



CILEx Regulation Rules for recognition of
lawyers qualified outside the jurisdiction of
the United Kingdom (UK)

Purpose

These Rules govern the process by which CILEx Regulation will consider an application for recognition of professional qualifications obtained outside the jurisdiction of the UK as being equivalent to the Chartered Legal Executive/ CILEX Practitioner qualification.

A person who makes a successful application under these Rules will, despite not having completed the Chartered Legal Executive/ CILEX Practitioner knowledge qualifications and subject to satisfactory assessment of experience, competence and prior conduct requirements, be entitled to apply for a practising certificate to practise as a Chartered Legal Executive or CILEX Practitioner in England and Wales.

Definitions

In these rules, the following definitions apply:

“Admissions and Licensing Committee” means the Committee established by CILEx Regulation to deal with qualification and admission matters;

“Appeals Panel” means the Panel established to hear appeals against decisions made by the Admissions and Licensing Committee following a rehearing;

“Applicant” means a person who makes an Application under these Rules;

“Applicant in good standing” means a person in respect of whose conduct there is no complaint or misconduct matter outstanding, and against whom there is no disciplinary record which, in the view of CILEx Regulation, affects their suitability to be a Chartered Legal Executive or CILEX Practitioner;

“Application” means an application made under these Rules for recognition of a Professional Qualification as being comparable to the Chartered Legal Executive/ CILEX Practitioner knowledge qualifications in level, content and scope;

“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”;

“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);

“CILEX Practitioner” means a person authorised to conduct Probate practice or Conveyancing practice as defined in these rules, but not authorised as a Chartered Legal Executive/Fellow of CILEX;

“CILEx Regulation” means CILEx Regulation Ltd;

“Fellow” means a person who has met the requirements of CILEx Regulation (also known as a Chartered Legal Executive) and has paid all subscriptions and other fees to CILEX or has made arrangement for payment;

“Practising Certificate” means a certificate issued annually allowing a person to practise as an authorised Chartered Legal Executive/ CILEX Practitioner and carry on reserved legal activities;

“Practising Rules” means the CILEx Regulation rules and requirements governing the authorisation and supervision of Chartered Legal Executives/ CILEX Practitioners and the

issue and revocation of Practising Certificates, as they apply at the time an Application is made;

“Practitioner Directory” means the directory of Chartered Legal Executives/ CILEX Practitioners who hold a current Practising Certificate;

“Professional Qualification” means a qualification attested by a diploma, certificate or other evidence issued by an authority outside of the jurisdiction of the UK certifying successful completion of professional training obtained;

“Regulated legal activity” means a) a reserved legal activity; b) immigration advice or immigration services;

“Reserved legal activity” has the same meaning as in the Act;

“The Act” means the Legal Services Act 2007;

“The Officer” means a person with responsibility for the Authorisation Rules.

Delegations

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

RULE 1:

Applicability of these Rules

1.1 These Rules implement the provisions of the Professional Qualifications Act 2022.

1.2 These Rules take effect from 21 November 2022.

1.3 A person must hold a Professional Qualification to be eligible to make an Application.

RULE 2:

Recognition of professional qualifications

2.1 CILEX is the approved regulator of Chartered Legal Executives/ CILEX Practitioners in England and Wales (regulation of which is delegated to CILEx Regulation) under the Legal Services Act 2007. It is a regulator for the purposes of the Professional Qualifications Act 2022.

2.2 In accordance with the CILEX Bye Laws and the CILEx Regulation Practitioner Rules, no person shall be entitled to practise as a Chartered Legal Executive/ CILEX Practitioner in England and Wales unless they (amongst other things) have qualified as a Chartered Legal Executive/ CILEX Practitioner in accordance with the Practitioner Authorisation Rules. The Practitioner Authorisation Rules provide for qualification as a Chartered Legal Executive/ CILEX Practitioner by completion of an approved qualification in accordance with the Training Provider policy and handbook.

2.3 These Rules allow an Applicant to make an Application to CILEx Regulation for recognition of a Professional Qualification as being comparable to the Chartered Legal Executive/ CILEX Practitioner qualifications in level, content and scope, and thus sufficient to meet the requirements of the Practitioner Authorisation Rules. These qualifications may be provided by a CILEx Regulation approved qualifications' provider or through the submission of an exemption application, governed by the Exemptions Policy.

2.4 Upon a successful Application, an Applicant will become eligible to apply for a Practising Certificate, following which their name will appear on the Practitioner Directory.

2.5 A Chartered Legal Executive/ CILEX Practitioner who holds a Practising Certificate must comply with the Regulatory Arrangements.

RULE 3:

Point of single contact

3.1 CILEx Regulation will act as the point of single contact for the Chartered Legal Executives/ CILEX Practitioners professions.

3.2 CILEx Regulation will make available all relevant information in relation to the Chartered Legal Executives/ CILEX Practitioners professions, the Chartered Legal Executives/ CILEX Practitioners Qualifications and the requirements, procedures and formalities for making an Application via a dedicated page on its website.

3.3 In the event an Applicant requires further information or assistance in making an application, CILEx Regulation will provide such information or assistance. It will do so in collaboration with the UK's assistance centre for professional qualifications where appropriate. For this purpose, CILEx Regulation can be contacted using the details on the contact page of its website.

3.4 CILEx Regulation will use all reasonable endeavours to respond to a request for information or assistance from an Applicant or prospective Applicant within five working days of receipt of the request by CILEx Regulation.

RULE 4:

The assessment process

4.1 An Application must be made to CILEx Regulation using the electronic form provided on the CILEx Regulation website. Where a prospective Applicant is unable to use that form due to a disability, CILEx Regulation will work with the Applicant to identify appropriate reasonable adjustments to facilitate making an Application.

4.2 An Applicant must provide the information requested in the electronic form and pay the application fee as prescribed by CILEx Regulation from time to time. The requested information will include at least the following in relation to the Applicant:

(a) a copy of evidence of their Professional Qualification, such as a diploma or certificate;

(b) a copy of any documents associated with their Professional Qualification, such as documents formally recognising their training or experience;

(c) information and evidence to enable CILEx Regulation to determine the level, content and scope of their Professional Qualification, including any training and experience elements;

(d) information relating to their fitness to practise, professional standing and financial standing

(e) a copy of the applicant's insurance cover (if applicable); and

(f) where appropriate, evidence that the applicant has an appropriate fluency in English. Language checks may be required where there is serious and concrete doubt about the applicant's language knowledge in respect of the professional activities the applicant is intending to pursue.

4.3 Information and evidence must be provided in the English or Welsh language. Where original documents are not in English or Welsh, an official translation must be provided.

4.4 CILEx Regulation will acknowledge receipt of an Application in writing within one month of receipt. If an Application is considered to be incomplete in any respect, CILEx Regulation will notify the Applicant of this when acknowledging receipt and invite the Applicant to submit further information in order to complete the Application.

4.5 Once the Application is complete, CILEx Regulation will consider the Application as soon as reasonably practicable and will advise the Applicant in writing of the likely timeframe for determining the Application, based on CILEx Regulation's initial assessment of the Application's complexity. In all cases, a decision will be made no later than four months from receipt of a complete Application.

4.6 CILEx Regulation will assess the level, content and scope of the Applicant's Professional Qualification against the level, content and scope of the CILEx Regulation education standards knowledge requirements to determine whether they are comparable. In making this assessment, CILEx Regulation will consider at least the following factors:

(a) Content: Has the training that the Applicant received covered substantially similar matters (including knowledge, skills and competencies), or achieved substantially similar learning outcomes, to the CILEx Regulation education standards?

(b) Scope: Does the Applicant's Professional Qualification relate to the carrying out of activities of a substantially similar kind to the reserved legal activities that Chartered Legal Executives/ CILEX Practitioners are authorised to carry out?

(c) Scope: Do the CILEx Regulation education standards involve training in areas that do not form part of the Applicant's Professional Qualification?

(d) Level: Is the academic level of the Applicant's Professional Qualification equivalent to that of the requirements set out in the CILEx Regulation education standards?

4.7 In relation to the supervised practice element of the Chartered Legal Executives/ CILEX Practitioners Qualifications, CILEx Regulation will:

(a) recognise professional traineeships that have been carried out to a comparable standard in a jurisdiction outside of the UK; and

(b) take account of traineeships that have been carried out to a comparable standard in a third country, where the professional traineeship has been undertaken over a period of not less than three years in total (not necessarily consecutively) and has been supervised by one or more legal practitioners authorised to practise in England and Wales or in the country where the traineeship was carried out.

4.8 CILEx Regulation may request additional information, documents or evidence from the Applicant at any time during the process of considering an Application.

RULE 5:

Justified doubt

5.1 CILEx Regulation may, in the event of justified doubt, request from another regulator at any time during the process of considering an Application one or more of the following:

(a) confirmation of the authenticity of the evidence of a Professional Qualification awarded by that regulator;

(b) where evidence of a Professional Qualification includes training received in a different country to that in which the Professional Qualification was awarded;

(c) confirmation that the Applicant is not suspended or prohibited from the pursuit of the profession as a result of serious professional misconduct or conviction of criminal offences relating to the pursuit of any of the Applicant's professional activities.

5.2 If the relevant regulator does not provide the requested information before expiry of the time for notifying the Applicant of the outcome of the Application, CILEx Regulation may refuse the Application.

5.3 CILEx Regulation may request certified copies of any documents provided by the Applicant in support of their Application, or confirmation by other means of the authenticity of such documents, in the event of justified doubt or as otherwise necessary. If the applicant does not provide any certified copies requested before expiry of the time limit for the regulator to notify the applicant of its decision [four months], the regulator may refuse the application.

RULE 6:

Outcome of an Application

6.1 The outcome of an Application will be a decision that either:

(a) the Applicant's Professional Qualification is comparable to the Chartered Legal Executives/ CILEX Practitioners Qualifications, in which case CILEx Regulation will be satisfied that the Applicant meets the authorisation requirements; or

(b) the Applicant's Professional Qualification is not comparable to the Chartered Legal Executives/ CILEX Practitioners Qualifications, in which case CILEx Regulation will not be satisfied that the Applicant meets the authorisation requirements.

6.2 CILEx Regulation will notify an Applicant in writing of its decision within four months of receipt of a complete Application.

6.3 CILEx Regulation will set out the reasons for its decision in writing and will advise the Applicant of their right to appeal.

6.4 Failure by CILEx Regulation to make a decision within four months of receiving a complete Application will be deemed to be a decision that the Applicant's Professional Qualification is not comparable to the Chartered Legal Executives/ CILEX Practitioners Qualifications.

6.5 Applicants may appeal a decision (including a deemed decision under Rule 6.4) on a matter of fact or law (or both) to the County Court within four months of being notified of the decision, or at a later date with the permission of the County Court. The County Court may, for the purposes of determining the appeal:

(a) authorise the Applicant to practise as a Chartered Legal Executive/ CILEX Practitioner and impose any conditions on practising that may be imposed by CILEx Regulation; or

(b) refer the matter to CILEx Regulation with such directions as the County Court sees fit.

RULE 7:

Title

7.1 There are no designatory letters for the CILEX Practitioner Qualification and there is no statutory restriction on use of the CILEX Practitioner title, save that an unauthorised person must not hold themselves out as being a regulated CILEX Practitioner authorised to carry out reserved legal activities or otherwise mislead consumers. There are designatory letters for the Chartered Legal Executive Qualification (FCILEX) and an unauthorised person must not hold themselves out as being a regulated Chartered Legal Executive authorised to carry out reserved legal activities or otherwise mislead consumers.

7.2 A successful Applicant may use their existing professional title or designatory letters in addition to the title of Chartered Legal Executive/ CILEX Practitioner, however any title or designatory letters must be used in a way that does not mislead consumers and should indicate the country in which the Professional Qualification was attained.

RULE 8:

Sharing information

8.1 Applicants should be aware that CILEx Regulation has certain obligations under the Professional Qualifications Act 2022 to share information and statistics relating to Applications.

8.2 CILEx Regulation will collate information and statistics relating to Applications received and decisions taken. It will provide the information and statistics to the UK government upon request.

8.3 CILEx Regulation will maintain and publish a register of successful Applicants.

8.4 CILEx Regulation will co-operate fully with the UK's assistance centre for professional qualifications and provide all relevant information about individual Applications to that centre on request (subject to data protection legislation as defined by section 3(9) of the Data Protection Act 2018).

8.5 CILEx Regulation may share information about criminal sanctions and disciplinary action with competent authorities and other relevant government bodies in other jurisdictions, including with the European Commission, in accordance with the current law on data protection in England and Wales.

8.6 In the event CILEx Regulation is in receipt of information about criminal sanctions or disciplinary action from another regulator or from the European Commission, CILEx Regulation will (insofar as required):

- (a) examine the veracity of the circumstances;
- (b) decide on the nature and scope of the investigations which are required and carry them out accordingly; and
- (c) inform that regulator of the conclusions which it has drawn from the information available.

RULE 9:

General

9.1 In the event of any irreconcilable inconsistency between these Rules and the Professional Qualifications Act 2022, or in the event that the Professional Qualifications Act 2022 make provision for a matter on which these Rules are silent, the 2022 Act will apply.

9.2 Costs incurred by an Applicant under these Rules will be met by the Applicant.