

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~~. 21. [#PSCILEx 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~~. 22. [#PSCILEx 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. [#PSCILEx Regulation](#) will not discriminate directly or indirectly against an applicant whose experience has been affected in this way. However, [#PSCILEx Regulation](#) will need to ensure that an applicant has an acceptable level of experience.

~~25~~.~~23~~. 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~~. 24. There may be other factors which affect an applicant's experience in the preceding 2 years. [#PSCILEx Regulation](#) will consider details of more active periods from applicants whose experience discloses a pattern that they regard as atypical.