

## Annex 2.1

# SRA Authorisation of CILEX Lawyers Regulations

## Introduction

These regulations set out the SRA's requirements relating to the authorisation of individuals as authorised CILEX lawyers. They set out the effect of SRA authorisation in terms of practising rights, the requirements for and how the SRA will decide applications for authorisation, the conditions that apply to authorised practise, and how authorisation may be revoked.

They also set out the education and training requirements in place for those seeking to become authorised CILEX lawyers.

### Part 1: Authorisation

#### Regulation 1: Core Requirements

1.1 To be an *authorised CILEX lawyer* you must:

- a) be a *CILEX member* and have paid all *prescribed* subscriptions or fees payable in respect of your membership;
- b) (unless indicated otherwise in these regulations) be a *fellow*;
- c) hold a *practising rights certificate*; and
- d) satisfy the *SRA* as to your *character and suitability*.

#### Regulation 2: Fellowship

2.1 You will be eligible to be admitted as a *fellow* if the *SRA* is satisfied you have met the following requirements:

- a) you have completed *CILEX qualifying experience*;
- b) you have provided a certificate from your employer signed by an *authorised person*, which confirms the nature of that work and that you have met the *prescribed* competences or learning outcomes to be a *fellow*, as appropriate, in accordance with sub-paragraph (c)(i) or (ii) below;
- c) you have held the professional status of Graduate Member or *CILEX Member* – Advanced paralegal for one year; and either:
  - i. you have met the knowledge and competence requirements *prescribed* by the *SRA*; or
  - ii. where your application is made prior to 31 December 2028, you have met the work-based learning outcomes *prescribed* by the *SRA*.

#### Regulation 3: Practising Rights Certificates

3.1 You will be eligible to apply for:

- a) an Immigration Certificate if you meet the requirements set out in Annex 1.
- b) a Conveyancing Certificate if you meet the requirements set out in Annex 2.

- c) a Probate Certificate if you meet the requirements set out in Annex 3.
- d) an Employment Certificate if you meet the requirements set out in Annex 4.
- e) a Business Certificate if you meet the requirements set out in Annex 5.
- f) a General Certificate if you meet the requirements set out in Annex 6.
- g) a Right to Conduct Litigation Certificate (with either Civil, Family or Criminal specialism) and a Rights of Audience Certificate (with the corresponding Civil, Family or Criminal specialism) if you meet the respective requirements set out in Annex 7.

3.2 You will be eligible for a certificate to practise as an **associate prosecutor** you must meet the requirements set out in the **Associate Prosecutor Rights of Audience and Litigation Certification Rules**.

#### Regulation 4: Determination of applications

4.1 An application for admission as a **fellow** and an application for a **practising rights certificate** must each be submitted in the **prescribed** form and accompanied by the **prescribed** fee.

#### Regulation 5: Determination of applications, conditions and suspension

- 5.1 If the **SRA** considers it to be in the public interest to do so, it must:
- (a) refuse your application for a **practising rights certificate**;
  - (b) at any time, suspend your **practising rights certificate** or impose such conditions on your **practising rights certificate** as it thinks fit in accordance with regulations 5.2 and 5.3.
- 5.2 The **SRA** may suspend your **practising rights certificate** or impose conditions under regulation 5.1(b), as appropriate, if it is satisfied for any reason, including health issues, lack of competence or misconduct, that you:
- a) are unsuitable to undertake certain activities or engage in certain business or practising arrangements;
  - b) are putting, or are likely to put, at risk the interests of clients, third parties or the public;
  - c) will not comply, or are unable to comply, with the **SRA's regulatory arrangements** (which includes your ability to engage with your regulator on any matter that may require investigation and take part in any regulatory or disciplinary process) or require monitoring of compliance with the **SRA's regulatory arrangements**; or
  - d) should take specified steps conducive to the regulatory objectives.
- 5.3 The conditions imposed by the **SRA** under regulation 5.1(b) may:
- a) specify certain requirements that must be met or steps that must be taken;
  - b) restrict the carrying on of particular activities or holding of particular roles; or
  - c) prohibit the taking of specified steps without its approval.
- 5.4 The **SRA** may vary or revoke any conditions and may revoke any suspension of a **practising rights certificate**.
- 5.5 Before suspending your **practising rights certificate** or imposing or varying any conditions, the **SRA** shall give you no less than 28 days' notice of its intention to do so, inviting representations regarding the issues giving rise to the proposed conditions.

- 5.6 The **SRA** may shorten or dispense with the 28 days' notice under regulation 5.5 where conditions are imposed on grant of your **practising rights certificate**, or otherwise if it is satisfied that it is in the public interest to do so.

## Regulation 6: Commencement and Periodical Fees

- 6.1 The commencement date for the **practising rights certificate** shall be the date specified by the **SRA** on the **practising rights certificate** or the **register**.
- 6.2 You shall pay to the **SRA** an annual periodical fee in the amount, and by the date **prescribed**, in respect of the retention of your **practising rights certificate**.

## Regulation 7: Revocation, Expiry and Restoration

- 7.1 The **SRA** may revoke a **practising rights certificate** at any time, if the **SRA** is satisfied:
- that the **practising rights certificate** was granted as a result of error, misleading or inaccurate information, or fraud;
  - that you have failed to pay the periodical fee required under regulation 6.2.
- 7.2 The **SRA** must not revoke a **practising rights certificate** unless it has first given the person no less than 28 days' notice of its intention to do so, inviting representations regarding the issues giving rise to the proposed revocation.
- 7.3 Subject to regulation 7.6, the **SRA** shall revoke a **practising rights certificate** on the application of the person concerned.
- 7.4 A **practising rights certificate** will expire:
- on the death of the **authorised CILEX lawyer**;
  - on an **authorised CILEX lawyer** ceasing to be a **fellow** or a **CILEX member** as a result of a decision pursuant to the **SRA Regulatory and Disciplinary Procedure Rules**.
- 7.5 You may apply to the **SRA** for your **practising rights certificate** to be restored and the **SRA** may, if it considers it appropriate to do so in order to reach a decision on your application, assess your **character and suitability** to be an **authorised CILEX lawyer**.
- 7.6 The **SRA** may decide not to revoke or restore your **practising rights certificate** under this regulation if you are subject to any proceedings, investigation, or consideration of your conduct or practice by the **SRA** or the **Tribunal**.

## Part 2: What authorisation entitles you to do

### Regulation 8: Title and Practice Rights

- 8.1 An individual who:

- a) has been admitted as a **fellow** and awarded an Immigration Certificate will be known as a Chartered Legal Executive (Immigration) and is able to provide Immigration Work.
- b) has been admitted as a **fellow** and awarded a Conveyancing Certificate will be known as a Chartered Legal Executive (Conveyancing) and is authorised to exercise Reserved Instrument Rights.
- c) is not admitted as a **fellow** and is awarded a Conveyancing Certificate will be known as a CILEx Practitioner (Conveyancing) and is authorised to exercise Reserved Instrument Rights.
- d) has been admitted as a **fellow** and awarded a Probate Certificate will be known as a Chartered Legal Executive (Probate) and is able to prepare any probate papers for the purposes of the law of England and Wales or in relation to any proceedings in England and Wales.
- e) has been admitted as a **fellow** and awarded an Employment Certificate will be known as a Chartered Legal Executive (Employment) and is authorised to exercise rights to administer oaths.
- f) has been admitted as a **fellow** and awarded a Business Certificate will be known as a Chartered Legal Executive (Business) and is authorised to exercise rights to administer oaths.
- g) has been admitted as a **fellow** and awarded a General Certificate will be known as a Chartered Legal Executive and is authorised to exercise rights to administer oaths.
- h) has been admitted as a **fellow** and is awarded a Litigation and Advocacy (Civil Proceedings) Certificate will be a Chartered Legal Executive Litigator and Advocate (Civil Litigation) and is able to exercise the rights set out in Annex 7 Part 2.
- i) has been admitted as a **fellow** and is awarded a Litigation and Advocacy (Criminal Proceedings) Certificate will be a Chartered Legal Executive Litigator and Advocate (Criminal Litigation) and is able to exercise the rights set out in Annex 7 Part 2.
- j) has been admitted as a **fellow** and is awarded a Litigation and Advocacy (Family Proceedings) Certificate will be a Chartered Legal Executive Litigator and Advocate (Family Litigation) and is able to exercise the rights set out in Annex 7 Part 2.

### **Part 3: Decision Making**

#### **Regulation 9: Use of External Advisers**

9.1 The **SRA** may appoint external advisers to advise it as to whether or not an application or an application of a certain type meets the prescribed requirements.

Regulations made by the SRA Board on [ ].

Made under [ ].

## Annex 1: Immigration Certificate

- 1.
2. You will be eligible for an Immigration Certificate in the following circumstances:
  - a) where your application is made alongside an application for admission as a **fellow** under these regulations and you:
    - i. are admitted as a **fellow**;
    - ii. have three years' legal experience, including immigration practice experience in the two years preceding the application; and
    - iii. have met the relevant knowledge and competence requirements **prescribed** by the **SRA**;
  - b) where you are already a **fellow**, and you demonstrate that you meet the knowledge, skills and experience requirements set out in the **SRA's prescribed**:
    - i. skills and experience guidelines;
    - ii. portfolio and assessment criteria; and
    - iii. competency framework.

## Annex 2: Conveyancing Certificate

1. You will be eligible for a Conveyancing Certificate in the following circumstances:
  - a) where your application is made alongside an application for admission as a **fellow** under these regulations and you:
    - i. are admitted as a **fellow**;
    - ii. have three years' legal experience, including conveyancing practice experience in the two years preceding the application; and
    - iii. have met the relevant knowledge and competence requirements **prescribed** by the **SRA**.
  - b) where you are already a **fellow**, and you demonstrate that you meet the knowledge, skills and experience requirements set out in the **SRA's prescribed**:
    - i. skills and experience guidelines;
    - ii. portfolio and assessment criteria; and
    - iii. competency framework.
  - c) otherwise, where you:
    - i. have three years' legal experience, including conveyancing practice experience in the two years preceding the application; and
    - ii. have met the relevant knowledge and competence requirements **prescribed** by the **SRA**.

## Annex 3: Probate Certificate

1. You will be eligible to apply for a Probate Certificate in the following circumstances:
  - a) where your application is made alongside an application for admission as a **fellow** under these regulations and you:

- i. are admitted as a *fellow*;
  - ii. have three years' legal experience, including probate practice experience in the two years preceding the application; and
  - iii. have met the relevant knowledge and competence requirements *prescribed* by the *SRA*.
- b) where you are already a *fellow* you demonstrate that you meet the knowledge, skills and experience requirements set out in the *SRA's prescribed*:
  - i. skills and experience guidelines;
  - ii. portfolio and assessment criteria; and
  - iii. competency framework.
- c) otherwise, where you:
  - i. have three years' legal experience, including probate practice experience in the two years preceding the application; and
  - ii. have met the relevant knowledge and competence requirements *prescribed* by the *SRA*.

#### **Annex 4: Employment Certificate**

1. You will be eligible to apply for an Employment Certificate in the following circumstances:
  - a) Where you are applying for and obtain admission as a *fellow* under Part 1 of these regulations you:
    - i. become a *fellow* under Part 1 of these regulations;
    - ii. have three years' legal experience, including employment practice experience in the two years preceding the application; and
    - iii. have met the relevant knowledge and competence requirements *prescribed* by the *SRA*.

#### **Annex 5: Business Certificate**

1. You will be eligible to apply for a Business Certificate in the following circumstances:
  - a) Where you are applying for and obtain admission as a *fellow* under Part 1 of these Regulations you:
    - i. become a *fellow* under Part 1 of these regulations;
    - ii. have three years' legal experience, including business practice experience in the two years preceding the application; and
    - iii. have met the relevant knowledge and competence requirements *prescribed* by the *SRA*.

#### **Annex 6: General Certificate**

1. You will be eligible to apply for a General Certificate in the following circumstances:



- a) Where you are applying for and obtain admission as a **fellow** under Part 1 of these regulations you:
- i. become a **fellow** under Part 1 of these regulations;
  - ii. have three years' legal experience including experience in a distinct area of practice in the two years preceding the application; and
  - iii. have met the relevant knowledge and competence requirements **prescribed** by the **SRA**.

## Annex 7: Litigation and Advocacy Practice Rights

### Part 1 – Eligibility

1. You will be eligible to apply to be granted one or more of the following:

- (a) Right to Conduct Litigation (Civil Proceedings) Certificate;
- (b) Right to Conduct Litigation (Family Proceedings) Certificate;
- (c) Right to Conduct Litigation (Criminal Proceedings) Certificate.

together the “Litigation Certificate(s)”, in the following circumstances:

- i. where you are admitted as a **fellow**;
  - ii. have three years' legal experience, including litigation and advocacy experience in the two years preceding the application; and
  - iii. have met the relevant knowledge and competence requirements **prescribed** by the **SRA**;
2. At the same time as applying for one or more of the Litigation Certificates, you must apply to be granted the corresponding Rights of Audience Certificates, as follows:
- (a) a Rights of Audience (Family Proceedings) Certificate in Judge's Room or A Rights of Audience (Family Proceedings) Certificate;
  - (b) a Rights of Audience (Civil Proceedings) Certificate in Judge's Room or A Rights of Audience (Civil Proceedings) Certificate; or
  - (c) a Rights of Audience (Criminal Proceedings) Certificate.
- together the “Rights of Audience Certificate(s)”.
3. To be eligible for a Rights of Audience Certificate you must have met the relevant knowledge, competence and procedural requirements **prescribed** by the **SRA**.

### Part 2 – Practice Rights

4. The Rights to Conduct Litigation exercisable by a person holding a Litigation Certificate are set out below:
- Rights to Conduct Litigation (Civil Proceedings) Certificate: To conduct litigation in all civil proceedings excluding family proceedings;
- 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.
5. The rights of audience exercisable by a person holding an Advocacy Certificate are set out below:
- (a) 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.

- (b) Rights of Audience (Civil Proceedings) Certificate:
- i. to exercise rights of audience in Judge's room hearings in the County Court and High Court in all civil proceedings excluding family proceedings;
  - ii. to appear in open Court in the County Court in all actions, except family proceedings;
  - iii. to appear before Magistrates, District Judges (Magistrates' Court) or Justices' Legal Advisers in the Magistrates' Courts in relation to all civil and enforcement matters;
  - iv. 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;
  - v. 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.

For the avoidance of doubt, a Civil Proceedings Certificate does not confer a right of audience in any proceedings for which a Family Proceedings Certificate is required.

- (c) Rights of Audience (Family Proceedings) Certificate in Judge's Room: To exercise rights of audience in judge's room hearings in the Family Court and High Court, except reserved proceedings, in all family proceedings.

- (d) Rights of Audience (Family Proceedings) Certificate:
- i. to exercise rights of audience in Judge's room hearings in the Family Court and High Court, in all family proceedings;
  - ii. to appear in the Family Court in all proceedings;
  - iii. 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.

- (e) Rights of Audience (Criminal Proceedings) Certificate:
- i. 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;
  - ii. 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;
  - iii. to appear in the Crown Court or High Court before a judge in chambers to conduct bail applications;
  - iv. 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;
  - v. 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.