CILEX REGULATION PRACTICE RIGHTS CERTIFICATE FOR CHARTERED LEGAL 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, 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, 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;
- "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" means a Fellow who has been granted a Rights to Conduct Litigation Certificate by CILEx Regulation;
- "CILEX Institute Board" means the Board of the Chartered Institute;
- "CILEx Regulation" means CILEx Regulation Ltd;
- "CILEX" 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" means a Chartered Legal Executive in good standing whose subscriptions to CILEX are fully paid and 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 CILEX in good standing who meets the requirements specified in these rules may be granted one or more of the following Practice Rights Certificates:

   (a) Conveyancing Certificate
   (b) Rights to Conduct 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 in good standing to apply for any of the following:

   (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 Conduct Litigation and Rights of Audience Certification Rules

7. A Fellow with 5 years or more qualifying experience and 2 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:

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

8. A Fellow with 5 years or more qualifying experience 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:

   (b) complete an Approved Course delivered by an Authorised Provider; and
   (c) pass an Assessment administered by an Authorised Provider in the Specified Practice area; and

(d) provide Satisfactory Evidence of experience in the Specified Practice Area.

DEFINITION OF QUALIFYING EXPERIENCE

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

APPLICATIONS

10. 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

11. The Admissions and Licensing Committee established under the Admissions and Licensing Committee Rules shall be responsible for matters relating to these Rules.

12. 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.

13. CILEx Regulation may appoint external advisors to advise CILEx Regulation and the Admissions and Licensing Committee on matters relating to these Rules.

14. 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 a decision.

15. 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.

16. 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.

17. 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.

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

19. Where the application has been approved, the notification shall include the Practice Rights Certificate.

20. 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

21. 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.**

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

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

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

25. 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.**

26. 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

27. 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.

28. 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

29. Chartered Legal Executives will be required to abide by the CILEX Code of Conduct for the time being in force. They will also be bound by the associated regulatory arrangements in force from time to time.

30. 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.

31. 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.

32. 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.

33. Notwithstanding the Admissions and Licensing Committee Rules, an appeal against the decision of the Admissions and Licensing Committee that a Chartered Legal Executive is no longer 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.

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.

ANNEX 1C

RIGHTS TO CONDUCT LITIGATION (CRIMINAL PROCEEDINGS) CERTIFICATE

To conduct litigation in all criminal proceedings.

ANNEX 1D

RIGHTS OF LITIGATION (FAMILY PROCEEDINGS) CERTIFICATE

To conduct litigation in all family proceedings.

ANNEX 1E

IMMIGRATION PRACTICE RIGHTS

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

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

a) 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.