

Comparison of Rights to Conduct Litigation and Rights of Audience Certification Rules with CILEx Regulation Practitioner Authorisation rules

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

RtCLaRoAC Rules	New Rules	Comments
<p>DEFINITIONS</p> <p>1. In these Rules, except where otherwise indicated: Admissions and Licensing Committee means the committee established under the Admissions and Licensing Committee Rules</p> <p>“Advocacy Certificate” means a Rights of Audience Certificate identified in these Rules;</p> <p>“Advocacy Skills Course” means an advocacy skills course approved in accordance with the Rights of Audience Certification Rules;</p> <p>“Appeals Panel” means the Panel established to hear appeals against decisions made by the Admissions and Licensing Committee following a rehearing;</p> <p>“Authorised Litigator” means a person who has been granted a right to conduct litigation by an approved regulator, under the terms of the Act;</p> <p>“Bar Standards Board (BSB)” means the regulatory body for barristers;</p> <p>“Certificate of Eligibility” means a Certificate permitting an applicant to undertake an Advocacy Skills Course;</p> <p>“Certification Rules” means these Rights to Conduct Litigation and Rights of Audience Certification Rules;</p> <p>“Chambers advocacy” means rights of audience exercised in Judge’s room hearings;</p> <p>“CILEx” means the Chartered Institute of Legal Executives;</p>	<p>DEFINITIONS</p> <p>1. In these Rules, except where otherwise indicated: “Admissions and Licensing Committee” means the Committee established by CILEx Regulation to deal with matters relating to these Rules;</p> <p>“Advocacy Certificate” means a Rights of Audience Certificate identified in these Rules;</p> <p>“Advocacy Skills Course” means an advocacy skills course approved in accordance with the Rights of Audience Certification Rules;</p> <p>“Appeals Panel” means the Panel established to hear appeals against decisions made by the Admissions and Licensing Committee following a rehearing;</p> <p>“Certificate of Eligibility” means a Certificate permitting an applicant to undertake an Advocacy Skills Course;</p> <p>“CILEx” means the Chartered Institute of Legal Executives;</p> <p>“External adviser” means a person appointed by CILEx Regulation to carry out the roles and functions identified for them by CILEx Regulation;</p> <p>“Fellow” means a person who has met the requirements of CILEx Regulation and has paid all subscriptions and other fees to CILEx or has made arrangement for payment;</p> <p>“Enforcement Rules” means the rules of CILEx Regulation which are in place from</p>	<p>Definitions deleted are no longer used in the rules. The majority of these relate to the withdrawal of the QASA scheme.</p> <p>The previous definition of Fellow or applicant in good standing has been split in two.</p> <p>Seven new definitions relevant to the amendments made to the rules for authorisation of rights to conduct litigation and rights of audience have been added</p>

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<p>“Criminal Advocacy Evaluation Form (CAEF)” means the form used by judges to complete assessments/evaluations of advocates appearing before them;</p> <p>“External adviser” means a person appointed by CILEx Regulation to carry out the roles and functions identified for them by CILEx Regulation;</p> <p>“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;</p> <p>“CILEx” means the Chartered Institute of Legal Executives;</p> <p>“Independent assessor” means an individual that has been appointed by JAG to undertake assessments/evaluations of advocates in court;</p> <p>“Investigation, Disciplinary and Appeals Rules” means the rules which are in place from time to time which govern the complaints handling and disciplinary procedures of CILEx Regulation;</p> <p>“JAG” means the Joint Advocacy Group;</p> <p>“Joint Advocacy Group” means the body made up of representatives from the SRA, BSB and CILEx Regulation, responsible for the development and oversight of the scheme;</p> <p>“Chartered Legal Executive Advocate” means a Fellow who has been granted a Rights of Audience Certificate by CILEx Regulation;</p>	<p>time to time which govern the complaints handling and disciplinary procedures of CILEx Regulation;</p> <p>“Chartered Legal Executive Advocate” means a Fellow who has been granted a Rights of Audience Certificate by CILEx Regulation;</p> <p>“Chartered Legal Executive Litigator” means a Fellow who has been granted a Litigation Certificate by CILEx Regulation;</p> <p>“The Act” means the Legal Services Act 2007;</p> <p>“Litigation Certificate” means a litigation certificate identified in these Rules;</p> <p>“The Officer” means a person with responsibility for Authorisation Rules;</p> <ul style="list-style-type: none"> • “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 <u>Chartered Legal Executive or CILEx Practitioner</u>; • “Chartered Legal Executive Litigator and Advocate” means a Fellow who has been granted a Litigation Certificate and a Rights of Audience Certificate by CILEx Regulation; • <u>“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)</u> • <u>“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;</u> • “CILEx Regulation” means CILEx Regulation Ltd; 	

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<p>“Chartered Legal Executive Litigator” means a Fellow who has been granted a Litigation Certificate by CILEx Regulation;</p> <p>“The Act” means the Legal Services Act 2007;</p> <p>“Litigation Certificate” means a litigation certificate identified in these Rules;</p> <p>“The Officer” means a person with responsibility for the rights to conduct litigation qualification scheme and the rights of audience qualification scheme;</p> <p>“QASA” or “the Quality Assurance Scheme for Advocates” means the scheme under which the competence of criminal advocates appearing in the courts of England and Wales is assured by the SRA, BSB and CILEx Regulation;</p> <p>“Reaccreditation” means the process by which a criminal advocate demonstrates their competence and renews their accreditation for a further five years;</p> <p>“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;</p> <p>“The Scheme” means the Quality Assurance Scheme for Advocates;</p> <p>“Solicitors Regulation Authority (SRA)” means the regulatory body for solicitors; and</p> <p>“Standards” means the nine expectations which are assessed by judicial evaluation, assessment organisation, assessed CPD, independent assessor or any other method approved by JAG.</p>	<ul style="list-style-type: none"> • “CPD Regulations” <u>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;</u> • “Litigation and Advocacy Certificate” means a litigation and advocacy certificate identified in these Rules; • “Practice Certificate” means a “Practice Rights Certificate” or a “Litigation Certificate” or an “Advocacy Certificate” identified in these Rules; 	
<p>Words importing the singular include the plural and vice versa.</p>	<p>NOTES ON THESE RULES</p>	<p>No change, but rule number added.</p>

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	<p>2. Reference to the male gender also includes female gender.</p> <p>3. Words importing the singular include the plural and vice versa.</p>	<p>New rules have an additional note.</p>
<p>2. Responsibility for this qualification scheme is delegated to CILEx Regulation by CILEx.</p>	<p>DELEGATIONS</p> <p>4. . Responsibility for this qualification scheme is delegated to CILEx Regulation by CILEx.</p>	<p>Text change for consistency. Rule number added.</p>
<p>THE RIGHTS TO CONDUCT LITIGATION AND RIGHTS OF AUDIENCE CERTIFICATES</p> <p>3. A Fellow of CILEx or an applicant eligible to qualify as a Fellow of CILEx who is in good standing may apply to CILEx Regulation to be granted one or more of the following Certificates: (a) A Right to Conduct Litigation (Civil Proceedings) Certificate; (b) A Right to Conduct Litigation (Family Proceedings) Certificate; (c) A Right to Conduct Litigation (Criminal Proceedings) Certificate.</p> <p>4. A Fellow of CILEx in good standing who does not already hold a relevant advocacy certificate must, at the same time as their application for a litigation certificate, 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.</p> <p>5. The Rights to Conduct Litigation exercisable by Chartered Legal Executive Litigators holding Litigation Certificates are set out below:</p> <p>Rights to Conduct Litigation (Civil Proceedings) Certificate: To conduct litigation in all civil proceedings excluding family proceedings;</p>	<p>Litigation and Advocacy Practice Rights ELIGIBILITY</p> <p>51. An applicant in good standing who</p> <ul style="list-style-type: none"> • is applying for Fellowship, and • has three years’ general legal experience including relevant litigation and advocacy experience in the two years preceding the application, <p>may apply to CILEx Regulation to be granted one or more of the following Certificates:</p> <ul style="list-style-type: none"> • A Right to Conduct Litigation (Civil Proceedings) Certificate; • A Right to Conduct Litigation (Family Proceedings) Certificate; • A Right to Conduct Litigation (Criminal Proceedings) Certificate. <p>52. An applicant must, at the same time as their application for a Litigation Certificate, 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:</p> <ul style="list-style-type: none"> • A Rights of Audience (Civil Proceedings) Certificate in Judge’s Room; • A Rights of Audience (Family Proceedings) Certificate in Judge’s Room; • A Rights of Audience (Civil Proceedings) Certificate; • A Rights of Audience (Family Proceedings) Certificate; • A Rights of Audience (Criminal Proceedings) Certificate. <p>53. The Rights to Conduct Litigation exercisable by a person holding a Litigation Certificate are set out below:</p> <ul style="list-style-type: none"> • Rights to Conduct Litigation (Civil Proceedings) Certificate: To conduct 	<p>Changes in this section reflect the application of these rules to first time applicants only. Anyone who holds a relevant advocacy certificate would not fall under these rules in future. Rule 7 has been deleted for this reason.</p>

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<p>Rights to Conduct Litigation (Family Proceedings) Certificate: To conduct litigation in all family proceedings;</p> <p>Rights to Conduct Litigation (Criminal Proceedings) Certificate: To conduct litigation in all criminal proceedings.</p> <p>6. The rights of audience exercisable by Litigators holding Rights of Audience Certificates are set out below:</p> <p>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.</p> <p>Rights of Audience (Civil Proceedings) Certificate:</p> <ul style="list-style-type: none"> • 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 	<p>litigation in all civil proceedings excluding family proceedings;</p> <ul style="list-style-type: none"> • 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. <p>54. The rights of audience exercisable by a person holding an Advocacy Certificate are set out below:</p> <ul style="list-style-type: none"> • 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 	

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<p>any proceedings for which a Family Proceedings Certificate is required.</p> <p>Rights of Audience (Family Proceedings) Certificate in Judge’s Room:</p> <ul style="list-style-type: none"> to exercise rights of audience in Judge’s room hearings in the Family Court and High Court, except reserved proceedings, in all family proceedings. <p>Rights of Audience (Family Proceedings) Certificate:</p> <ul style="list-style-type: none"> 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. <p>A 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.</p>	<p>room hearings in the Family Court and High Court, except reserved proceedings, in all family proceedings.</p> <ul style="list-style-type: none"> 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. A 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. 	

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<p>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.</p>		
<p>QUALIFICATION ARRANGEMENTS – RIGHTS TO CONDUCT LITIGATION</p> <p>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.</p>	<p>APPLICATIONS Rights to Conduct Litigation Certificates</p> <p>55. Applicants who seek a Rights to Conduct Litigation (Civil Proceedings) Certificate must demonstrate that they meet the knowledge and competence requirements set out at Annex 1, in accordance with the application guidelines set by CILEx Regulation.</p> <p>56. Applicants who seek a Rights to Conduct Litigation (Criminal Proceedings) Certificate must demonstrate that they meet the knowledge and competence requirements set out at Annex 2, in accordance with the application guidelines set by CILEx Regulation.</p> <p>57. Applicants who seek a Rights to Conduct Litigation (Family Proceedings) Certificate must demonstrate that they meet the knowledge and competence requirements set out at Annex 3, in accordance with the application guidelines set by CILEx Regulation.</p> <p>58. Applicants who seek a Litigation Certificate should demonstrate meeting the knowledge and competence requirements by using the documentation prescribed by CILEx Regulation to produce a portfolio of evidence.</p>	<p>New drafting to reflect the three different areas of knowledge and competence under the revised Education Standards.</p>
<p>QUALIFICATION ARRANGEMENTS – RIGHTS OF AUDIENCE</p>	<p>Rights of Audience – Application for Certificate of Eligibility</p>	<p>Changes in this section reflect the application of these rules to first time applicants only.</p>

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<p>9. Unless they already hold a relevant rights of audience certificate, applicants who seek rights to conduct litigation must also make an application for rights of audience. In the case of rights to conduct litigation in civil proceedings, an applicant 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 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 must make an application for a Rights of Audience (Criminal Proceedings) Certificate.</p> <p>10. 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.</p>	<p>59. Applicants must make an application for a Certificate of Eligibility to undertake the rights of audience skills course relevant to the Certificate they seek.</p> <p>60. Applicants who seek a Rights of Audience (Civil Proceedings) Certificate in Judge’s room or a Rights of Audience (Civil Proceedings) Certificate must demonstrate that they meet the knowledge and competence requirements set out at Annex 1, in accordance with the application guidelines set by CILEx Regulation.</p> <p>61. Applicants who seek a Rights of Audience (Criminal Proceedings) Certificate must demonstrate that they meet the knowledge and competence requirements set out at Annex 2, in accordance with the application guidelines set by CILEx Regulation.</p> <p>62. Applicants who seek a Rights of Audience (Family Proceedings) Certificate in Judge’s Room or a Rights of Audience (Family Proceedings) Certificate must demonstrate that they meet the knowledge and competence requirements set out at Annex 3, in accordance with the application guidelines set by CILEx Regulation.</p> <p>63. Applicants who seek a Certificate of Eligibility should demonstrate meeting the knowledge and competence requirements by using the documentation prescribed by CILEx Regulation to produce a portfolio of evidence.</p> <p>[see below]</p> <p>[see below]</p>	<p>The details in current rule 11 will be covered by supplementary guidance.</p> <p>Current rule 12 has been moved to the decision making section (below)</p>

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<p>11. 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.</p> <p>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</p>	<p>64. Where an applicant who has met the criteria set out in the application guidelines, the relevant knowledge and competence requirements, and 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 Rights of Audience Qualification Scheme. 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 Rights of Audience Qualification Scheme. 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.</p> <p>65. 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 CILEx Regulation and shall be accompanied by such fee as may be fixed by CILEx Regulation from time to time.</p>	

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<p>criteria will be granted a Certificate of Eligibility.</p> <p>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.</p> <p>14. 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.</p>		
<p>ALL APPLICATIONS</p> <p>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</p>	<p>Decision making</p> <p>[current rule 15 is new 65, in previous section]</p>	<p>Current rule 23 has been deleted as the provision for deferring an application while Litigation skills gaps are addressed is no longer available.</p>

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<p>CILEx Regulation and shall be accompanied by such fee as may be fixed by CILEx Regulation from time to time.</p> <p>16. 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.</p> <p>17. 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 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.</p> <p>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.</p> <p>19. The Admissions and Licensing Committee will decide whether or not an application should be approved. In</p>	<p>[current rules 12 (previous section), and 16-19, and 21 have been replaced by new rule 66. These cross reference to Rules 41-48. Rule 20 is now found at new Rule 39 (see following section)]</p> <p>66. Decisions about applications for a Rights to Conduct Litigation Certificate and a Certificate of Eligibility for Rights of Audience will be governed by Rules 41 to 48, save that in Rule 41 and Rule 42, reference to Practice Rights Certificate should be a reference to a Rights to Conduct Litigation Certificate and a Certificate of Eligibility for Rights of Audience.</p> <p>.</p> <p>67. 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 Certificate of Eligibility for Rights of Audience will specify which of the advocacy skills course options the applicant may take. The Litigation Certification may only be granted on the successful completion of the associated Rights of Audience skills course and assessment, and admission as a Fellow.</p> <p>68. Where the application is unsuccessful, the notification shall set out the 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.</p>	<p>Rule 25 has been incorporated into new rule 66.</p>

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<p>Certification may only be granted on the successful completion of the associated Rights of Audience skills course and assessment.</p> <p>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.</p> <p>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.</p> <p>25. The Certificate of Eligibility for Rights of Audience will specify which of the advocacy skills course options the applicant may take.</p>		

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<p>ADMISSIONS AND LICENSING COMMITTEE</p> <p>26. 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.</p>	<p>38. The Admissions and Licensing Committee established under the Admissions and Licensing Committee Rules shall be responsible for matters relating to these Rules.</p> <p>39. 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.</p>	<p>Rule 26 is now in the Decision making section. New number and made applicable across the practice areas.</p> <p>Current rule 20 is new rule 39.</p>
<p>EXTERNAL ADVISORS</p> <p>27. CILEx Regulation shall appoint external advisors to advise the Admissions and Licensing Committee and CILEx Regulation on issues relating to litigation and advocacy.</p>	<p>40. CILEx Regulation shall appoint external advisors to advise CILEx Regulation and the Admissions and Licensing Committee on matters relating to these Rules.</p>	<p>Rule now in the Decision making section. New number and made applicable across the practice areas.</p>
<p>ADVOCACY SKILLS COURSES</p> <p>28. 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.</p> <p>29. 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</p>	<p>ADVOCACY SKILLS COURSES</p> <p>69. 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.</p> <p>70. Courses must meet the qualification criteria which are set out in the Rights of Audience Qualification Scheme.. Courses will be assessed in accordance with the assessment criteria which are set out in the Rights of Audience Qualification Scheme.</p> <p>71. 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.</p>	<p>Changes to build cross references to other applicable regulations in place of current annexes.</p> <p>Current rules 28 and 30 have been deleted as they unnecessarily duplicate other provisions.</p>

Comparison of Rights to Conduct Litigation and Rights of Audience Certification Rules with CILEx Regulation Practitioner Authorisation rules

RtCLaRoAC Rules	New Rules	Comments
<p>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.</p> <p>30. 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. 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.</p>		
<p>COURSE PROVIDERS</p> <p>32. Advocacy skills courses will be provided by course providers who are accredited by CILEx Regulation in accordance with the Rights of Audience Certification Rules.</p>		<p>Rule 32 deleted as now covered in new rule 70 above.</p>
<p>CERTIFICATION</p> <p>33. 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 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.</p> <p>34. A Fellow may only apply for a Litigation and Advocacy Certificate relating to the type of proceedings covered by the litigation application and advocacy skills course they completed.</p>	<p>AWARD OF LITIGATION AND ADVOCACY CERTIFICATE</p> <p>72. 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 Advocacy Certificate.</p> <p>73. Applicants who seek a Litigation and Advocacy Certificate must complete all application forms required by CILEx Regulation and pay such fee as may be fixed by CILEx Regulation from time to time.</p> <p>74. The Officer will process the application for a Litigation and Advocacy Certificate. The applicant shall be granted a Litigation</p>	<p>Rule 34 has been deleted as this is covered by other provisions and the application guidelines that supplement the new Rules.</p> <p>Rules 38 and 39 are replaced with Rule 76 cross referencing to the generic decision making process rules.</p> <p>Rule 42 is deleted as it related to the QASA scheme.</p>

Comparison of Rights to Conduct Litigation and Rights of Audience Certification Rules with CILEx Regulation Practitioner Authorisation rules

RtCLaRoAC Rules	New Rules	Comments
<p>35. 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.</p> <p>36. The Officer will process the application for a Litigation and Advocacy Certificate. The applicant shall be granted a Litigation and Advocacy Certificate provided the Officer is satisfied that the applicant: <input type="checkbox"/> is a Fellow in good standing; <input type="checkbox"/> has met the litigation skills criteria; and <input type="checkbox"/> has completed and passed an advocacy skills course and assessment.</p> <p>37. Where the Officer has any doubt as to the suitability of the applicant to be awarded a 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.</p> <p>38. When considering an application to award a 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.</p> <p>39. 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</p>	<p>and Advocacy Certificate provided the Officer is satisfied that the applicant:</p> <ul style="list-style-type: none"> • <input type="checkbox"/> is a Fellow in good standing; • <input type="checkbox"/> has met the relevant knowledge and competence requirements; and • <input type="checkbox"/> has completed and passed an advocacy skills course and assessment. <p>75. Where the Officer has any doubt as to the suitability of the applicant to be awarded a 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.</p> <p>76. Applications referred to the Admissions and Licensing Committee will be governed by Rules 46-47.</p> <p>77. Notification of application decisions will be governed by Rules 48-50, save that in Rule 49 reference to Practice Rights Certificate should be a reference to the Litigation and Advocacy Certificate.</p> <p>[rule 41 is replaced by new rules 78-80]</p> <p><u>AUTHORISED PERSONS AT CILEx REGULATION</u></p> <p><u>78. An applicant who has been awarded Fellowship and a Litigation and Advocacy (Civil Proceedings) Certificate will be a Chartered Legal Executive Litigator and Advocate (Civil Litigation).</u></p> <p><u>79. An applicant who has been awarded Fellowship and a Litigation and Advocacy (Criminal Proceedings) Certificate will be a Chartered Legal Executive Litigator and Advocate (Criminal Litigation).</u></p> <p><u>80. An applicant who has been awarded Fellowship and a Litigation and Advocacy (Family Proceedings) Certificate will be a Chartered Legal Executive Litigator and Advocate (Family Litigation).</u></p>	

Comparison of Rights to Conduct Litigation and Rights of Audience Certification Rules with CILEx Regulation Practitioner Authorisation rules

RtCLaRoAC Rules	New Rules	Comments
<p>preconditions to the consideration of any subsequent application by the applicant.</p> <p>40. The Officer will notify an applicant in writing of the decision as to whether their application for a 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 a Litigation and Advocacy Certificate. The applicant may apply for reconsideration of their application in accordance with the Admissions and Licensing Committee Rules.</p> <p>41. A Fellow holding a Litigation and Advocacy Certificate will be described as a Chartered Legal Executive Litigator and Advocate.</p>		

Comparison of Rights to Conduct Litigation and Rights of Audience Certification Rules with CILEx Regulation Practitioner Authorisation rules

RtCLaRoAC Rules	New Rules	Comments
<p>42. A Chartered Legal Executive Litigator and Advocate who holds a Criminal Litigation and Criminal Advocacy Certificate will upon qualification receive provisional QASA accreditation, which is valid until the Chartered Legal Executive Litigator and Advocate has successfully completed the first renewal process.</p>		
<p>APPLICATION FOR ADDITIONAL CERTIFICATES</p> <p>43. A Chartered Legal Executive Litigator and Advocate may apply to be granted Litigation and Advocacy Certificates additional to any Certificates already granted to them under these Rules. Prior to seeking an additional Advocacy Certificate the Litigator must obtain a Litigation Certificate in that practice area or make an application for a Litigation Certificate at the same time.</p> <p>44. Applications shall be processed in accordance with these Rules.</p>		<p>Rules removed as the new rules will no longer apply to those already holding practice rights.</p>
<p>RENEWAL OF CERTIFICATES</p> <p>45. The first Advocacy Certificate issued to a Chartered Legal Executive Litigator, 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.</p> <p>46. A Chartered Legal Executive Litigator and Advocate who holds a Criminal Litigation and Criminal Advocacy Certificate must also comply with the reaccreditation requirements of the QASA..</p> <p>47. Applications for the first renewal of a certificate will be made on a form prescribed by CILEx Regulation from</p>	<p>RENEWAL OF ADVOCACY CERTIFICATES</p> <p><u>89</u>. The first Advocacy Certificate issued to a Chartered Legal Executive Litigator <u>and Advocate</u> 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.</p> <p><u>90</u>. Applicants who seek first renewal of an Advocacy certificate must complete all application forms required by CILEx Regulation and pay such fee as may be fixed by CILEx Regulation from time to time.</p> <p><u>91</u>. An applicant for first renewal of an Advocacy Certificate must be able to demonstrate he meets the relevant</p>	<p>Rule 46 has been deleted as it related to the QASA scheme.</p>

Comparison of Rights to Conduct Litigation and Rights of Audience Certification Rules with CILEx Regulation Practitioner Authorisation rules

RtCLaRoAC Rules	New Rules	Comments
<p>time to time for the purpose and shall be accompanied by such fee as may be fixed by CILEx Regulation from time to time.</p> <p>48. An application for the first renewal of an Advocacy Certificate must be supported by: • 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 Certificate was granted; • a portfolio of cases in which the applicant has been involved during the period since their 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.</p> <p>49. The portfolio which forms part of the application for the first renewal of the 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.</p> <p>50. 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</p>	<p>knowledge and competence requirements using documentation prescribed by CILEx Regulation to produce a portfolio of evidence.</p> <p>[Rules 49-56 are replaced by rule 92 which cross references to the generic decision making rules]</p> <p>92. Decisions about applications for the first renewal of an Advocacy Certificate will be governed by Rules 42 to 50, save that in Rule 42 and Rule 49, reference to Practice Rights Certificate should be a reference to the Advocacy Certificate.</p>	

Comparison of Rights to Conduct Litigation and Rights of Audience Certification Rules with CILEx Regulation Practitioner Authorisation rules

RtCLaRoAC Rules	New Rules	Comments
<p>for further information from any person or source it considers appropriate.</p> <p>51. 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.</p> <p>52. 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 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.</p> <p>53. 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.</p> <p>54. 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.</p>		

Comparison of Rights to Conduct Litigation and Rights of Audience Certification Rules with CILEx Regulation Practitioner Authorisation rules

RtClRoAC Rules	New Rules	Comments
<p>55. 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.</p> <p>56. 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.</p>		
<p>LAPSED CERTIFICATES</p> <p>57. A Fellow who has held a Litigation and 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 which deal with first renewal of an advocacy certificate save that in Rule 49:</p> <ul style="list-style-type: none"> • the reference to an application for the first renewal of a 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 	<p>LAPSED ADVOCACY CERTIFICATES</p> <p>93. A Chartered Legal Executive Litigator and Advocate who has held a Litigation and Advocacy Certificate which has lapsed may apply for that certificate to be renewed.</p> <p>[remainder of Rule 57 is deleted and replaced by new rules 94-96, which cross reference to generic decision making rules, with some amendments]</p> <p>94. Applicants who seek renewal of a lapsed Litigation and Advocacy certificate must complete all application forms required by CILEx Regulation and pay such fees as may be fixed by CILEx Regulation from time to time.</p> <p>95. An applicant for renewal of a lapsed Litigation and Advocacy certificate must be able to demonstrate he meets the relevant knowledge and competence experience requirements using documentation prescribed by CILEx Regulation to produce a portfolio of evidence.</p> <p>96. CILEx Regulation will consider an application to renew a lapsed Litigation and Advocacy Certificate to ensure it meets the relevant eligibility criteria, the</p>	<p>Decision making process for lapsed advocacy certificates reflects that decisions are to be made by the Admissions and Licensing Committee and not Officer (in contrast to other decisions covered by these new rules).</p> <p>Portfolios may be sent to External Advisors for review, but it is not a mandatory step in the decision making process.</p>

Comparison of Rights to Conduct Litigation and Rights of Audience Certification Rules with CILEx Regulation Practitioner Authorisation rules

RtClRoAC Rules	New Rules	Comments
<p>observed advocacy in accordance with the Portfolio Guidelines; and</p> <ul style="list-style-type: none"> 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. 	<p><u>application guidelines and the related knowledge and competence requirements.</u></p> <p><u>97. Decisions about applications to renew a lapsed Litigation and Advocacy Certificate will be made by the Admissions and Licensing Committee.</u></p> <p><u>98. The portfolios which form part of the application may be sent by the Officer to an external advisor for assessment. The external advisor will assess whether the portfolios meet the application guidelines and the relevant knowledge and competence requirements.</u></p> <p><u>99. Where the Officer/external advisor finds that the portfolios are satisfactory, the Officer will refer the application to the Admissions and Licensing Committee for decision.</u></p> <p><u>100. Where the Officer/external advisor decides that the portfolios do not meet</u> the relevant knowledge and competence requirements they will 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, 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.</p> <p><u>101.</u>Applications to renew of a lapsed Litigation and Advocacy certificate referred to the Admissions and Licensing Committee will governed by rules 46 to 50 save that in rule 49 reference to a Practice Rights Certificate should be reference to the Litigation and Advocacy Certificate.</p> <p><u>102.</u> 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,</p>	

Comparison of Rights to Conduct Litigation and Rights of Audience Certification Rules with CILEx Regulation Practitioner Authorisation rules

RtCLaRoAC Rules	New Rules	Comments
<p>58. 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,</p> <p>59. 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, including because the QASA requirements have not been met.</p> <p>60. Where a Litigation and Advocacy Certificate which has lapsed is renewed by the Admissions and Licensing Committee it will be valid indefinitely. In the case of a Criminal Proceedings</p>	<p>103. Where a Litigation and Advocacy Certificate which has lapsed is renewed by the Admissions and Licensing Committee it will be valid indefinitely.</p>	

Comparison of Rights to Conduct Litigation and Rights of Audience Certification Rules with CILEx Regulation Practitioner Authorisation rules

RtCLaRoAC Rules	New Rules	Comments
<p>Litigation and Advocacy Certificate, it will be valid indefinitely subject to meeting the requirements for reaccreditation as set out in the QASA handbook.</p>		
<p>PRACTICE MANAGEMENT AND ACCOUNTS</p> <p>61. A Chartered Legal Executive Litigator and 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.</p> <p>62. 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.</p> <p>63. 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.</p>		<p>Rules deleted as covered by regulatory arrangements for entity regulation.</p>
<p>CONTINUING PROFESSIONAL DEVELOPMENT (CPD)</p> <p>64. Chartered Legal Executive Litigators and Advocates are required to undertake CPD in accordance with the</p>	<p>CONTINUING PROFESSIONAL DEVELOPMENT</p> <p>104. Chartered Legal Executives and CILEx Practitioners are required to undertake Continuing Professional Development</p>	<p>The CPD rules have been consolidated for all practice areas.</p> <p>The second half of Rule 64 has been deleted</p>

Comparison of Rights to Conduct Litigation and Rights of Audience Certification Rules with CILEx Regulation Practitioner Authorisation rules

RtClRoAC Rules	New Rules	Comments
<p>CPD Regulations issued by CILEx Regulation from time to time. Those who hold a criminal proceedings certificate must also comply the CPD requirements for reaccreditation under QASA.</p>	<p>(CPD) in accordance with the CPD Regulations issued by CILEx Regulation from time to time.</p> <p><u>105. Where a Chartered Legal Executive or CILEx Practitioner’s 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.</u></p>	<p>because it related to the QASA scheme.</p> <p>The addition of Rule 103 is not a change in policy.</p>
<p>DISCIPLINARY PROCEDURES AND CODE OF CONDUCT</p> <p>65. Chartered Legal Executive Litigators and Advocates must abide by the Code of Conduct of CILEx for the time being in force. Those holding a Criminal Litigation and Criminal Advocacy Certificate will additionally be required to comply with the QASA.</p> <p>66. Where an issue relating to the competence of a Chartered Legal Executive Litigator and Advocate who holds a Criminal Litigation and Criminal Advocacy Certificate is brought to the attention of CILEx Regulation, whether by means of a completed CAEF or otherwise, the Admissions and Licensing Committee will consider whether the Chartered Legal Executive Litigator and Advocate remains a fit and proper person to hold a Litigation and Advocacy 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 Advocate in order to assist in its decision making.</p> <p>67. 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</p>	<p>DISCIPLINARY PROCEDURES AND CODE OF CONDUCT</p> <p><u>106. Chartered Legal Executives and CILEx Practitioners</u> will be required to abide by the Code of Conduct of CILEx for the time being in force. They will also be bound by the associated regulatory arrangements in force from time to time.</p> <p><u>107. Where a complaint is made or an issue is brought to the attention of CILEx Regulation regarding the conduct of a Chartered Legal Executive or CILEx Practitioner that matter will be dealt with in accordance with the CILEx Regulation Enforcement Rules.</u></p> <p><u>108. Where a finding, order or decision is made against a Chartered Legal Executive or CILEx Practitioner 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 or CILEx Practitioner remains a suitable person to hold a Practice Certificate. The Admissions and Licensing Committee must give reasons for its decision.</u></p> <p><u>109. Rule 108 shall not apply where an order is made excluding a Chartered Legal Executive or CILEx Practitioner from registration of CILEx Regulation or membership of CILEx. In such as case the Chartered Legal Executive or CILEx Practitioner’s Practice Certificate shall be</u></p>	<p>The Disciplinary Rules have been consolidated for all practice areas. Minor text changes for consistency across all practice areas.</p> <p>Rule 65 is amended and Rule 66 is deleted because of the QASA scheme.</p>

Comparison of Rights to Conduct Litigation and Rights of Audience Certification Rules with CILEx Regulation Practitioner Authorisation rules

RtClRoAC Rules	New Rules	Comments
<p>Advocate that matter will be dealt with in accordance with CILEx Regulation’s Investigation, Disciplinary and Appeals Rules.</p> <p>68. Where a Finding, Order or Decision is made against 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 Advocate remains a fit and proper person to hold a Litigation and Advocacy Certificate. The Admissions and Licensing Committee must give reasons for its decision.</p> <p>69. Rule 69 shall not apply where an Order is made excluding a Chartered Legal Executive Litigator and Advocate from membership of CILEx. Rule 71 shall apply in such a case.</p> <p>70. Where the Admissions and Licensing Committee decides that the Chartered Legal Executive Litigator and Advocate is no longer a fit and proper person to hold a Litigation and 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 Certificate(s) after they have been notified of the decision.</p>	<p>invalid from the date the exclusion from membership or registration takes effect.</p> <p>110. Where the Admissions and Licensing Committee decides that the Chartered Legal Executive or CILEx Practitioner is no longer a suitable person to hold a Practice Certificate, or their Practice Certificate is invalid in accordance with rule 108 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 Chartered Legal Executive or CILEx Practitioner may not exercise any practice rights granted to them under their Practice Certificate after they have been notified of the decision.</p> <p>111. Notwithstanding the Admissions and Licensing Committee Rules an appeal against a decision of the Admissions and Licensing Committee that a Chartered Legal Executive or CILEx Practitioner is no longer a suitable person 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 the CILEx Regulation Appeals Panel.</p>	

Comparison of Rights to Conduct Litigation and Rights of Audience Certification Rules with CILEx Regulation Practitioner Authorisation rules

RtCLaRoAC Rules	New Rules	Comments
<p>71. 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 Advocate is no longer a fit and proper person to hold a Litigation or Advocacy 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.</p>		

For reference – the new generic Decision making rules.

DECISION MAKING

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

39. 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.

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

41. CILEx Regulation will consider an application for a Practice Rights Certificate to ensure it meets the relevant eligibility criteria, the application guidelines and the related knowledge and competence requirements.

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.

43. The portfolios which form part of the application 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 requirements.

44. Where the external advisor finds that the portfolios are satisfactory, the CILEx Regulation Officer will decide whether the application 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.

45. Where the external advisor decides that the portfolios do not meet the relevant knowledge and competence requirements they will 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, 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.

Comparison of Rights to Conduct Litigation and Rights of Audience Certification Rules with CILEx Regulation Practitioner Authorisation rules

46. 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.

47. 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.

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

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

50. 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.