowledge requirements should be set and assessed at Level 6 as a minimum

In addition to demonstrating this knowledge, individuals must also demonstrate the requirements set out in the competence framework, contextualised for their area of practice.

¹⁰ This document forms the education standards for Civil Litigators

KNOWLEDGE REQUIREMENTS:**GENERAL KNOWLEDGE REQUIREMENTS FOR ALL CHARTERED LEGAL EXECUTIVES**

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 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

TECHNICAL KNOWLEDGE REQUIREMENTS SPECIFIC TO A CHARTERED LEGAL EXECUTIVE (CIVIL LITIGATION)

MINIMUM CONTENT:
Contract law
The core principles of the law of contract including:
The requirements of a legally binding contract
Determining a party's intention to create legal relations
Understanding 'Consideration'
Understanding Privity of contract and the rights of third parties

Determining the terms of a contract – both express and implied terms, including certainty
Understanding the implications of Exemption clauses and unfair terms
Understanding Misrepresentation and mistake
Determining whether Duress and/or undue influence arises
Understanding Illegal contracts
Determining the discharge of a contract
Understanding the legal and equitable Remedies for breach of contract that may arise, including interpretation of terms and performance
Tort law
The core principles of tortious liability and sources – cases, statutes or regulations
Understanding the objectives of the law of tort
Understanding vicarious liability
Understanding Trespass
Understanding Negligence, including causation, duty of care and remoteness (of damage)
Understanding Employers' liability
Understanding Occupiers' liability
Understanding Nuisance
Determining defences including consent and contributory negligence
Remedies, including damages and injunctions
Civil litigation
Understanding Alternative Dispute Resolution (ADR) – methods and their appropriateness as a means of dispute resolution
Main underlying features that enable litigation, including courts' structure
The portals
Pre-action steps before a claim is issued (including ADR)
Understanding limitation, joinder
The stages of proceedings in court, including jurisdiction and which court
Drafting Statements of Case
Understanding when a matter can be terminated without a trial
Track allocation system, directions
Disclosure
Key steps made in the progress of a matter to trial
Interim applications

Evidence, drafting witness statements and drafting applications
Offers of settlement
Trial procedure and preparations for trial
Orders and judgments, enforcement and appeal
Costs and Funding
Evidence
Rules and principles of evidence as they operate in civil proceedings
Drafting witness statements
Expert evidence – appropriate use, adducing
Throughout to demonstrate an ability to act honestly and with integrity and in accordance with the principles of professional conduct rules

COMPETENCE REQUIREMENTS:

65. APPLICATION OF LAW AND PRACTICE

- ✓ Undertake legal research
- ✓ Critically analyse facts and law
- ✓ Synthesise all relevant information to provide advice
- ✓ Find solutions where possible
- ✗ Draft legal documents and other communications

66. COMMUNICATION

- ✓ Communicate orally and in writing, clearly and effectively:
- ✓ Negotiate effectively
- ✓ Deliver advocacy/oral presentation s
- ✓ Develop, maintain and manage 3rd party relationships

67. CLIENT RELATIONSHIPS

- ✓ Take instructions
- ✓ Evaluate options and risks to your client

- ✓ Give advice
- ✓ Provide good customer service

68. EFFECTIVE WORKING PRACTICES

- ✓ Progress matters
- ✓ Plan workload and manage files
- ✓ Manage caseload

69. BUSINESS AWARENESS

- ✓ Identify and evaluate options and risks to the business in which you work
- ✓ Undertake business development
- ✓ Network
- ✓ Identify marketing opportunities
- ✓ Understand and use financial management tools

70. 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)

71. CONDUCT, ETHICS AND PROFESSIONALISM

- ✓ Understand and put into practice the CILEx Code of Conduct
- ✓ Understand and put into practice all relevant legal and regulatory requirements (e.g. data protection, anti-money laundering legislation and regulation, conflicts, withdrawal from a case, undertakings, confidentiality and privilege)
- ✓ 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 and draft compliant client care letters

- ✓ Understand and put into practice complaint handling requirements
- ✓ Understand and put into practice, principles of equality, diversity and inclusion, including the needs of vulnerable consumers
- ✓ Identify situations where ethical, legal and regulatory requirements are engaged and take appropriate action
- ✓ Resist pressure to condone, ignore or act unethically

72. USE OF TECHNOLOGY

- ✓ Use available technology as it is used in family litigation and advocacy
- ✓ Identify uses for emerging technology in family litigation and advocacy and recommend its implementation where appropriate
- ✓ Understand the ethical challenges and the limitations of technology and use technology ethically

73. USE OF TECHNOLOGY

- ✓ Use available technology as it is used in civil litigation
- ✓ Identify uses for emerging technology in civil litigation and recommend its implementation where appropriate
- ✓ Understand the ethical challenges and the limitations of technology and use technology ethically

ANNEX 11: CHARTERED LEGAL EXECUTIVE LITIGATOR (CRIMINAL LITIGATION)¹¹

A Chartered Legal Executive (Criminal Litigation) must follow the Chartered Legal Executive route to qualification as being a CILEX Fellow is a pre-requisite of practising criminal litigation independently.

The technical knowledge requirements are set out below and must be coupled with the general qualification route to Chartered Legal Executive status. Where knowledge outcomes have been met as part of the route to qualification as a Chartered Legal Executive, this need not be repeated.

Chartered Legal Executive knowledge requirements should be set and assessed at Level 6 as a minimum

In addition to demonstrating this knowledge, individuals must also demonstrate the requirements set out in the competence framework, contextualised for their area of practice.

¹¹ This document forms the education standards for Criminal Litigators

KNOWLEDGE REQUIREMENTS:**GENERAL KNOWLEDGE REQUIREMENTS FOR ALL CHARTERED LEGAL EXECUTIVES**

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

TECHNICAL KNOWLEDGE REQUIREMENTS SPECIFIC TO A CHARTERED LEGAL EXECUTIVE (CRIMINAL LITIGATION)

MINIMUM CONTENT:
Criminal Law
Fundamental legal principles of criminal liability
Requirements for liability for homicide
Requirements for liability for non-fatal offences against the person, including harassment offences
Requirements for liability for criminal damage
Requirements for liability for theft, robbery and burglary
Requirements for liability for inchoate offences and accomplice liability

Requirements for general defences and defences specific to the offences of theft, homicide, sexual offences, criminal damage, inchoate offences and non-fatal offences against the person)
Criminal Litigation
Criminal Procedure Rules
Police powers of stop and search, identification procedures, arrest and detention for the purposes of investigating a crime
Public funding for advice, assistance and representation in the criminal justice process
Procedures and processes involved in advising clients at the police station,
Special rules relating to juveniles and vulnerable clients in relation to giving advice at the police station and throughout criminal proceedings, including youth court proceedings
Rules and procedures relating to bail applications
The stages and procedures in the Magistrates' and Crown Courts from the first hearing before the Magistrates to trial and sentencing
Sentencing and ancillary orders in criminal proceedings
Appeals procedures from Magistrates' Court and Crown Court
Principles of professional ethics in criminal matters
Evidence
Rules and principles of evidence as they operate in the investigation of a crime and criminal proceedings for example, their relationship with Human Rights contained in Articles 5,6 & 8 of the ECHR

COMPETENCE REQUIREMENTS:**74. APPLICATION OF LAW AND PRACTICE**

- ✓ Undertake legal research
- ✓ Critically analyse facts and law
- ✓ Synthesise all relevant information to provide advice
- ✓ Find solutions where possible
- ✓ Draft legal documents and other communications

75. COMMUNICATION

- ✓ Communicate orally and in writing, clearly and effectively:
- ✓ Negotiate effectively
- ✓ Deliver advocacy/oral presentation s
- ✓ Develop, maintain and manage 3rd party relationships

76. CLIENT RELATIONSHIPS

- ✓ Take instructions
- ✓ Evaluate options and risks to your client
- ✓ Give advice
- ✓ Provide good customer service

77. EFFECTIVE WORKING PRACTICES

- ✓ Progress matters
- ✓ Plan workload and manage files
- ✓ Manage caseload

78. BUSINESS AWARENESS

- ✓ Identify and evaluate options and risks to the business in which you work

- ✓ Undertake business development
- ✓ Network
- ✓ Identify marketing opportunities
- ✓ Understand and use financial management tools

79. 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)

80. CONDUCT, ETHICS AND PROFESSIONALISM

- ✓ Understand and put into practice the CILEx Code of Conduct
- ✓ Understand and put into practice all relevant legal and regulatory requirements (e.g. data protection, anti-money laundering legislation and regulation, conflicts, withdrawal from a case, undertakings, confidentiality and privilege)
- ✓ 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 and draft compliant client care letters
- ✓ Understand and put into practice complaint handling requirements
- ✓ Understand and put into practice, principles of equality, diversity and inclusion, including the needs of vulnerable consumers
- ✓ Identify situations where ethical, legal and regulatory requirements are engaged and take appropriate action
- ✓ Resist pressure to condone, ignore or act unethically

81. USE OF TECHNOLOGY

- ✓ Use available technology as it is used in criminal law practice and associated matters
- ✓ Identify uses for emerging technology in criminal law practice and recommend its implementation where appropriate
- ✓ Understand the ethical challenges and the limitations of technology and use technology ethically

ANNEX 12: CHARTERED LEGAL EXECUTIVE LITIGATOR (FAMILY LITIGATION)¹²

A Chartered Legal Executive (Family Litigation) must follow the Chartered Legal Executive route to qualification as being a CILEx Fellow is a pre-requisite of practising family litigation independently.

The technical knowledge requirements are set out below and must be coupled with the general qualification route to Chartered Legal Executive status. Where knowledge outcomes have been met as part of the route to qualification as a Chartered Legal Executive, this need not be repeated.

Chartered Legal Executive knowledge requirements should be set and assessed at Level 6 as a minimum

In addition to demonstrating this knowledge, individuals must also demonstrate the requirements set out in the competence framework, contextualised for their area of practice.

¹² This document forms the education standards for Family Litigators

TECHNICAL KNOWLEDGE REQUIREMENTS:**GENERAL KNOWLEDGE REQUIREMENTS FOR ALL CHARTERED LEGAL EXECUTIVES**

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 (FAMILY LITIGATION)

MINIMUM CONTENT:
Family Law
Formation of marriage and civil partnership
Validity of marriage and civil partnerships
Dissolution, nullity, judicial separation and divorce
Financial provision during and after marriage/civil partnership
Provisions for family property and ownership
Inheritance and intestacy
Cohabitation and financial consequences of a relationship breakdown including the Trusts of Land and Appointment of Trustees Act 1996

Domestic violence and abuse
Legal basis of parental responsibility
Legal provisions relating to private matters under the Children Act 1989
Family law practice
The Family Court
Alternative dispute resolution in family law
Law and procedure relating to termination of a marriage/civil partnership
Pre-marital agreements
Financial orders following divorce or dissolution
Pensions in financial proceedings
Procedures for financial orders, including variation and enforcement
Protection orders and procedures in cases of domestic violence and abuse
Private children law procedures
Child abduction
Public children procedures
Child care law practice
Legal framework governing children proceedings including the public law proceedings from the Children Act 1989
Role, powers and duties of personnel involved in child protection processes and proceedings
Duties of local authorities in relation to the welfare and protection of children
Law and procedures relating to care and supervision orders
Options for securing a permanent placement for a child
Emergency interventions

COMPETENCE REQUIREMENTS:**82. APPLICATION OF LAW AND PRACTICE**

- ✓ Undertake legal research
- ✓ Critically analyse facts and law
- ✓ Synthesise all relevant information to provide advice
- ✓ Find solutions where possible
- ✓ Draft legal documents and other communications

83. COMMUNICATION

- ✓ Communicate orally and in writing, clearly and effectively:
- ✓ Negotiate effectively
- ✓ Deliver advocacy/oral presentation s
- ✓ Develop, maintain and manage 3rd party relationships

84. CLIENT RELATIONSHIPS

- ✓ Take instructions
- ✓ Evaluate options and risks to your client
- ✓ Give advice
- ✓ Provide good customer service

85. EFFECTIVE WORKING PRACTICES

- ✓ Progress matters
- ✓ Plan workload and manage files
- ✓ Manage caseload

86. BUSINESS AWARENESS

- ✓ Identify and evaluate options and risks to the business in which you work

- ✓ Undertake business development
- ✓ Network
- ✓ Identify marketing opportunities
- ✓ Understand and use financial management tools

87. 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)

88. CONDUCT, ETHICS AND PROFESSIONALISM

- ✓ Understand and put into practice the CILEx Code of Conduct
- ✓ Understand and put into practice all relevant legal and regulatory requirements (e.g. data protection, anti-money laundering legislation and regulation, conflicts, withdrawal from a case, undertakings, confidentiality and privilege)
- ✓ 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 and draft compliant client care letters
- ✓ Understand and put into practice complaint handling requirements
- ✓ Understand and put into practice, principles of equality, diversity and inclusion, including the needs of vulnerable consumers
- ✓ Identify situations where ethical, legal and regulatory requirements are engaged and take appropriate action
- ✓ Resist pressure to condone, ignore or act unethically

89. USE OF TECHNOLOGY

- ✓ Use available technology as it is used in family litigation
- ✓ Identify uses for emerging technology in family litigation and recommend its implementation where appropriate
- ✓ Understand the ethical challenges and the limitations of technology and use technology ethically