

Direction 120 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:

Five sets of technical and minor drafting alterations to the following sets of rules.

- *Admissions and Licensing Rules*
- *Application for Fellowship (Work Based Learning) Rules*
- *CPD Regulations*
- *Right to Conduct Litigation and Rights of Audience Rules*
- *Rights of Audience Certification Rules*

Proposed changes

4. A summary of the list of changes is annexed to this direction notice.
5. The broad purposes of the changes are as follows, to:
 - centralise and implement the Admissions and Licensing Committee Rules for all the Practitioner schemes in operation at CILEx Regulation;
 - clarification and simplify the rules
 - centralise the CPD regulations for the Associate Prosecutor Rights of Audience and Litigation Certification Rules.

Reason for exemption direction

6. There is no change to the regulatory policy or approach to CILEx Regulation's regulations. The proposed alterations are mostly technical and drafting updates and clarification of the rules.
7. A copy of the alterations approved through this exemption direction was submitted to the Board on 20 October 2017.
8. This direction is to be deemed made on and to be effective from 10 November 2017.

**For and on behalf of the Legal Services Board
10 November 2017**

Annex - Summary Table of Changes

Admission and Licensing Rules
In the definitions section, reference to powers in relation to applications for Fellowship and Rights of Audience (covering both Associate Prosecutors and CILEx Advocates) have been incorporated
The 5 year term for Committee members has been amended to a maximum term rather than a standard term at paragraph 13
Application for Fellowship (Work Based Learning) Rules
Reference to the powers of the Admissions and Licensing Committee are supplemented by a reference to the Admissions and Licensing Committee Rules
Associate Prosecutor Rights of Audience and Litigation Certification Rules
In the definitions section, reference to the Admissions and Licensing Committee Rules has been incorporated. In addition, grammatical changes have been made to the definitions and unnecessary definitions have been removed
Paragraph 25 replaces internal rules with reference to the Admissions and Licensing Committee Rules
Paragraph 43 replaces internal rules with the Admissions and Licensing Committee Rules
Paragraphs 44-57 have been deleted and replaced with the centralised Admissions and Licensing Committee Rules
Paragraphs 55 and 56 clarify the inspections of courses will not necessarily include an Officer
Paragraph 58 onwards removes reference to the CPD requirements for Associate Prosecutors and replaces this with reference to the centralised CPD regulations
Paragraph 83 has been removed from the rules as this is now covered by the Admissions and Licensing Committee Rules at paragraphs 5 and 7
CPD Regulations
Addition of powers of Admissions and Licensing Committee in relation to CILEx Practitioners who fail to comply with CPD requirements (Regulation D6)
Addition of paragraph 6 to replace the separate CPD regulations located in the Right to Conduct Litigation and Rights of Audience Rules (paragraph 65)
Right to Conduct Litigation and Rights of Audience Rules
In the definitions section, reference to the Admissions and Licensing Committee Rules has been incorporated as has the definition of CILEx and 'relevant advocacy certificate'. In addition, grammatical changes have been made to the definitions
Paragraphs 4 and 9 clarify the position of a CILEx Advocate who makes an application for designation as a CILEx Litigator and Advocate
Paragraph 46 corrects the reference to the relevant authorised person
Paragraphs 51, 53 and 55 clarify and simplify the rules in relation to the competence frameworks
Paragraph 54 clarifies that the Admissions and Licensing Committee only makes decisions on applications referred to them and paragraph 57 refers to the powers in rule 54 to further clarify the powers of the Admissions and Licensing Committee
Paragraphs 58 and 61 clarify that there is only 1 certificate issued to CILEx Litigators and removes unnecessary additional wording
Paragraph 60 clarifies the position in relation to the lapsing of a criminal litigation and advocacy certificate
Paragraph 66 makes the compulsory requirement to comply with the Code of Conduct clear
Minor drafting simplification and grammatical changes and alterations to reflect updated regulations elsewhere in CILEx Regulation rules
Rights of Audience Certification Rules
Paragraph 14 removes reference to the internal Admissions and Licensing Committee rules and replaces this with reference to the centralised rules
Paragraph 16 removes the internal Admissions and Licensing Rules and replaces them with reference to the centralised rules
Paragraphs 41 and 42 remove the requirement for an Officer to attend an inspection conducted by an external adviser
Updating of definitions section and grammatical changes