Comparison of Reserved Instrument Activities Certification Rules with CILEx Lawyer Authorisation rules (Version B)

NOTE: this table maps subsections between the old and new rules. Within subsections, new rules may be renumbered and reordered.

RIA Rules	New Rules	Comments
DEFINITIONS	DEFINITIONS	Definitions deleted are no
		longer used in the rules.
1. In these Rules, except where	1. In these Rules, except where otherwise	
otherwise indicated:	indicated:	Four new definitions relevant
		to the amendments made to
"Conveyancing Certificate" means:	"Conveyancing Certificate" means: a	the rules for probate rights
a Conveyancing Practice Rights	Conveyancing Practice Rights Certificate	authorisation have been added.
Certificate identified in these	identified in these Rules;	
Rules;	<u>"Conveyancing Practitioner" means a</u>	
"Conveyancing Practitioner"	person who has been granted a right to undertake reserved instrument activities.	
means a person who has been	under the terms of the Act;	
granted a right to undertake reserved instrument activities,	"Certification Rules" means the reserved	
under the terms of the Act;	instrument activity certification rules;	
"Certification Rules" means the	"External Advisor" means a person	
reserved instrument activity	appointed by CILEx Regulation to carry	
certification rules;	out the role and function identified for	
"External Advisor" means a person	them in these Rules;	
appointed by CILEx Regulation to	"Applicant in good standing" means a	
carry out the role and function	person in respect of whose conduct there	
identified for them in these Rules;	is no complaint outstanding, and against	
"Applicant in good standing"	whom there is no disciplinary record	
means a person in respect of	which, in the view of CILEx Regulation,	
whose conduct there is no	affects their suitability to be a CILEx	
complaint outstanding, and against	<u>Lawyer onveyancing Practitioner;</u>	
whom there is no disciplinary	"CILEx" means the Chartered Institute of	
record which, in the view of CILEx	Legal Executives;	
Regulation, affects their suitability	"Investigation, Disciplinary and	
to be a Conveyancing Practitioner;	Appeals Enforcement Rules" means the	
"CILEx" means the Chartered	Rules of CILEx <u>Regulation</u> which are in	
Institute of Legal Executives;	place from time to time and which govern	
"Investigation, Disciplinary and	the complaints handling and disciplinary	
Appeals Rules" means the Rules of	procedures of CILEx Regulation;	
CILEx which are in place from time to time and which govern the	"The Act" means the Legal Services Act 2007; and	
complaints handling and	"The Officer" means a person with	
disciplinary procedures of CILEx	responsibility for the Authorisation Rules	
Regulation;	Conveyancing Practice Rights Scheme.	
"The Act" means the Legal Services	"CILEx Lawyer" means a person who has	
Act 2007; and	been authorised by CILEx Regulation to	
"The Officer" means a person with	provide one or more regulated legal	
responsibility for the Conveyancing	activity;	
Practice Rights Scheme.	"CILEx Practitioner" means a CILEx	
	Lawyer;	
	"Practice Certificate" means a "Practice	
	Rights Certificate" or a "Litigation	

RIA Rules	New Rules	Comments
	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;	
	NOTES ON THESE RULES	No change, but rule number
Words importing the singular	2. Reference to the male gender also	added.
include the plural and vice versa.	includes female gender.	New rules have an additional
	3. Words importing the singular include	note.
	the plural and vice versa.	note.
DELEGATIONS	DELEGATIONS	Text change for consistency.
2. Responsibility for this	42. Responsibility for this qualification	Rule number added.
qualification scheme is delegated	authorisation scheme is delegated to by	
by CILEx to CILEx Regulation.	CILEx Regulation by to CILEx Regulation.	
CONVEYANCING PRACTICE	Practice Rights	Changes reflect the two routes
CERTIFICATE	ELIGIBILITY	to award of a Conveyancing
3. An applicant in good standing	CONVEYANCING PRACTICE CERTIFICATE	Certificate (with or without
may apply to CILEx Regulation to	203. An applicant in good standing who	Fellowship). The requirement
be granted a Conveyancing	• has three years' general legal	for three years' general legal
Practice Rights Certificate	experience including conveyancing	experience was previously
(Conveyancing Certificate). The	practice experience in the two years	stated in the Practice
Conveyancing Certificate will	preceding the application, or	Handbook. The requirement for
authorise a person to exercised	<ul> <li>is applying for Fellowship and has</li> </ul>	two years' conveyancing
reserved instrument rights.	three years' general legal experience	experience was in Annex 3 of
	including conveyancing practice	the Reserved Instrument
4. The reserved instrument rights	experience in the two years preceding the	Activity Certification Rules.
exercisable by a person holding a	application,	.,
Conveyancing Certificate are to:	may apply to CILEx Regulation to be	
a) Prepare any instrument of	granted a Conveyancing Practice Rights	
transfer or charge for the purposes	Certificate (Conveyancing Certificate).	
of the Land Registration Act 2002;	The Conveyancing Certificate will	
b) Make an application or lodge a	authorise a person to exercised reserved	
document for registration under	instrument rights.	
that Act; c) Prepare any other		
instrument relating to real or	214. The Conveyancing Certificate will	
personal estate for the purposes of	authorise a person to exercise reserved	
the law of England and Wales or	instrument rights. The reserved	
instrument relating to Court	instrument rights exercisable by a person	
proceedings in England and Wales.	holding a Conveyancing Certificate are to:	
Instrument includes a contract for	a) Prepare any instrument of transfer or	
the sale or other disposition of	charge for the purposes of the Land	
land (except a contract to grant a	Registration Act 2002; b) Make an	
short lease), but does not include	application or lodge a document for	
a) A will or other testamentary	registration under that Act; c) Prepare	
instrument, b) An agreement not	any other instrument relating to real or	
intended to be executed as a Deed,	personal estate for the purposes of the	
other than a contract that is	law of England and Wales or instrument	

RIA Rules	New Rules	Comments
7. CILEx Regulation will consider the application to ensure it meets the criteria set out in the knowledge, skills and experience guidelines which appear at Annex 1 and the portfolio guidelines and assessment criteria which appear at Annex 2.	3913. 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 requirementsknowledge, skills and experience guidelines and the portfolio guidelines and assessment criteria at Annexes 1 and 2.  417. CILEx Regulation will consider the an application for a Practice Rights Certificate to ensure it meets the criteria set out in the relevant eligibility criteria, the application guidelines and the related knowledge and competence requirementsknowledge, skills and experience guidelines which appear at Annex 1 and the portfolio guidelines and assessment criteria which appear at Annex 2.	
	42. 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.	
8. The portfolios which form part of the application will be sent to an external advisor for assessment. The external advisor will assess whether the portfolios meet the knowledge, skills and experience guidelines and the portfolio guidelines and assessment criteria at Annexes 1 and 2.	438. The portfolios which form part of the application will-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 requirementsknowledge, skills and experience guidelines and the portfolio guidelines and assessment criteria at Annexes 1 and 2.	

RIA Rules	New Rules	Comments
9. Where the external advisor finds	449. Where the external advisor finds that	
that the portfolios are satisfactory	the portfolios are satisfactory and meet	
and meet the knowledge, skills and	the knowledge, skills and experience	
experience guidelines and the	guidelines and the portfolio guidelines	
portfolio guidelines and	and assessment criteria at Annexes 1 and	
assessment criteria at Annexes 1	2, the CILEx Regulation Officer will decide	
and 2, the CILEx Regulation Officer	whether the application may be	
will consider the application. The	approved consider the application. The	
Officer will consider whether the	Officer will consider whether the	
applicant may be granted a	applicant may be granted a Conveyancing	
Conveyancing Certificate. In	Certificate. In reaching their decision, the	
reaching their decision, the Officer	Officer will consider all the information	
will consider all the information	provided by the applicant and may call for	
provided by the applicant and may	further information from any person or	
call for further information from	source it considers appropriate. Where	
any person or source it considers	the Officer has any doubt as to the	
appropriate. Where the Officer	suitability of the applicant they may	
has any doubt as to the suitability	request additional information from the	
of the applicant they may request	applicant and/or refer the application to	
additional information from the	the Admissions and Licensing Committee	
applicant and/or refer the	for decision.	
application to the Admissions and		
Licensing Committee for decision.		
	4510. Where the external advisor decides	
10. Where the external advisor	that the portfolios do not meet the	
decides that the portfolios do not	relevant knowledge and competence	
meet the knowledge, skills and	requirements knowledge, skills and	
experience guidelines and the	experience guidelines and the portfolio	
portfolio guidelines and	guidelines and assessment criteria at	
assessment criteria at Annexes 1	Annexes 1 and 2 they will give reasons for	
and 2 they will give reasons for	their decision. They shall indicate what	
their decision. The Officer will	action the applicant needs to take to	
inform the applicant of the	provide a satisfactory portfolio. The	
decision. The applicant may	Officer will inform the applicant of the	
withdraw their application, amend	decision. The applicant may withdraw	
and re-submit their application or	their application, amend and re-submit	
make further representation and	their application or make further	
ask that the full application be	representation and ask that the full	
referred to the Admissions and	application be referred to the Admissions	
Licensing Committee to consider.	and Licensing Committee to consider.	
	4611. The Admissions and Licensing	
11. The Admissions and Licensing	Committee will decide whether or not an	
Committee will decide whether or	application should be approved. In	
not an application should be	reaching its decision, the Committee will	
approved. In reaching its decision,	consider all the information provided by	
the Committee will consider all the	the applicant, and may call the applicant	
information provided by the	for interview or call for further	
applicant, and may call the	information from any person or source it	
applicant for interview or call for	considers appropriate.	

further information from any

	1
<ul> <li>4712. The Admissions and Licensing committee may:</li> <li>Approve the application;</li> <li>Decide that the applicant does not meet the criteria and indicate which of the criteria the applicant does not meet.</li> </ul>	
[current 13 is above, new rule 39]	
4814. The Officer will notify an applicant of their decision or the decision of the Admissions and Licensing Committee.	
4915. Where the application has been approved, the notification shall include the Conveyancing Practice Rights Certificate.	
5016. 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 is unsuccessful, the applicant may apply for reconsideration in accordance with the Admissions and Licensing Committee Rules.	
PRACTICE MANAGEMENT AND ACCOUNTS	Rules deleted as covered by regulatory arrangements for entity regulation.
17. A Conveyancing Practitioner 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	, 5
	• Approve the application; • Decide that the applicant does not meet the criteria and indicate which of the criteria the applicant does not meet.  [current 13 is above, new rule 39]  4814. The Officer will notify an applicant of their decision or the decision of the Admissions and Licensing Committee.  4915. Where the application has been approved, the notification shall include the Conveyancing Practice Rights Certificate.  5016. 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 is unsuccessful, the applicant may apply for reconsideration in accordance with the Admissions and Licensing Committee Rules.  PRACTICE MANAGEMENT AND ACCOUNTS  17. A Conveyancing Practitioner who seeks to practise in an entity seeking regulation by CILEx Regulation must demonstrate that they meet the knowledge, skills and experience in

RIA Rules	New Rules	Comments
skills and experience guidelines	guidelines and the competency	
and portfolio guidelines and the	frameworks which appear at Annexes 4	
competency frameworks which	and 5. They will not be authorised to be	
appear at Annexes 4 and 5. They	an Approved Manager in an entity until	
will not be authorised to be an	these requirements are met.	
Approved Manager in an entity		
until these requirements are met.	18. Where an applicant relies upon	
•	existing experience they must complete a	
18. Where an applicant relies upon	log in accordance the portfolio guidelines.	
existing experience they must	An applicant who relies upon a	
complete a log in accordance the	qualification as evidence of meeting the	
portfolio guidelines. An applicant	competency framework must provide	
who relies upon a qualification as	details of that qualification and	
evidence of meeting the	assessment. CILEx Regulation will	
competency framework must	consider whether the experience or	
provide details of that qualification	qualification relied upon demonstrates	
and assessment. CILEx Regulation	that the applicant meets the	
will consider whether the	requirements of the competency	
experience or qualification relied	framework.	
upon demonstrates that the		
applicant meets the requirements	19. An applicant who does not meet the	
of the competency framework.	knowledge, skills and experience	
or and compositing, manner com	requirements for practice management	
19. An applicant who does not	and or accounts must complete	
meet the knowledge, skills and	qualification courses and assessment in	
experience requirements for	those areas which meet the competency	
practice management and or	frameworks at Annexes 4 and 5.	
accounts must complete	Traineworks de Alinexes Fana 5.	
qualification courses and		
assessment in those areas which		
meet the competency frameworks		
at Annexes 4 and 5.		
ADMISSIONS AND LICENSING	ADMISSIONS AND LICENSING COMMITTEE	Rule now in the Decision
COMMITTEE	ABINIOSIONS AND EIGENSING COMMITTEE	making section. New number
CONTINUE		and made applicable across the
20. The Admissions and Licensing	3820. The Admissions and Licensing	practice areas.
Committee established under the	Committee established under the	practice areas.
Admissions and Licensing	Admissions and Licensing Committee	
Committee Rules shall be	Rules shall be responsible for matters	
responsible for the reserved	relating to these Rulesthe reserved	
Instrument rights qualification	Instrument rights qualification scheme.	
scheme.	instrument rights qualification scheme.	
scrienie.		
EVTERNAL ADVISORS	EXTERNAL ADVISORS	Rule now in the Decision
EXTERNAL ADVISORS	EATERINAL ADVIDURD	
21 CILEy Dogulation shall anneigh	4021 CILEY Population shall arraint	making section. New number
21. CILEx Regulation shall appoint	4021. CILEx Regulation shall appoint	and made applicable across the
external advisors to advise CILEx	external advisors to advise CILEx	practice areas.
Regulation and the Admissions and	Regulation and the Admissions and	
Licensing Committee on issues	Licensing Committee on issues relating to	
relating to reserved instrument	these Rules reserved instrument practice	
practice rights.	<del>rights</del> .	

RIA Rules	New Rules	Comments
CONVEYANCING PRACTITIONER	CILEX Lawyers CONVEYANCING PRACTITIONER	Section heading changed. Rule number changed and rule reflects change in title arising
22. An applicant who has been	8222. An applicant who has been	from new Education Standards.
awarded a Conveyancing	awarded a Conveyancing Certificate will	
Certificate will be known as a	be known as a <u>CILEx Lawyer</u>	
Conveyancing Practitioner.	(Conveyancing) Practitioner.	
CONTINUING PROFESSIONAL DEVELOPMENT (CPD)	CONTINUING PROFESSIONAL DEVELOPMENT (CPD)	The CPD rules have been consolidated for all practice areas.
23. Conveyancing Practitioners will	10223. As CILEx Practitioners, CILEx	Three rules have been deleted
be required to undertake	<u>Lawyers</u> Conveyancing Practitioners will	as they repeat, unnecessarily
Continuing Professional	be required to undertake Continuing	the CPD regulations that the
Development (CPD) in accordance	Professional Development (CPD) in	current rules already refer to.
with the CPD Regulations issued by	accordance with the CPD Regulations	
CILEx Regulation from time to time	issued by CILEx Regulation from time to time applicable to Chartered Legal	
applicable to Chartered Legal Executives.	Executives.	
LACCULIVES.	Executives.	
24. Where a Conveyancing	24. Where a Conveyancing Practitioner	
Practitioner has failed to undertake	has failed to undertake CPD which meets	
CPD which meets the CPD	the CPD Regulations or fails to provide a	
Regulations or fails to provide a	record of such CPD, the Officer will refer	
record of such CPD, the Officer will	the matter to the Admissions and	
refer the matter to the Admissions and Licensing Committee. The	Licensing Committee. The Admissions and Licensing Committee will consider	
Admissions and Licensing	whether the Conveyancing Practitioner	
Committee will consider whether	should retain their Conveyancing	
the Conveyancing Practitioner should retain their Conveyancing	Certificate.	
Certificate.	25. The Conveyancing Practitioner will	
	have the opportunity to make written	
25. The Conveyancing Practitioner	representations to the Committee and a	
will have the opportunity to make written representations to the	right to be heard by the Committee.	
Committee and a right to be heard	26. The Committee may decide to:	
by the Committee.	<ul> <li>Grant an extension of up to 3 months</li> </ul>	
by the committee.	for the Conveyancing Practitioner to	
26. The Committee may decide to:	meet their outstanding CPD	
Grant an extension of up to 3	requirement. The Conveyancing	
months for the Conveyancing	Practitioner will still be required to	
Practitioner to meet their	meet their current CPD requirements	
outstanding CPD requirement.	in the normal way; or	
The Conveyancing Practitioner	Withdraw the Conveyancing Practice     Continue to the Conveyancing Practice	
will still be required to meet their current CPD	<del>Certificate.</del>	
requirements in the normal		
way; or		
<i>"</i>		

RIA Rules	New Rules	Comments
Withdraw the Conveyancing		
Practice Certificate.		
	<u>103</u> 27. Where a <u>CILEx Lawyer's</u>	
27. Where a Conveyancing	Conveyancing Practitioner's Certificate	
Practitioner's Certificate has been	has been withdrawn for 12 months or	
withdrawn for 12 months or more,	more, on the basis that they have not met	
on the basis that they have not	their CPD requirements, they will be	
met their CPD requirements, they	required to make a fresh application for a	
will be required to make a fresh	Conveyancing Practice Certificate in	
application for a Conveyancing	accordance with the Rules.	
Certificate in accordance with the		
Rules.		
DISCIPLINA BY DROCEDURES AND	DISCIPLINA DV DD OCEDLIDES AND CODE	The Birdshire B. Leeber
DISCIPLINARY PROCEDURES AND	DISCIPLINARY PROCEDURES AND CODE	The Disciplinary Rules have
CODE OF CONDUCT	OF CONDUCT	been consolidated for all
		practice areas. Minor text
28. Conveyancing Practitioners will	10428. As CILEx Practitioners, CILEx	changes for consistency across
be required to abide by the Code	<u>Lawyers</u> Conveyancing Practitioners will	all practice areas.
of Conduct of CILEx for the time	be required to abide by the Code of	
being in force. They will also be	Conduct of CILEx for the time being in	
bound by the associated regulatory	force. They will also be bound by the	
arrangements in force from time to	associated regulatory arrangements in force from time to time.	
time.	force from time to time.	
29. Where a complaint is made, or	10529. Where a complaint is made, or an	
an issue is brought to the attention	issue is brought to the attention of CILEx	
of CILEx Regulation, regarding the	Regulation, regarding the conduct of a	
conduct of a Conveyancing	Conveyancing PractitionerCILEx Lawyer,	
Practitioner, that matter will be	that matter will be dealt with in	
dealt with in accordance with	accordance with the CILEx Regulation	
CILEx's Investigation, Disciplinary	Enforcement's Investigation, Disciplinary	
and Appeals Rules. Where a	and Appeals Rules.	
finding, order or decision is made		
against a Conveyancing	106. Where a finding, order or decision is	
Practitioner, that finding, order or	made against a Conveyancing	
decision will be referred to the	Practitioner CILEx Lawyer, that finding,	
Admissions and Licensing	order or decision will be referred to the	
Committee. The Admissions and	Admissions and Licensing Committee. The	
Licensing Committee will decide	Admissions and Licensing Committee will	
whether the Conveyancing	decide whether the CILEx Lawyer	
Practitioner remains a fit and	Conveyancing Practitioner remains a fit	
proper person to hold a	and proper suitable person to hold a	
Conveyancing Certificate. The	Conveyancing Practice Certificate. The	
Admissions and Licensing	Admissions and Licensing Committee	
Committee must give reasons for	must give reasons for its decision.	
its decision.		
20 Rulo 20 shall not apply where		
30. Rule 29 shall not apply where an order is made excluding a	10730. Rule 10629 shall not apply where	
Conveyancing Practitioner from	an order is made excluding a CILEx Lawyer	
registration of CILEx Regulation or	Conveyancing Practitioner from	

RIA Rules	New Rules	Comments
membership of CILEx. In such a	registration of CILEx Regulation or	
case the Conveyancing	membership of CILEx. In such a case the	
Practitioner's Certificate shall be	Conveyancing Practitioner's CILEx	
invalid from the date the exclusion	<u>Lawyer's Practice</u> Certificate shall be	
from membership or registration	invalid from the date the exclusion from	
takes effect.	membership or registration takes effect.	
31. Where the Admissions and		
Licensing Committee decides that	10831. Where the Admissions and	
the Conveyancing Practitioner is no	Licensing Committee decides that the	
longer a fit and proper person to	<u>CILEx Lawyer Conveyancing Practitioner is</u>	
hold a Conveyancing Practice	no longer a fit and proper suitable person	
Certificate or their certificate is	to hold a Conveyancing Practice	
invalid in accordance with Rule 30,	Certificate or their certificate is invalid in	
they must return their Certificate	accordance with Rule 30107, they must	
to CILEx Regulation within 28 days	return their Certificate to CILEx	
of being notified of the decision.	Regulation within 28 days of being	
Failure to do so will constitute a	notified of the decision. Failure to do so	
disciplinary offence. The	will constitute a disciplinary offence. The	
Conveyancing Practitioner may not	Conveyancing CILEx Lawyer Practitioner	
exercise any Conveyancing Practice	may not exercise any Conveyancing P	
rights granted to them under their	practice rights granted to them under	
certificate after they have been	their Practice Ceertificate after they have	
notified of the decision.	been notified of the decision.	
32. Notwithstanding the		
Admissions and Licensing	10932. Notwithstanding the Admissions	
Committee Rules an appeal against	and Licensing Committee Rules an appeal	
the decision of the Admissions and	against the decision of the Admissions	
Licensing Committee that a	and Licensing Committee that a	
Conveyancing Practitioner is no	Conveyancing Practitioner CILEx Lawyer is	
longer a fit and proper person to	no longer a fit and proper suitable person	
hold a Conveyancing Certificate	to hold a Conveyancing Practice	
will be considered by a	Certificate will be considered by a	
professional member and 2 lay	professional member and 2 lay members	
members drawn from the panel of	drawn from the panel of lay and	
lay and professional members	professional members appointed to serve	
appointed to serve on CILEx	on CILEx Regulation's <u>A</u> appeals	
Regulation's appeals body.	<u>Panel</u> body.	