

**Direction 115 issued under Part 3 of Schedule 4 to the Legal Services Act 2007 to CILEx Regulation**



1. This is a direction issued pursuant to paragraph 19(3) of Schedule 4 to the Legal Services Act 2007 (the Act).
2. Unless stated otherwise, words in this direction are used as they are defined in the Act.
3. In accordance with paragraph 19(3) of Schedule 4 to the Act, the Board has directed that the following alterations to regulatory arrangements be treated as exempt alterations for the purposes of paragraph 19(2)(c) of Schedule 4:

*CILEx Regulation: Associate Prosecutor Rights of Audience and Litigation  
Certification Rules - Associate Prosecutor Level 1 Qualifications*

*Proposed changes*

4. CILEx Regulation is responsible for the regulation of Associate Prosecutors (APs) employed by the Crown Prosecution Service (CPS) to undertake some criminal prosecutions in the Magistrates' Courts. Level 1 APs are able to undertake prosecutions limited to cases where the defendant has pleaded guilty.
5. Changes in the criminal justice system relating to the use of the police to prosecute uncontested road traffic offences has led the CPS to review the training content of the AP Level 1 qualification. This has resulted in proposed changes to reflect the work carried out by Level 1 APs and to ensure that the training, assessment and qualification remain relevant to Level 1 AP responsibilities.
6. The CPS has taken the opportunity of these changes to also request the removal of a stipulation on the length of the Level 1 AP course. CILEx Regulation explained that this change relates to the reduction in taught and assessed materials, with the intention of providing an outcomes focused approach to the delivery of the course programmes. CILEx Regulation, by virtue of submitting the application to alter its regulatory arrangements and having consulted on them, is satisfied that the alterations are appropriate.
7. The proposed amendments cover two sets of changes:
  - Removal from the Level 1 qualification of: reference to road traffic prosecutions; exceptional hardship arguments in road traffic cases; restoration of driving licence and appropriate questioning.
  - Removal of the stipulation of the length of the Level 1 Associate Prosecutor Foundation Course and Advocacy Skills Course.

*Reason for exemption direction*

8. This is a minor technical alteration prompted by the CPS responding to changes to the way in which the criminal justice system treats road traffic offences. The alterations aim to make the training proportionate and targeted to the activities which Level 1 APs now undertake. We conclude that it does not raise any significance, impact or risk concerns. It is therefore recommended that the change be approved as an exempt alteration.

9. A copy of the alteration was submitted to the Board on 25 July 2017.

10. This direction is to be deemed made on and to be effective from 11 August 2017.

**For and on behalf of the Legal Services Board**  
**11 August 2017**