



Guidance on completing an Application for Certificate of Eligibility for the CILEx Regulation Advocacy Skills Course form

Introduction

These guidance notes are designed to assist applicants in completing an Application for Certificate of Eligibility for the CILEx Regulation Advocacy Skills Course form.

The application form is divided into 5 parts.

- **Part 1** asks for general information
- **Part 2** asks for details of your litigation experience – this section should only be completed if you are seeking authorisation as a Chartered Legal Executive Advocate **WITHOUT** Litigation Practice Rights. **DO NOT** complete this part of the application if you already hold Litigation Practice Rights.
- **Part 3** asks for details of advocacy experience
- **Part 4** is the portfolio requirements. All applicants must submit a portfolio which meets the guidelines in this document
- **Part 5** is the declaration

All applications and supporting documents should be submitted by email to advocacy@cilexregulation.org.uk.

Advocacy Skills Course

Qualification Summary

1. CILEx Regulation (CRL) is an independent regulator under the Legal Services Act 2007 for the purpose of awarding advocacy rights to Chartered Legal Executives who complete an Advocacy Skills Course.
2. The Advocacy Skills Course is open to new and existing Chartered Legal Executive Litigators wishing to gain authorisation as a Chartered Legal Executive Litigator and Advocate or as a Chartered Legal Executive Advocate in either Civil Proceedings, Criminal Proceedings or Family Proceedings.

Certificate of Eligibility

3. Applicants must make an application for a Certificate of Eligibility to undertake an Advocacy Skills Course. If applicants already hold litigation practice rights, they can only apply for advocacy practice rights for the same type of proceedings.
4. A Certificate of Eligibility will be awarded to applicants who meet the following requirements:
 - They currently undertake civil, criminal or family work.
 - They are employed by or are a manager in an organisation which is owned or managed by persons authorised to provide litigation services, or which is authorised to provide litigation services under the Legal Services Act 2007 or be employed by an organisation in which they work under the supervision of a person who is authorised to provide litigation services under the Legal Services Act 2007;
 - They have gained relevant advocacy experience that meets the knowledge and experience guidelines that are set out in this document. As part of this requirement, applicants will be required to submit a portfolio of evidence to demonstrate their experience.
 - They have sufficient knowledge of relevant law and legal practice, in accordance with the knowledge and experience guidelines of CRL to undertake an advocacy skills course and, if successful, to exercise the relevant rights of audience.
 - They are able to provide references from two people, other than their employer, who are able to offer an informed opinion as to their ability to meet the knowledge and experience criteria and their suitability to undertake the advocacy skills course. Please refer to section b) References on page 8 for details of acceptable referees.

Advocacy Skills Course

5. On the award of a Certificate of Eligibility, the applicant will be eligible to undertake an advocacy skills course. Courses available as follows:
 - Civil Proceedings.

- Civil Proceedings (Chambers Rights Only).
 - Criminal Proceedings.
 - Family Proceedings.
 - Family Proceedings (Chambers Rights Only).
6. The courses will involve the teaching of advocacy skills relevant to the type of proceedings for which the applicant seeks rights of audience. The Chambers Rights Only courses for Civil and Family Proceedings will be at least 2 days in duration. The remaining Civil, Criminal and Family Proceedings courses will be of at least 6 days in duration. Both will involve formal assessments of advocacy skills and a test in the law of evidence. The course provider will be responsible for all assessment and will inform CRL of the results.

Rights of Audience Certificate

7. A Chartered Legal Executive who successfully completes and passes the advocacy skills course may apply to CRL for the relevant rights of audience certificate. A Chartered Legal Executive Litigator and Advocate or Chartered Legal Executive Advocate must be employed in an organisation authorised to provide litigation services or work under the supervision of an organisation authorised to provide litigation services at all times while they hold a rights of audience certificate. They must not practice independently.

The Advocacy Certificates

8. CRL is able to award the following rights of audience under each certificate.

Rights of Audience (Civil Proceedings) (Judges Rooms ¹Only) 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;

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.

¹ Please note 'Judges Room' is the term used by CRL to refer to 'Chambers Only' practice rights.

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.

Rights of Audience (Family Proceedings) (Judges Room Only) Certificate:

- to exercise rights of audience in Judge's room hearings in the Family Court and High Court, 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.

Renewal of Advocacy Certificates

9. The first advocacy certificate is valid for 12 months and must be renewed on the first 1 June or 1 December following the expiration of the certificate. The renewal process will require candidates to produce portfolios of experience they have gained in exercising the new rights of audience.
10. Subsequent Certificates will be valid indefinitely.

Completing the Application for Certificate of Eligibility for the CILEx Regulation Advocacy Skills Course form

Part 1 – General Information

(a) Personal Details

Please insert all your personal details including your CILEX Membership Number.

(b) Advocacy Skills Course

Please identify which Advocacy Skills Course you wish to apply for. You should undertake the Advocacy Skills Course which grants you the rights that you wish to obtain. This will be in the areas of law in which you hold litigation practice rights.

(c) Qualifications Achieved

Please give details of the qualifications you have achieved at Level 6 and above. These could include the following:

- CILEX Level 6 Professional Diploma in Law and Legal Practice;
- CILEX Professional Qualification (CPQ);
- SQE 1 and/or 2;
- LLB Hons

(d) Employment Details

Please provide a succinct and accurate summary of your employment over the previous five years. You should provide a brief outline of your job, the nature of the duties, workload and status or seniority in the firm.

(e) Prior Conduct

Please answer all 11 questions relating to prior conduct and where relevant, provide additional details relevant to any of the 11 questions to which you have answered 'Yes'.

Part 2 – Litigation Experience

Please complete each box as follows:

- Provide details of how many years litigation experience you have
- Identify what proportion of your total years of experience were gained as a fee earner.

In the 2 years preceding the date of your application:

- Estimate how many chargeable hours you have spent on litigation work in each year
- Identify what proportion of your time is spent on litigation
- Provide a general description of the type of litigation you carry out
- Provide an outline of the nature and range of your typical caseload. Please ensure you indicate the seriousness and complexity of the issues you have assisted with and summarise any difficult cases you have worked on.
- Identify what proportion or how many cases you prepared for trial during the preceding 2 years.

Part 3 – Advocacy Experience

Civil/Family Proceedings Applicants

Based on the excerpt from the Legal Services Act below, provide an outline of the range and nature of advocacy experience you have gained. The outline should provide details of the types of cases you have handled, the types of hearings you have been involved in (for example, directions hearings, case management conferences, summary trials etc). The outline should also indicate what proportion of these cases typically involve contested or uncontested issues and what courts you have appeared in. It would also be helpful if you could outline the nature of the cases involved.

Section 1 of Schedule 3 of the Legal Services Act 2007 provides exemption for non-authorised persons to exercise rights of audience as follows:

- (7) *The person is exempt if-*
- (a) *the person is an individual whose work includes assisting in the conduct of litigation,*
 - (b) *the person is assisting in the conduct of litigation-*
 - (i) *under instructions given (either generally or in relation to the proceedings) by an individual to whom sub-paragraph (8) applies, and*
 - (ii) *under the supervision of that individual, and*
 - (c) *the proceedings are not reserved family proceedings and are being heard in chambers-*
 - (i) *in the High Court or county court, or*
 - (ii) *in the family court by a judge who is not, or by two or more judges at least one of whom is not, within section 31(C)(y) of the Matrimonial and Family Proceedings Act 1984 (lay justices).*
- (8) *This sub-paragraph applies to-*
- (a) *any authorised person in relation to an activity which constitutes the conduct of litigation;*
 - (b) *any person who by virtue of section 193 is not required to be entitled to carry on such an activity.*

Criminal Proceedings Applicants

CRL recognises that applicants seeking the Criminal Proceedings Certificate will not have gained advocacy experience because they currently have no rights of audience in the criminal courts. You should instead provide details of police station representation work you have undertaken.

If you work in a Local Authority which has delegated powers to you or authorised you to prosecute or defend matters in a criminal court under the Local Government Act 1972, you can provide details of that work in this section.

Please complete each box as follows:

- Confirm how long you have been accredited as a police station representative by the Legal Services Commission or under any duty solicitor scheme;
- Provide details of the range and nature of all police station work you have undertaken. Your outline should describe the number and types of cases in which you have provided advice and the nature of the advice you have been required to provide during police station interviews;
- Provide an outline of the range and nature of any advocacy you have observed. The outline should indicate the nature of the issues involved, who conducted the advocacy, the courts in which the advocacy took place and whether the cases were contested or uncontested. This summary can either be provided as a summary of the observed advocacy or in a list format.

Civil Proceedings/Criminal Proceedings/Family Proceedings Applicants

Please complete each box as follows:

- Indicate any distinctive features of your work. For example, you may handle complex cases which involve substantial research rather than volume day to day litigation work;
- Describe how your work is supervised. You should indicate who supervises your work, their status within the organisation, the amount of supervision exercised, and the type of supervision exercised over your work;
- Provide details of any supervision you exercise over the work of other members of staff.

Part 4 – Portfolio

Number of portfolios

You are required to submit portfolios of cases you have handled in the area of law in which you practice. The cases that you refer to in the portfolios must have occurred in the previous two years. You should anonymise client details and the portfolios should not refer to parties in the case by name.

If you are applying to become a **Chartered Legal Executive Advocate WITHOUT Litigation Practice Rights**, your portfolio should comprise of:

- 5 cases in which you demonstrate your litigation experience, **AND**
- 3 cases in which you demonstrate your advocacy experience.

If you are a **Chartered Legal Executive Litigator looking to gain additional practice rights in Advocacy**, your portfolio should comprise:

- 3 cases in which you demonstrate your advocacy experience.

The cases to which you refer to in the portfolio **must have occurred within the last 2 years**.

If you are seeking a **civil or family proceedings certificate**, one of the three required advocacy portfolio case studies may be based on advocacy that you have observed, rather than advocacy you have personally conducted.

If you are applying for the **criminal proceedings certificate**, you can produce portfolios of cases where you have provided advice as a police station representative and up to a maximum of 2 portfolios of cases of observed advocacy.

As stated earlier, if you work in a Local Authority which has delegated powers to you, or authorised you to prosecute or defend matters in a criminal court under the Local Government Act 1972, you can provide details of that work in your portfolios of cases.

Presentation of Portfolios

You must complete the portfolio templates that CRL has provided for you.

CRL has produced separate templates for advocacy and police station portfolios which are available on the website at [Resources Archive - CILEx Regulation](#). Within each template, we have identified questions that you must answer to ensure you provide the level of detail required. Each question must be answered fully in turn and reference to answers to other questions will not suffice. You must detail in your answers specifically what your role was and not refer to 'the firm' or 'we'.

Where abbreviations are used, an initial definition must be provided.

Information to be Covered in the Portfolios

The guidelines for what you are required to cover in your portfolios is detailed in the Portfolio Guidance along with Exemplar portfolios can be found on the CRL website at [Resources Archive - CILEx Regulation](#)

Assessment of your Portfolios

Your portfolios will be sent to External Advisors who are specialists in civil, criminal or family proceedings for assessment.

If the External Advisors have any questions or concerns about your submission, we will contact you to provide you with the opportunity to address the questions or concerns before an assessment decision is made.

(a) Additional Information

Use this section to provide any additional information not provided elsewhere in the application which you wish us to take into account when considering your application.

Part 4 – Declaration

(a) Employer's Endorsement

Your employer must complete this endorsement. It requires your employer to confirm that the information you have provided in the application form is accurate and that they expect you to continue undertaking advocacy during the next 12 months under their employment.

The endorsement should be provided by either a partner or supervising solicitor of the firm. Where possible, it should be a partner or solicitor who has ultimate supervisory responsibility for your work. Where you are a manager in an organisation, the endorsement must be provided by another manager in the organisation. You cannot provide your own endorsement.

(b) References

You should provide the names, addresses and telephone numbers of two referees who can attest to your knowledge of the area of legal practice in which you seek advocacy rights.

Referees should have first-hand knowledge of your advocacy experience and must be able to offer an informed opinion as to your suitability to be authorised with rights of audience. Referees can be a member of the judiciary, a court official or another member of the legal profession. However, a referee cannot be your employer, former employer or co-employee. At least one referee should be a member of the judiciary.

You may wish to ask members of the judiciary, court clerks, Counsel or Solicitors against whom you have appeared to provide references.

You should obtain the permission of the referees to provide their name before submitting the application to CRL. Upon receipt of your application, CRL will write to each referee to obtain a reference. Any reference received will be treated as confidential and CRL will not be able to disclose a copy to you.

Please stipulate the context in which the referee provides a reference for you, e.g. as a member of the judiciary, opposing Counsel or Solicitor.

(c) Declaration

Please ensure you add an electronic signature and date to this section.

(d) Invoice Details

Please identify if the invoice for the application fee should be submitted to yourself or your employer.

If the invoice for the application is to be sent to your employer, please identify the name of the employer and an email address to which the invoice should be sent.