

**TRAINING & CPD RULES**  
**TRAINEE COSTS LAWYERS**

**Regulator: Costs Lawyer Standards Board**

**Effective date: 1 January 2013**

**Introduction**

These rules (“Rules”) were made pursuant to the Legal Services Act 2007 (“LSA”). They govern the training and development of Trainee Costs Lawyers up to becoming a Costs Lawyer and replace all other Training & CPD rules applicable to Trainee Costs Lawyers. In the event of a contradiction in information issued by an Authorised Study Provider on anything contained herein, these Rules will prevail.

**RULE 1: Application Requirements**

- 1.1 An application to become a Trainee Costs Lawyer shall be made to an Authorised Study Provider of the Costs Lawyer qualification (see Rule 9) in the prescribed form with all required information, documentation and stipulated administrative fee by 30 June of the year of intended study (study to commence beginning September of that year).
- 1.2 Applications received after 30 June will not be considered by the Authorised Study Provider until the following year.
- 1.3 All information & documentary evidence must be correct as it may be subject to audit by the Authorised Study Provider or CLSB at the time of application or at a later date. In the event information provided by the Trainee Costs Lawyer is found to be untrue the matter will be dealt with by CLSB under prevailing Disciplinary Rules & Procedures.
- 1.4 In the event the application is successful the Authorised Study Provider will notify the applicant and will send a copy of the application to CLSB endorsed as being accepted.
- 1.5 In the event the application is refused, the Authorised Study Provider will notify the applicant of the reasons why in writing (**within 14 days**). The applicant shall have 14 days from the date of notification to file an application to CLSB by way of appeal against the refusal. The CLSB Chief Executive will consider whether the refusal was justified and will notify the applicant of their decision (**within 14 days**). The decision of the CLSB Chief Executive shall be final.

**RULE 2: Age requirement**

- 2.1 The minimum age for a Trainee Costs Lawyer is sixteen (16) at the date of 30 June on the year of application.

### **RULE 3: Entry level qualifications**

- 3.1 Acceptable documentary evidence of entry level qualifications must be provided to the Authorised Study Provider. The minimum entry level for a Trainee Costs Lawyer is as set out below, or equivalent:
- (i) four GCSEs at grade C or above including both English and Maths; or
  - (ii) two A level passes and 1 GCSE level to include English; or
  - (iii) three AS level passes to include either English or Maths; or
  - (iv) GNVQ at intermediate or advance level, provided a communications skills element is included; or
  - (v) passing a written aptitude test set by the Authorised Provider.

### **RULE 4: Character & suitability**

- 4.1 On an application to become a Trainee Costs Lawyer the applicant must declare to the Authorised Study Provider any information that might affect their suitability to be a Trainee Costs Lawyer/ Costs Lawyer which includes, inter alia:
- Any disciplinary action by any professional body.
  - Any finding of cheating in exams or plagiarism during any course of study.
  - If they are an un-discharged or discharged bankrupt.
  - If they have entered into an individual Voluntary Arrangement under the Insolvency Act 1986, as amended.
  - If they have entered into a partnership Voluntary Arrangement under the Insolvency Act 1986.
  - If they have been a director of a company or member of an LLP which has been wound up or the subject of an administration order, administrative receivership or a voluntary arrangement under the Insolvency Act 1986.
  - If they have been disqualified from being a company director.
  - If they have been committed to prison on civil or criminal proceedings or have been convicted of an indictable offence (subject to the Rehabilitation of Offenders Act).
  - If they lack capacity within the meaning of the Mental Capacity Act 2005.
  - If they have been removed from the office of charity trustee or trustee for a charity by an order within the terms of section 72(1)(d) of the Charities Act 1993.
  - If they are or have been the subject of a money judgement which has been outstanding for more than 28 days.
  - If they have been the subject of an order under section 43 of the Solicitors Act 1974.
  - Any other matter that might reasonably be expected to be disclosed in affecting their fitness to study for the Costs Lawyer professional qualification.
- 4.2 In the event of any declarations the Authorised Study Provider will consider the applicant's suitability. The Authorised Study Provider may require **the applicants co-operation** with checks including criminal records checks to ensure suitability of an

applicant. A failure to disclose or the provision of misleading information on an application will be taken into account by the Authorised Study Provider when considering the suitability of an applicant to be a Trainee Costs Lawyer.

#### **RULE 5: References**

- 5.1 An applicant will be required to submit to the Authorised Study Provider the name, address, phone numbers and email address of two referees. Those referees should be:
- One character referee meaning a person who knows the applicant well enough to vouch for their character (but not a family member) and preferably a person who is likely to know of any problems the applicant may have had such as convictions, incidents of plagiarism.
  - One professional referee meaning the applicants current employer, or in the event of unemployment, their last employer.
- 5.2 An Authorised Study Provider may refuse an application in the event it receives an unsatisfactory reference.

#### **RULE 6: Register of Trainee Costs Lawyers**

- 6.1 The CLSB will maintain a register of Trainee Costs Lawyers whose conduct is regulated. They are Trainee Costs Lawyers who are:
- (i) currently undertaking the three year modular Costs lawyer training course; and
  - (ii) are a manager or an employee of a person authorised to carry on the following reserved legal activities:
    - The exercise of a right of audience.
    - The conduct of litigation.
    - The administration of oaths.
- 6.2 The Register of Trainee Costs Lawyers will be accessible on the CLSB website and will list the name and employing firm of the Trainee Costs Lawyer.
- 6.3 Trainee Costs Lawyers whose names appear on the Register will be subject to the prevailing Code of Conduct and Disciplinary Rules & Procedures for Trainee Costs Lawyers.
- 6.4 The regulatory year will run from 1 January (inclusive) to 31 December (inclusive).

#### **RULE 7: Annual renewal of registration**

- 7.1 CLSB will on or before 1 December of each year issue a Trainee Costs Lawyer registration renewal form and fee note. A Trainee Costs Lawyer is required to return the following to the CLSB by 31 December of that year:
- Fully completed and signed registration renewal form.
  - Payment of the prescribed annual fee for regulation.
  - Completed CPD record sheet.
- 7.2 On the registration renewal form the Trainee Costs Lawyer will be asked to identify whether they fall within the definition of a Trainee Costs Lawyer to be regulated. In

the event the Trainee Costs Lawyer identifies that they do not e.g. they are undertaking only the academic element of the Costs Lawyer qualification then their conduct will not be subject to regulation by CLSB and their name will not appear on the public domain Register of Trainee Costs Lawyers.

#### **RULE 8: Qualifying employment/experience**

- 8.1 There is no requirement that a Trainee Costs Lawyer be predominantly employed in costs law and practice. They are however encouraged to obtain such relevant employment or work in costs to attain the highest standards of practical skills.
- 8.2 On successful completion of the three year modular course and having passed the final examination the Trainee Costs Lawyer may apply for Costs Lawyer status to the Authorised Study Provider of the Costs Lawyer qualification provided they have also achieved three years qualifying experience.
- 8.3 Qualifying experience must have been:
  - (i) in costs law and practice; and
  - (ii) been achieved as an employee (whether remunerated at market rate or nominal fee) of an authorised person e.g. Costs Lawyer, Solicitor with a current practising certificate.
- 8.4 It will be for the Trainee Costs Lawyer to provide acceptable evidence of qualifying experience to the Authorised Study Provider of the Costs Lawyer qualification as it may be subject to audit at the time or at a later date by the Authorised Study Provider or the CLSB. In the event false information is found to have been given then the matter will be dealt with under prevailing Disciplinary Rules & Procedures

#### **RULE 9: Authorised Study Provider**

- 9.1 Study may only be undertaken with a provider duly authorised by CLSB known as an Authorised Study Provider. It will be the responsibility of the Trainee Costs Lawyer to establish that the provider is duly authorised, this information can be found on the CLSB website.

#### **RULE 10: Three year modular training course**

- 10.1 A Trainee Costs Lawyer must complete each module (pass standard 65% or above on each module) and attend any compulsory seminars and workshops before a Certificate of Completion for that module can be issued by the Authorised Study Provider.
- 10.2 After successfully completing all three required modules a Trainee Costs Lawyer must then sit and pass the Costs Lawyer examination.
- 10.3 The course is designed as a three year course and cannot be fully completed in less than that time.
- 10.4 The course must be fully completed and the final examination passed within 10 years of study commencement (allowing additional time for final examinations) e.g. study commencing September 2012, completion by 31 December 2022.

**RULE 11: Exemptions from parts of the modular training course**

- 11.1 There will be no exemptions on subjects of costs law and practice.
- 11.2 There will be no exemption based on work experience.
- 11.3 Where exemptions are granted there will be no reductions in the fees payable for each module or the three year period of study.
- 11.4 Foreign applicant exemptions will only be granted where the Applicant demonstrates to the Accredited Study Provider that the qualifications are comparable to those granted to applicants who have obtained qualifications in England and Wales.
- 11.5 Applicants must satisfy the Authorised Study Provider:
- (i) the qualification has been successfully completed within 7 years from the date of the application or if longer that they have maintained the CPD requirements of the professional body relating to that qualification during the last 7 years; and
  - (ii) the qualification must be a fully completed qualification. Exemptions are not awarded for partial qualifications.
- 11.6 It will be for an applicant to demonstrate entitlement to an exemption to the satisfaction of the Authorised Study Provider, who will undertake all appropriate checks. In the event an applicant feels an exemption has not been fairly granted they may file an appeal (**within 14 days of the date of refusal**) to the Chief Executive of the CLSB, the decision of the CLSB on the matter shall be final.
- 11.7 Exemptions that may apply are shown below:

<b>Qualifications of the Trainee</b>	<b>Module Exemptions</b>
<b>Costs Lawyer</b>	
Qualifying law degree (obtained through a study provider defined as being a Qualifying Law Degree by the SRA, this information can be found on the SRA website)	<b>Module 1</b> 1.a Introduction to the English Legal System, 1.b the Law of Contact and 1.c the Law of Tort. <b>Module 2</b> 2.a Introduction to the English Legal System and 2.b the Law of Property. <b>Module 3</b> 3.a Introduction to the English Legal System, 3.b Family Law and 3.c Criminal Law.
Qualifying law degree plus the Legal Practice Course completion	As above plus Module 1 - 1.d CPR and Module 2 - 2.g Legal Accounts
Bar Vocational Course (BVC) or Bar Professional Training Course (BPTC).	<b>Module 1</b> 1.a Introduction to the English Legal System, 1.b the Law of Contact and 1.c the Law of Tort. <b>Module 2</b> 2.a Introduction to the English Legal System and 2.b the Law of Property. <b>Module 3</b>

	3.a Introduction to the English Legal System, 3.b Family Law and 3.c Criminal Law.
ILEX Level Six	<p><b>The Applicant will be exempt from</b> Introduction to the English Legal System and may be entitled to exemption from the following subjects if the Level Six qualification was achieved in relation to that subject.</p> <p><b>Module 1</b> 1.b the Law of Contact and 1.c the Law of Tort.</p> <p><b>Module 2</b> 2.b the Law of Property.</p> <p><b>Module 3</b> 3.b Family Law and 3.c Criminal Law.</p>

### **RULE 12: Becoming an authorised Costs Lawyer**

12.1 On a Trainee Costs Lawyer having fully and successfully completed the following to the satisfaction of the Authorised Study Provider:

- (i) the three year Costs Lawyer modular course; and
- (ii) the final examination; and
- (iii) the required three years qualifying experience

and the Authorised Study Provider having awarded them Costs Lawyer status under Rule 8.2 then the Cost Lawyer may then apply to CLSB for a Costs Lawyer practising certificate under prevailing rules.

12.2 In accordance with the provisions of the Legal Services Act 2007 only a Costs Lawyer with a current practising certificate is authorised the right to conduct the following reserved legal activities

- (i) the exercise of a right of audience
- (ii) the conduct of litigation
- (iii) the administration of oaths.

### **RULE 13: Continued Professional Development (“CPD”)**

13.1 A Trainee Costs Lawyer CPD year runs from 1 January inclusive to 31 December inclusive (“CPD Year”).

13.2 A new Trainee Costs Lawyer inducted in September is not required to achieve CPD for the remainder of that year.

13.3 A Trainee Costs Lawyer must complete a minimum of 7 CPD points in each CPD Year.

13.4 A Trainee Costs Lawyer must file their CPD record with the CLSB by 15 January of the following year.

13.5 CPD records are subject to random audit by CLSB. In the event any false or misleading information has been given by a Trainee Costs Lawyer on their CPD submitted to CLSB then this will be dealt with under the prevailing Disciplinary Rules & Procedures.

13.6 CLSB shall have the power to require a Trainee Costs Lawyer to attend a CPD course at the expense of the Trainee Costs Lawyer irrespective of whether they have complied with the 7 point requirement as a penalty on a disciplinary finding.

13.7 There are many organisations approved by the Law Society, Bar Council and CILEx for the purposes of providing CPD training. Under reciprocal arrangements, any such CPD training is acceptable to CLSB as Trainee Costs Lawyer CPD Training. It is however the responsibility of the Trainee Costs Lawyer to check the training is CPD accredited before claiming this on their CPD Record.

Note: The Register of Accredited Costs Lawyers who can provide CPD training appears on the CLSB website

<b>TABLE</b>	<b><i>Minimum of 7 points to be earned from table below</i></b>
<b>Action</b>	<b>CPD point earnings</b>
(i) Each study assignment completed (not the compulsory seminar)	1 point per assignment (max 5 points)
(ii) Attending ACL National Conference	1 point per hour attended (excluding breaks)
(iii) Attending ACL training course (not part of trainee study module)	1 point per hour attended (excluding breaks)
(iv) Reading & completing ACL tutorial updates	1 point for each tutorial completed
(v) Attending training by a CLSB Accredited Costs Lawyer	1 point per hour attended (excluding breaks)
(vi) Attending CPD approved costs conference or training (in-house or external) on costs related subject matter	1 point per hour attended (excluding breaks)
(vii) Attending CPD approved training (in-house or external) on subject matter of relevance e.g. advocacy or area of law in which bills are being drafted	1 point per hour attended (excluding breaks)
(viii) Completing CPD approved webinars	As attributable by provider
(ix) Attending non CPD accredited in-house training by employer on any legal subject matter	1 point per hour attended (excluding breaks) (Max 3 points)
(x) Reading all Costs Lawyer Journals throughout the CPD Year	2 points for having read all Journals issued during the CPD Year