

ANNEX B

TRAINING & CPD RULES **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”). These Rules govern the training of Trainee Costs Lawyers, the continuing professional development of Costs Lawyers and replace all other training and CPD rules previously issued.

There are two levels of membership of ACL namely Trainee Costs Lawyer and Costs Lawyer. These Rules set out the principles which must be followed by:

- A Trainee Costs Lawyer, to qualify as a Costs Lawyer.
- A Costs Lawyer seeking to retain a Practising Certificate.
- A Costs Lawyer seeking to reinstate a lapsed Practising Certificate.

Trainee Costs Lawyer: Qualifying employment

There is no requirement that Trainee Costs Lawyers are 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. Three years of relevant experience in costs law and practice achieved before, during or after study for the Costs Lawyer qualification will be required to achieve Costs Lawyer status (see Rule 9.2)

Trainee Costs Lawyer: Learning support

If a Trainee Costs Lawyer has any additional needs that may affect their learning then the Trainee Costs Lawyer should notify the ACL of this on submitting their application.

Trainee Costs Lawyer: Study provider (Accreditation)

Study may only be undertaken with a study provider duly accredited by CLSB.

Trainee Costs Lawyer: Student study

- 1.1 Rules 1-9 inclusive are applicable to those seeking to qualify as a Costs Lawyer. The aims and objectives are to enable Trainee Costs Lawyers to:
- a) Obtain general knowledge of each area of law studied.
 - b) Achieve detailed knowledge of the law and procedures relating to the costs subject studied.
 - c) Develop skills of legal analysis particularly in relation to costs law and practice.

- d) Reach a high level of competency and performance.
- e) Learn valuable transferable skills.

RULE 1: Trainee Costs Lawyers: Age requirement

1.1 The minimum age for a Trainee Costs Lawyer is 16.

RULE 2: Trainee Costs Lawyers: Entry level qualifications

2.1 Documentary evidence of required qualifications must be provided before study can be commenced. The minimum level of qualification for a Trainee Costs Lawyer is as set out below, or equivalent:

- (a) four GCSEs at grade C or above, English and Maths being compulsory; or
- (b) two A level passes and 1 GSCE level to include English; or
- (c) three AS level passes to include either English or Maths; or
- (d) GNVQ at intermediate or advance level, provided a communications skills element is included; or
- (e) passing a written aptitude test set by the ACL.

RULE 3: Trainee Costs Lawyers: Application requirements

3.1 An application for membership of the ACL as a Trainee Costs Lawyer must be completed and submitted to the Administrative Secretary of the ACL by 30 June in the year of intended study (with study to commence in September of that year). Applications after 30 June may not be considered until the following year. The application form must be completed in full with correct information and should be accompanied by the following:

- (a) The name, address and phone number of two referees (as set out in Rule 5).
- (b) Documentary evidence of qualifications as required by Rule 2 including certificates (photocopies will be acceptable).
- (c) The applicant's curriculum vitae.
- (d) Payment of the current ACL Trainee Costs Lawyer application administration fee.
- (e) Payment of the current membership fee of ACL as a Trainee Costs Lawyer.

RULE 4: Trainee Costs Lawyers: Character & suitability

4.1 On an application for Trainee Costs Lawyer status the applicant must declare any information that might affect their suitability to be a Trainee Costs Lawyer/Costs Lawyer which includes:

- (a) Any disciplinary action by any professional body.
- (b) Any finding of cheating in exams or plagiarism during the course of study.
- (c) If they are an un-discharged or discharged bankrupt.
- (d) If they have entered into an individual Voluntary Arrangement under the Insolvency Act 1986, as amended.
- (e) If they have entered into a partnership Voluntary Arrangement under the Insolvency Act 1986.

- (f) 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.
- (g) If they have been disqualified from being a company director.
- (h) 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).
- (i) If they Lack capacity within the meaning of the Mental Capacity Act 2005.
- (j) 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.
- (k) If they are or have been the subject of a money judgement which has been outstanding for more than 28 days.
- (l) If they have been the subject of an order under section 43 of the Solicitors Act 1974.
- (m) 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 of the above, the ACL will consider the applicant's suitability and whether any conditions should be imposed. On application, the ACL may make any required checks including criminal records checks to ensure the suitability of an applicant. A failure to disclose, or the provision of misleading information on an application can be taken into account by the ACL when considering the suitability of an applicant to be a Trainee Costs Lawyer.

RULE 5: Trainee Costs Lawyers: References

- 5.1 An applicant will be required to submit the name, address, phone numbers and email address of two referees (one character, one professional). Those referees should be:
- (a) People who know the applicant well enough to vouch for the applicant character.
 - (b) Preferably professional people.
 - (c) People who are likely to know of any problems the applicant may have had such as convictions, incidents of plagiarism.

RULE 6: Trainee Costs Lawyers: Acceptance as a Trainee Costs Lawyer

- 6.1 The ACL will confirm in writing whether the application has been approved. If so, the ACL will issue the Trainee Costs Lawyer with a unique identity number and request they attend ACL induction. Attendance at ACL induction is mandatory. In the event an application is refused, ACL will provide reasons why.

RULE 7: Trainee Costs Lawyers: Three year modular training course

- 7.1 The Trainee Costs Lawyer course is divided into three separate modules providing a structured learning programme. Each module includes self-assessment assignments, examiner marked assignments and a compulsory practical seminar and workshop.
- (a) General & civil costs.
 - (b) Solicitors and client costs, specialist courts and tribunals.
 - (c) Public funding/legal aid.
- 7.2 A Trainee Costs Lawyer must complete each module (pass standard 65% or above on each module) and attend any compulsory seminars and workshops before the ACL will issue a Certificate of Completion for that module.
- 7.3 After successfully completing the modules trainees must then take and pass the Costs Lawyer examination.
- 7.4 The course is designed as a three year course and cannot be fully completed in less than that time.

RULE 8: Trainee Costs Lawyers: Exemptions

- 8.1 Exemptions may be considered by the ACL for individual subjects within the course modules for Trainee Costs Lawyers who have successfully attained, within the previous seven years, the following qualifications:
- A Law Degree.
 - Certificate of completion of the Law Society Legal Practice Course.
 - The Bar Vocational Course.
 - ILEX qualifications.
- 8.2 Eligibility for exemptions can be checked with the ACL Educational Development Officer.
- 8.3 Where exemptions are granted there will be no reductions in the fees payable for each module or the three year period of study under Rule 7.

RULE 9: Trainee Costs Lawyers: Qualifying experience

- 9.1 In addition to successfully passing the modular course and final examination 3 years relevant work experience in costs law and practice are required before a Trainee Costs Lawyer can apply to become a Costs Lawyer. The 3 years can be acquired before, during or after the period of study and need not be continuous. ACL/CLSB may audit alleged relevant experience to ensure it was achieved and was indeed relevant.

RULE 10: Costs Lawyers: Continued Professional Development

- 10.1 A CPD year runs from 1 January inclusive to 31 December inclusive ("CPD Year").
- 10.2 A Costs Lawyer must complete a minimum of 12 CPD points in each CPD Year.
- 10.3 In the event a Costs Lawyer is admitted during the course of a CPD Year they must complete a minimum of 1 CPD point for each month worked during the CPD Year.
- 10.4 A Costs Lawyer must inform the CLSB in such form and at such time as shall be prescribed by the CLSB of whether or not they have complied with CPD requirements.

- 10.5 A Costs Lawyer must keep a record of CPD undertaken and must produce it to the CLSB on demand.
- 10.6 In accordance with the Practising Rules, CLSB may refuse to renew a Practising Certificate or may issue the Practising Certificate subject to conditions where the Costs Lawyer has failed to comply with CPD training requirements.
- 10.7 CLSB shall have the power to approve, for the purpose of these Regulations, courses provided by educational institutions and other bodies.
- 10.8 CLSB shall have the power to require a Costs Lawyer to attend a CPD course at the expense of the Costs Lawyer irrespective of whether they have complied with the twelve point requirement e.g. as a sanction on a disciplinary finding.
- 10.9 CLSB may audit a CPD record, in the event of any failure to comply then the matter will be dealt with under prevailing Disciplinary Rules & Procedures.

RULE 11: Costs Lawyers: Earning CPD points

- 11.1 A minimum of 6 CPD points must be earned from Table 1, the balance can be earned from either Table 1 or Table 2 during a CPD Year.
- 11.2 There are many organisations also 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 by CLSB for Costs Lawyers. It is however the responsibility of the Costs Lawyer to check that 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.

TABLE 1	<i>Minimum of 6 points to be earned from this table</i>
Action	CPD points attributed
1(a) Attending ACL National Conference	1 point per hour attended (excluding breaks)
1(b) Attending ACL training course	1 point per hour attended (excluding breaks)
1(c) Attending CPD approved costs conference or training (in-house or external) on costs related subject matter	1 point per hour attended (excluding breaks)
1(d) Attending CPD approved training (in-house or external) on subject matter of relevance e.g. advocacy, area of law in which bills are drafted	1 point per hour attended (excluding breaks)
1(e) Attending training by a CLSB Accredited Costs Lawyer	1 point per hour attended (excluding breaks)
1(f) Delivery of training on costs by a CLSB	1 point per hour the training lasts (no

Accredited Costs Lawyer	points for preparation time)
1(g) Completing CPD approved webinars	As attributable by provider

TABLE 2	
Action	CPD points attributed
2(a) Marking of Costs Lawyer examination papers & assignments	1 point for each examination paper & assignment marked
2(b) Attending non CPD accredited in-house training by employer on any legal subject matter	1 point per hour attended (excluding breaks) (Max 3 points)
2(c) Writing articles relating to costs law for the Costs Lawyer Journal or other legal publications	2 points per article published
2(d) Coaching & mentoring of Trainee Costs Lawyers	1 point per three months (Max 4 points)
2(e) Reading and completing ACL tutorial updates	1 point for each tutorial completed
2(f) Reading all Costs Lawyer Journals throughout the CPD Year	2 points for having read all Costs Lawyer Journals issued during CPD Year