



## **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 right~~s 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-in~~ in 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, ~~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) 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.

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## **QUALIFICATION ARRANGEMENTS - RIGHTS OF AUDIENCE**

19. Unless they already hold a relevant rights of audience certificate, applicants who seek ~~ra~~ rights~~s~~ 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.

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~~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**.~~

~~14.2. 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 ~~Advocacy~~ Certificate 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.**

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## 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>