

TRAINEE COSTS LAWYER

TRAINING RULES

Regulator: Costs Lawyer Standards Board

Effective date: XX

These rules replace all other Training Rules previously issued by the Costs Lawyer Standards Board (CLSB). They aim to ensure those who seek to achieve Costs Lawyer status through the Costs Lawyer qualification (Trainee Costs Lawyer) achieve detailed knowledge of costs law and practice, develop skills of legal analysis, reach a high level of competency and learn valuable transferable skills.

1. Accredited study provider

- 1.1 Study for the Costs Lawyer qualification may only be undertaken with a provider accredited by the CLSB. The register of Accredited Study Providers (ASP) can be located on the CLSB website at www.clsb.info

2. Age requirement

- 2.1 The minimum age of an applicant to become a Trainee Costs Lawyer (Applicant) is 18 at the date study will commence with an ASP.
- 2.2 If requested by an ASP, the Applicant will provide proof of their date of birth before their application is considered.

3. Entry level qualifications

- 3.1 The minimum level of qualification for an Applicant is (or equivalent):
- (i) four GCSE at grade C or above, English and maths being compulsory; or
 - (ii) two A level passes and 1 GSCE at grade C level to include English; or
 - (iii) three AS level passes to include either English or maths; or
 - (iv) GNVQ at intermediate or advanced level, provided a communications skills element is included; or
 - (v) passing a written aptitude test set by an ASP, and approved by the CLSB.

4. Application to an ASP

- 4.1 It is not a requirement that an Applicant is a member of the Association of Costs Lawyers at the time of application to an ASP or during their period of study with an ASP as a Trainee Costs Lawyer.
- 4.2 An application must be submitted fully completed (signed, with all required information and documentation) by the date stipulated by the ASP.
- 4.3 Documentary evidence of entry level qualifications must be submitted with an application. Photocopies will be acceptable unless the ASP specifically requests a certified copy.

- 4.4 An Applicant must provide the name, address and phone number of two referees, one personal and one professional. Each referee must know the Applicant well enough to vouch for their character and know of any problems the Applicant may have had e.g. convictions, disciplinary issues, plagiarism.
- Personal referee: Should be a person who has known the Applicant for at least three years.
 - Professional referee: Should be a professional person who has worked with the Applicant, preferably as the Applicants manager/supervisor.
- 4.5 The ASP will advise the Applicant in writing whether an application has been approved. In the event an application is refused, the ASP will state the reasons why.

5. Disclosure requirements

- 5.1 On an application to an ASP, the Applicant must declare any information that might affect their suitability to be a Trainee Costs Lawyer/Costs Lawyer, such information will include:
- Any disciplinary action by any professional body.
 - Any finding of cheating in exams or plagiarism during the course of study.
 - If they are an un-discharged or discharged bankrupt.
 - If they have entered into an Individual Voluntary Arrangement or Partnership Voluntary Arrangement under the Insolvency Act 1986, as amended.
 - 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 2014).
 - 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 outstanding for more than 28 days.
 - If they have been the subject of an order under S.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 qualification or become a Costs Lawyer.
- 5.2 In the event of any declaration(s) under rule 5.1 the ASP will consider the suitability of the Applicant and the ASP may refuse the application.
- 5.3 On receipt of an application, the ASP 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 will be taken into account by the ASP when considering the suitability of an Applicant to become a Trainee Costs Lawyer.

6. Qualifying experience

- 6.1 There is no requirement that an Applicant or Trainee Costs Lawyer is employed in costs law and practice at the time of their application to an ASP or during the course of their study with an ASP.
- 6.2 To successfully complete the Costs Lawyer qualification a Trainee Costs Lawyer will be required to evidence to the ASP that they have also achieved three years' work experience in costs law and practice (Qualifying Experience). The three years' Qualifying Experience need not be continuous.
- 6.3 On successfully completing the Costs Lawyer qualification the ASP will audit Qualifying Experience to ensure it was achieved and was relevant i.e. in costs law and practice. The ASP will not issue a completion certificate of the Costs Lawyer qualification until:
- (i) all the Costs Lawyer qualification has been successfully completed; and
 - (ii) the ASP is satisfied Qualifying Experience required under rule 6.2 has been achieved.

7. Learning support

- 7.1 If an Applicant or Trainee Costs Lawyer has or develops any needs that may affect their learning then they are required to notify the ASP on application or when the need arises.

8. The Costs Lawyer course

- 8.1 The Costs Lawyer course is as set out by the CLSB, located on the CLSB website at www.clsb.info
- 8.2 Once the Costs Lawyer qualification has been completed, there will be no further training obligations by a Trainee Costs Lawyer to an ASP.

9. Exemptions

- 9.1 A table of CLSB approved exemptions to modules/units for qualifications including a law degree, bar professional training course, legal practice course and C.ILEX can be located on the CLSB website at www.clsb.info.
- 9.2 Exemptions will be applied by an ASP where an Applicant has evidenced they have successfully undertaken study for the exempted module/unit. An Applicant will assist an ASP in validation of a qualification otherwise no exemptions will be applied.
- 9.3 Where exemptions are applied, an ASP will apply a reduction of 15% per exempted module on the overall unit fee. Where all 6 modules in a unit are exempted, no fee will be payable to the ASP for that unit.

10. Continuing professional development (CPD)

- 10.1 A Trainee Costs Lawyer is not required to undertake any CPD during their period of study for the Costs Lawyer qualification.
- 10.2 On successfully completing the Costs Lawyer qualification a Costs Lawyer may then apply to the CLSB for a Costs Lawyer practising certificate. Only then is CPD to be achieved with accountability to the CLSB. A Costs Lawyer practising certificate authorises a Costs Lawyer to undertake the following reserved legal activities under the Legal Services Act 2007:
- The exercise of a right of audience
 - The conduct of litigation
 - The administration of oaths.

11. Appeal process

- 11.1 In the event an application is refused by an ASP under rules 4, 5 and 6, the Applicant may, within 14 days, make a written appeal to the CLSB.
- 11.2 The Applicant must set out in full the reasoning for the appeal and attach all required evidence e.g. application, ASP decision and other relevant supporting documentation.
- 11.3 The CLSB will use all reasonable endeavours to consider the appeal within 14 days.
- 11.4 The CLSB will advise the Applicant in writing as to the appeal outcome, setting out its reasoning in full.
- 11.5 The CLSB will send a copy of the appeal outcome to the ASP.
- 11.6 In the event the CLSB upholds the Applicants appeal, the ASP will comply with the appeal outcome of the CLSB.

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