CILEx CHARTERED INSTITUTE OF LEGAL EXECUTIVES

CILEx REGULATION
PROFESSIONAL STANDARDS FOR SPECIALIST LAWYERS

Conveyancing Practice Rights Handbook

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CONVEYANCING PRACTICE RIGHTS

INTRODUCTION

1. This handbook takes you through the application process to obtain conveyancing practice rights with CILEx Regulation and become authorised as a CILEx Conveyancing Practitioner.

2. We recommend that you read this handbook in conjunction with the Reserved Instrument Certification Rules which are located at **Appendix 1**.

3. You should read all of the handbook and supporting documentation before starting to make your application.

4. In order to become authorised by CILEx Regulation in Conveyancing Practice, you are required to demonstrate your knowledge and understanding, experience and skills in conveyancing practice and, if you intend to practise in a CILEx Regulation regulated entity, in Practice Management and Accounts at Level 1. This handbook explains how you will demonstrate each of these elements.

5. Once you have completed the process **and** you have been approved as a CILEx Conveyancing Practitioner, you will be authorised by CILEx Regulation to undertake conveyancing work. You will need to work in an entity that is regulated by an approved regulator. CILEx Regulation can regulate legal practice entities and there is a separate process for this.

6. This handbook is divided into different sections:

   - Introduction: this section sets out who is eligible to make an application for conveyancing practice rights
   - The application form: this section takes you through the application process including how to complete each part of the application form
   - The Competence Framework: this section provides an overview of the competence framework. It explains how the knowledge, understanding, experience and skills contained in the framework should be demonstrated through your portfolios and logbook to demonstrate your competence in conveyancing practice
   - How your application is assessed: this section explains how your application is assessed, including the role of external assessors in the process
   - Next steps: this section explains what happens once CILEx Regulation has received the assessment of your portfolios and logbook
   - Annexes: these sections provide the competence framework and scheme rules.

7. In addition to demonstrating competence in conveyancing practice, if you will be delivering conveyancing services through a CILEx Regulation regulated entity you must show some knowledge of Practice Management and Accounts: we call this Level 1. If you intend to be responsible for managing the practice or accounts, where your entity is regulated by CILEx Regulation, you will also need to demonstrate the Practice Management and Accounts Competencies at Levels 2a, 2b and/or 2c, as appropriate, (see Compliance Manager handbook), and apply to CILEx Regulation to have your entity regulated by CILEx Regulation.

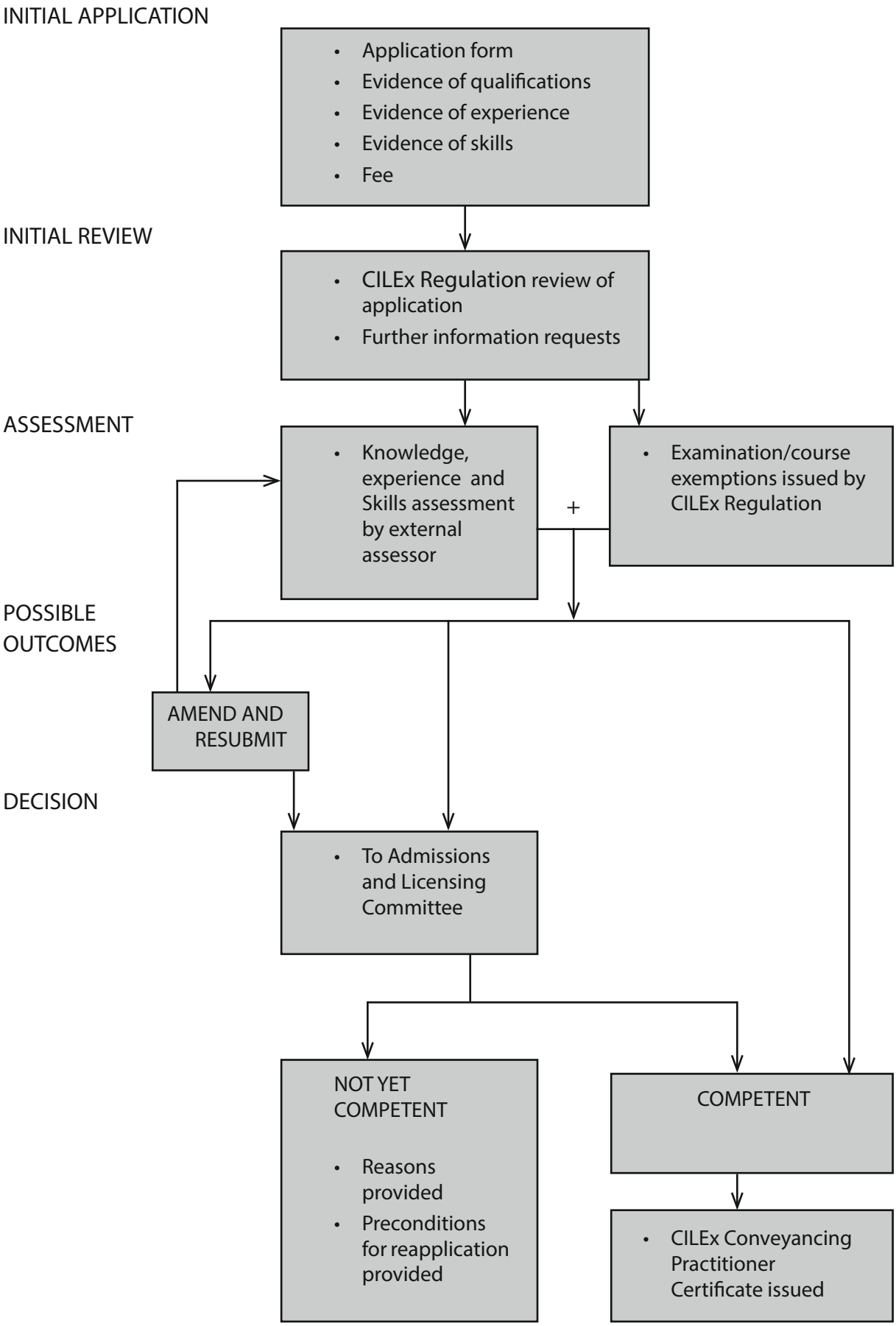
8. If, once you have read this handbook and the supporting documents, you have any questions on the application process, please contact us.

   Contact details

   Telephone: (01234) 845770

   Email: practicerights@cilexregulation.org.uk

Summary of overall process



What are Conveyancing Practice Rights?

9. Under the Legal Services Act 2007 (s12) reserved instrument activities (conveyancing) can be carried out by an authorised person only. CILEx Regulation is a regulator that can award conveyancing practice rights to enable you to become an authorised person.

   Conveyancing activities, under the Legal Services Act, means:

   (a) preparing any instrument of transfer or charge for the purposes of the Land Registration Act 2002 (c. 9);

   (b) making an application or lodging a document for registration under that Act;

   (c) preparing any other instrument relating to real or personal estate for the purposes of the law of England and Wales or instrument relating to court proceedings in England and Wales.

   But "reserved instrument activities" does not include the preparation of an instrument relating to any particular court proceedings if, immediately before the appointed day, no restriction was placed on the persons entitled to carry on that activity.

   In this paragraph "instrument" includes a contract for the sale or other disposition of land (except a contract to grant a short lease), but does not include— (a) a will or other testamentary instrument, (b) an agreement not intended to be executed as a deed, other than a contract that is included by virtue of the preceding provisions of this sub-paragraph, (c) a letter or power of attorney, or (d) a transfer of stock containing no trust or limitation of the transfer.

   In this paragraph a "short lease" means a lease such as is referred to in section 54(2) of the Law of Property Act 1925 (c. 20) (short leases).

Who can apply for Conveyancing Practice Rights?

10. Applications to become a CILEx Conveyancing Practitioner can be made by a range of applicants, including CILEx members, non-CILEx members, authorised persons from other branches of the legal profession and others who can demonstrate that they have met the necessary knowledge, understanding, experience and skills outlined in this handbook and the scheme rules (set out at Annex 1).

What can a CILEx Conveyancing Practitioner do?

11. A CILEx Conveyancing Practitioner who has been authorised by CILEx Regulation to undertake conveyancing practice will be able to undertake the activities set out at paragraph 9.

12. However, conveyancing services can only be delivered through regulated entities. Unless you work in an entity that is already regulated you should apply to CILEx Regulation for regulation of your entity.

If your application is approved

13. If your application is approved, you will become a CILEx Conveyancing Practitioner, who is an authorised person under the Legal Services Act 2007. This means you can carry out conveyancing activities through a legal practice that is regulated.

14. If you are a Fellow of CILEx you will be registered as a Chartered Legal Executive and CILEx Conveyancing Practitioner.

15. If you are a Member of CILEx you will be registered as a CILEx Member and CILEx Conveyancing Practitioner.

16. If you are not a member of CILEx you will be registered as a CILEx Conveyancing Practitioner only. You will not be a CILEx member and do not need to be a member. If you wish to become a CILEx member at the same time or after becoming a CILEx Conveyancing Practitioner please contact us. We will provide you with the relevant application details.

17. If you intend to practise independently ie to set up your own practice you must also seek regulation of your entity. CILEx Regulation and other regulators are able to regulate entities. There is a separate application process for entity regulation.

Making your initial application

18. To make your application to become a CILEx Conveyancing Practitioner you should submit the following:

    - Application form
    - Evidence of your qualifications (where appropriate)
    - Evidence of your experience
    - Evidence of your skills
    - Fee

19. We will work with you during the application and determination process to ensure that we have all the information necessary to enable us to make an informed decision as to whether you have the required knowledge and understanding, experience and skills to become a CILEx Conveyancing Practitioner.

THE APPLICATION FORM

20. The application form can be downloaded at www.cilexregulation.org.uk

21. You should fully complete all parts of the Application form with the exception of part seven, which is only required for applicants seeking advocacy rights.

22. The application form includes sections to demonstrate your knowledge, understanding, skills and experience in Conveyancing Practice. It also covers your knowledge, understanding, skills and experience in Practice Management and Accounts at Level 1 where you seek to deliver conveyancing services through a CILEx Regulation regulated entity. If you also are intending to manage the practice or accounts you will also need to become a Compliance Manager. Alternatively you may appoint other people in your practice as Compliance Managers. This could be one or two other people. The Compliance Manager will need to demonstrate Practice Management and Accounts at Level 1 and Level 2. There is a separate handbook and application form for you or others in your practice to seek authorisation as a Compliance Manager.

23. On the first page of the application form, you should indicate the practice right you seek.

24. You should complete the remaining sections of the application form as follows:

Part One: General Information

25. This section asks for your personal information. You should answer all questions in this section.

26. You do not need to be a member of CILEx to apply for Conveyancing Practice rights. If you are not a member of CILEx, please write N/A in the 'membership number' box. If you are successful in obtaining authorisation by us, we will register you as a CILEx Conveyancing Practitioner without CILEx membership, unless you wish to become a CILEx member. Please contact us for further information about CILEx membership.

Part Two: Knowledge and Understanding

27. To obtain Conveyancing Practice rights, you must demonstrate that you have gained the knowledge in Land Law and Conveyancing to Level 6 standard. We have developed competence frameworks which set out the competencies we require in each subject. They are at **Annex 3**.

28. There are 3 routes through which you can demonstrate competence. This part of the application form requires you to choose one or a combination of options from the three routes. You may find you need to only choose one of these options, or alternatively you may demonstrate your knowledge and understanding through choosing elements from more than one of these options.

29. The options set out how you may demonstrate your knowledge and are explained below.

Option 1: CILEx examinations

30. If you have passed the CILEx Level 6 examinations, in Land Law and/or Conveyancing, you should select this option. You must record the title of the examination and the date on which you passed the examination.

31. If you have not completed either or both of these examinations you may demonstrate your knowledge and understanding, equivalent to the Level 6 examinations in the subject(s) you do not have, through option 2 or option 3 or a combination of the two. Collectively you must demonstrate knowledge of both subjects.

Option 2: Equivalent examinations

32. You may rely on examinations you have passed in Land Law and/or Conveyancing with an organisation other than CILEx. The examinations must be to Level 6 standard, which is honours degree level, and map to the competence framework at **annex 3** which is equivalent to the CILEx examinations. For example, you may have completed these subjects and been assessed in them on a law degree, LPC or BPTC.

33. We will map the examinations that you rely upon against the competencies at **Annex 3** for equivalency. To enable us to undertake this mapping exercise, we will need you to provide the following information:

    - The name of the Awarding body of each examination on which you seek to rely;
    - The title of each examination passed;
    - The date on which you passed each examination;
    - Evidence of your results (e.g. a certificate or transcript of marks); and
    - The syllabus for each examination.

34. Once we have received all the necessary information, we will map your examinations against the requirements set out in the Competence Framework located in the Reserved Instrument Activities Certification Rules at **Annex 3**.

35. Each examination that you rely upon must have covered at least 50% of the competencies in the competence frameworks.

36. Where we do not find that the alternative examinations map to at least 50% of the competence frameworks we may ask you to supply further information about the examinations upon which you rely. Alternatively you may be asked to complete option 3 (the details of which are set out below). CILEx Regulation's assessment following the mapping exercise is final.

Option 3: Knowledge and understanding obtained through practice

37. Where you have not passed the CILEx Level 6 examinations or equivalent examinations in Land Law and/or Conveyancing, you must use option 3 to demonstrate your knowledge in these two subjects. Under this option you are able to demonstrate that through your practical experience you have gained knowledge of Land Law and/or Conveyancing. You must be able to demonstrate that the knowledge you have gained covers a sufficient breadth and depth to map to at least 50% of the competence frameworks at **annex 3**.

38. You will be required to produce **five** portfolios of cases that you have dealt with, which set out how you have met the knowledge and understanding requirements as set out in the Conveyancing Competence Framework. A portfolio template can be found at **Annex 1 of the application form**. This template sets out the questions you need to answer in respect of each of the 5 cases. You will therefore need to produce 5 copies of the portfolio form. You should use a separate portfolio form for each of the 5 cases used.

39. You should select cases for your portfolios that demonstrate the range and breadth of your knowledge and understanding of the learning outcomes, as set out in the Competence Framework located in the Reserved Instrument Activities Certification Rules at **Annex 3**.

40. We provide further guidance on how to complete the portfolios later in this handbook.

Part Three: Experience

41. In this part of the application form you must set out your experience in conveyancing practice, by outlining work you have undertaken in the last 5 years and producing portfolios of **3** cases you have dealt with.

42. You must begin by setting out your employment and work experience. This should cover the previous 5 years. If you have had a break in your employment in the last 5 years please provide an explanation for such breaks (e.g. maternity leave etc.).

43. You must have at least 2 years of experience in conveyancing practice immediately preceding your application. Where you have had a break in your employment, you may rely on conveyancing experience you gained earlier in the preceding 5 years. In exceptional circumstances, CILEx Regulation may accept experience gained from a period longer than 5 years ago.

44. For each of the employment/work roles you have identified on your application form, you should provide the following information:

    - A description of the types of cases that you have handled;
    - A description of your typical caseload, including details about the complexity of the caseload and a summary of any difficult cases you have handled;
    - The number of chargeable hours you spend on activities related to conveyancing practice;
    - The proportion of time you spend on conveyancing practice work as opposed to other areas of practice;
    - A description of the range and nature of matters you have handled which relate to conveyancing practice; and
    - Any distinctive features of your work.

45. In addition to outlining your experience, you should provide 3 portfolios of cases you have handled. The cases you select for your portfolios must cover a range of matters you have handled and demonstrate the breadth of your experience in conveyancing practice. We have produced a portfolio template for you to use which can be found at **Annex 2 of the application form**. You will need to make 3 copies of the form in order to produce 3 portfolios.

Part Four: Skills

46. In this part of the application you must demonstrate that you have the skills required to undertake conveyancing practice, deliver client care and undertake legal research. We have produced skills outcomes for client care, legal research and conveyancing practice.

47. The Competence Framework, located at **Annex 3** of the handbook, sets out the skills you must demonstrate. We have called them learning outcomes for Conveyancing Practice.

48. You can meet the legal research and client care skills through a number of routes:

    - by undertaking the CILEx Level 6 examinations in these subjects;
    - through having completed an LL.B (legal research only); and/or
    - LPC/BPTC; or
    - through your work experience.

49. You can demonstrate that you meet the conveyancing skills outcomes and also the client care and legal research outcomes either by:

    - taking a course or examination, which meets the outcomes set out in the Competence Framework;
    - by providing a logbook and portfolio of evidence which demonstrates how you have met each of the outcomes; or
    - a combination of the two options.

50. Where you opt to use the logbook and portfolio option we have produced a logbook template which asks a series of questions about your skills. The logbook template sheet can be found at **Annex 3 of the application form**. You must be able to evidence that your skills cover each learning outcome identified in column 2 of the skills section of the competence framework. You do this by completing a logbook sheet and providing supporting evidence for each outcome in column 2 of the competence framework. More guidance on this is provided in the section headed 'the competence framework' later in this handbook. Where you cannot demonstrate that you have met one or more of the learning outcomes, you must complete a course which covers these skills.

Part Five: Practice Management and Accounts

51. Complete this part of the application form if you intend to deliver conveyancing services through an entity that will be regulated by CILEx Regulation. The form asks you to demonstrate your knowledge, understanding, experience and skills in Practice Management and Accounts to Level 1. You will also need a Compliance Manager(s) responsible for practice and/or accounts management. You or the person(s) applying to become the Compliance Manager(s) will also need to complete the Compliance Manager application form, which is available separately.

52. There are two routes through which you can demonstrate competence to Level 1 in practice management and accounts. This part of the application form requires you to choose one or a combination of options from the two routes. You may find you need to only choose one of these options, or alternatively you may demonstrate your knowledge and understanding through choosing elements from both of these options.

53. The options set out how you may demonstrate your knowledge and are explained below.

Option 1: Course(s)

54. If you have completed or passed a course which demonstrates your competence in some or all of the outcomes as set out in the competence framework, you may rely on this as evidence of meeting the required standard to achieve authorisation in practice management and accounts. You must record the course provider/awarding body, the title of the course and the date on which you completed or passed the course.

55. In addition, you should also supply the syllabus/course outline for the course on which you seek to rely, together with any transcript of marks and proof of having completed and, where appropriate, passed the course.

56. We will map the courses that you rely upon against the competencies at **Annex 4** for equivalency. To enable us to undertake this mapping exercise, we will need you to provide the following information:

    - The name of the Awarding body/course provider of each course on which you seek to rely;
    - The title of each course completed/passed;
    - The date on which you completed/passed each course;
    - Evidence of your completion/results (e.g. confirmation of attendance, a certificate or transcript of marks); and
    - The syllabus/course outline for each course.

57. Once we have received all the necessary information, we will map your course(s) against the requirements set out in the Practice Management and Accounts Competence Framework at **Annex 4**.

58. The course(s) on which you rely must cover each of the competencies in the competence frameworks. The types of courses or qualifications that CILEx Regulation will accept for this part of the application process may include commercial courses, formally assessed courses offered by training providers or institutions providing assessed qualifications.

59. Where we do not find that the course(s) map to each of the outcomes in the competence frameworks we may ask you to supply further information about the course(s) upon which you rely. Alternatively you may be asked to complete option 2 (the details of which are set out below).

60. CILEx Regulation's assessment following the mapping exercise is final.

61. If you have not completed a course which demonstrates meeting some or all of the outcomes as set out in the competence framework you must demonstrate these through option 2. Collectively you must demonstrate knowledge, understanding, experience and skills in practice management and accounts management to the level equivalent with the authorisation you seek.

Option 2: Knowledge, understanding, experience and skills obtained through practice

62. Where you have not passed course(s) which meet the relevant outcomes required for authorisation in practice management and accounts management, you must use option 2 to demonstrate your knowledge, understanding, experience and skills in these outcomes. Under this option you are able to demonstrate that through your practical experience you have gained knowledge of the relevant outcomes. You must be able to demonstrate that the knowledge you have gained covers a sufficient breadth and depth to map to each of the outcomes set out in the competence frameworks at **annex 4**.

63. Where you opt to use the logbook and portfolio option we have produced a logbook template which asks a series of questions about your skills. The template logbook sheet can be found at **Annex 3 of the application form**. You must be able to evidence that your skills cover each learning outcome at the appropriate level as it correlates with your desired authorisation in practice management and accounts management. These are identified in column 2 of the competence frameworks.

64. You do this by completing a logbook sheet and providing supporting evidence for each outcome in column 2 of the competence frameworks. More guidance on how the competence frameworks work is provided later in this handbook. Where you cannot demonstrate that you have met one or more of the learning outcomes, you must complete a course which covers these skills

Part Six: Membership of Professional Bodies and Conduct

65. This part of the application form asks you to outline any memberships you have of other professional bodies and your prior conduct.

Membership of Professional Bodies

66. You should complete the table, setting out details of all memberships you hold of professional bodies, except for CILEx. You should include past and present memberships you hold or have held and set out the dates of each period of membership where you have held membership more than once with the same organisation.

67. You should include a statement of good standing for each of these memberships. A statement of good standing confirms that you have maintained any CPD requirements required as a member of each organisation and, that for current memberships, your subscriptions are up to date.

Statement of prior conduct

68. This section asks you about your past conduct. You must answer all questions on the statement of prior conduct.

69. Where you have answered 'yes' to any of the questions, you must provide full details of the circumstances giving rise to the declaration, including dates of any declared conduct.

70. We will refer prior conduct matters to the CILEx Regulation Investigation Team, which will ask you for further information. A decision will be made whether the prior conduct matter affects your application for Conveyancing Practice rights.

Declaration of conduct

71. You should then sign this part of the document. This declaration relates specifically to the information declared in this section in respect of prior conduct. You will also be asked to sign the application form at the end, to confirm that the information you have provided within your whole application is accurate and complete.

Part Seven: Advocacy Application

72. Applicants seeking conveyancing practice rights need not complete this section.

Part Eight: References and Declaration

73. This part of the application asks you to provide details of 2 legal professionals who have knowledge of your work and are willing to provide a reference for you. The legal professionals should be authorised persons. An authorised person is defined in section 18 of the Legal Services Act 2007 as a CILEx Practitioner, solicitor, barrister, CILEx Fellow, Licensed Conveyancer, Patent Agent, Trade Mark Attorney, Costs Lawyer or Notarial Agent.

74. You should provide full contact details of your referees, including their name, address, telephone number and professional position. We will write to your referees and ask for a reference. We treat references as confidential and therefore will not ordinarily share them with you.

75. The final section of the application form asks you to choose the practice right for which you are applying. In this case you should delete all parts, with the exception of 'Conveyancing' in the first part of the declaration.

76. You should then sign and date the application form, stating that you have provided full and complete information to the best of your knowledge and that you agree to be bound by the rules governing authorisation as a CILEx Conveyancing Practitioner with CILEx Regulation.

THE COMPETENCE FRAMEWORK

77. This handbook makes reference to the Competence Framework, which is located within the Reserved Instrument Certification Rules at **Annex 3** of this document.

78. You may not be familiar with competence frameworks, in which case you should read this section before you start to complete the portfolios.

79. The framework has 3 columns.

    - The first column identifies the nature of the learning outcomes and supporting experience. This is where we identify which sections relate to knowledge and understanding, experience or skills elements.

    - The second column identifies each learning outcome to be addressed. Learning outcomes set out what you are able to do, either because you have completed a course/examination or because you have developed the knowledge, understanding, experience or skill through your work. When completing your portfolio or logbooks you should refer to the outcomes in this column for the knowledge, skills or experience part.

    - The final column sets out the experience that you must have gained in order to meet the learning outcome set out in column 2. Where relevant they explain the steps you should take to evidence the corresponding outcome.

80. You should focus on column 2, which sets out the relevant learning outcome. Column 3 sets out the necessary knowledge and skills that support meeting the learning outcome.

Completion of the Knowledge and Understanding Portfolios – Annex 1 of Application Form

81. You must demonstrate your knowledge and understanding of the elements set out in the competence framework included in the Reserved Instrument Activities Certification Rules located at **Appendix 1** of this document.

82. Where you have not passed the CILEx Level 6 examinations or equivalent examinations in Land Law and/or Conveyancing, you must complete portfolios to demonstrate your knowledge and understanding of each of the knowledge and understanding learning outcomes. This section guides you on completing the portfolios.

83. You must complete portfolios of five cases to demonstrate your knowledge and understanding of Land Law and Conveyancing, in accordance with the learning outcomes from the competence framework (column 2 of the knowledge and understanding section of the framework).

84. Whilst you need not demonstrate all of the outcomes in each portfolio, you should demonstrate each knowledge and understanding learning outcome at least once across the five portfolios.

85. Each learning outcome has an explanation of what information is needed to demonstrate that you have met that learning outcome. These are located in column 3 of the framework. You must explain how your case example demonstrates these as this in turn demonstrates that you have met the learning outcome. For example:

Knowledge Element 2	**Learning Outcome**	**Supporting Experience**
Residential Conveyancing	*This is made up of 9 learning outcomes: the 6th outcome states:* Demonstrate knowledge, understanding and application of the rules and practise relating to the creation and protection of easements and covenants (including their registration)	*The information in this column sets out what you need to demonstrate in your case study to have met this learning outcome:* – To determine whether suitable easements are in existence or will be reserved and/or granted when transferring the whole or part of a title and leasehold interests in relation (but not limited to) access, service arrangements in relation to utilities the right to connect to and/or install utilities, the right to repair and suitable arrangements in relation to maintenance and the payment of any service charge (including the difficulty of enforcing positive (non-leasehold) covenants in relation to such payments) – To determine whether suitable positive and negative covenants are in existence or will need to be created or modified based on the needs of the clients when transferring the whole or part of a title – To follow the correct procedure for registering easements and covenants in both registered and unregistered land.

86. To meet part 1 of this outcome, you could outline a case where during the course of your work you had to determine whether an easement existed or could be created. In your explanation, you should demonstrate that you covered the steps outlined in the supporting experience column to show that you have satisfied this outcome of knowledge element 2.

87. There are 3 knowledge elements to be satisfied and each has a series of learning outcomes attached to them. Although each portfolio does not need to cover all of the learning outcomes, ideally you should demonstrate that you meet each learning outcome at least once across the 5 portfolios. The minimum requirement is to demonstrate that you meet at least 50% of the learning outcomes. You should indicate in your portfolios the learning outcomes you believe each portfolio addresses.

88. The portfolio requires you demonstrate the learning outcomes through answering the questions set out below. We have outlined how you can answer the questions.

- Provide an outline of the facts of the case/matter

  You should provide an outline of the facts of the case/matter that you handled that you are using. You could for example set out the facts of a case where a client asks you to act in the purchase of their property.

- Provide an explanation of the law arising in the case/matter and how the law applies to the facts outlined above

  You should provide an outline of the law which you identify as relevant to the facts, in the matter that you are using, to illustrate the learning outcomes from the knowledge and understanding section of the competence framework. You may find that you are able to demonstrate some of the law competencies from the competence framework in this section of the portfolio. For example for learning outcome 1 of knowledge element 2, if appropriate, you could set out the law that relates to your instructions such as the first registration of land.

- Provide an outline of any procedural and process matters that arose in the case/matter and how they were dealt with

  You should outline the steps undertaken to progress the case. This may include any searches undertaken and the action you took before that to enable you to do so.

- Provide an outline of the evidential issues that arose in the case and how they were dealt with

  You should provide an outline of the evidence you had and how you dealt with this to illustrate the learning outcomes from the knowledge and understanding section of the competence framework. For example evidential issues arising from the searches undertaken.

  You should note that 'Issues' does not mean problems.

- Provide an outline of any ethical or conduct issues that arose in the case and how they were dealt with

  You should provide an outline of any relevant ethical or conduct issues that arose in the matter that you are using to illustrate the learning outcomes from the knowledge and understanding section of the competence framework. It is important that you are aware of your obligations to your client and act with honesty and integrity. For example, where you needed to seek advice on an area of law where you were unfamiliar with the requirements so as to not act beyond your competence in a matter.

- Provide an outline of any funding issues that arose in the case and how they were dealt with

  You should provide an explanation of how the case was funded.

  You should note that 'Issues' does not mean problems.

- Provide an outline of the advice provided to the applicant and the outcome of the matter

  You should provide an outline of the advice you provided to your client which was relevant to progressing the matter that you are using to illustrate the learning outcomes from the knowledge and understanding section of the competence framework. For example, where a client requests that the property is held as tenants in common.

- Provide an outline of the decisions you to make in the case and whether you had to take any strategic decisions in the case

  You should provide an outline of any decisions you had to make, including strategic decisions relevant in the matter that you are using to illustrate the learning outcomes from the knowledge and understanding section of the competence framework.

- Provide a description of any training or development needs you have identified as a result of having dealt with the case

  Having reflected on the case/matter you used in your portfolio, you should consider whether any training or development arose either during the case or on reflection following completion of the matter which would assist you in dealing with similar cases in future. You should also outline how you have addressed the training need identified.

89. At the end of each portfolio you should identify which of the knowledge and understanding outcomes you believe you have met in the portfolio.

Completion of the Experience Portfolios – Annex 3 of Application Form

90. You are required to demonstrate your experience of the elements set out in the 'Entry Experience All Applicants' section of the competence framework included in the Reserved Instrument Activities Certification Rules located at Annex 3 of this document.

91. All applicants must complete this part of the form unless you have already completed five portfolios to demonstrate your knowledge.

92. You should complete portfolios of three cases to demonstrate your experience of Land Law and Conveyancing, in accordance with the relevant elements identified in the competence framework.

93. Your portfolios must demonstrate your breadth of experience in these areas. You should follow the guidance set out earlier on answering the questions.

94. Each portfolio must cover a range of the learning outcomes from the knowledge and understanding part of the competence framework so as to demonstrate your experience of conveyancing practice gained in the last 2 years.

95. At the end of each portfolio you should identify how the portfolio demonstrates your experience in conveyancing practice.

96. Where the knowledge and understanding portfolios do not demonstrate your experience to meet this requirement, you should submit additional portfolios to demonstrate your experience of conveyancing practice gained in accordance with the experience requirements.

97. The portfolios will be marked by an external assessor.

Completion of the Skills Logbook and Portfolio of Evidence

98. The following guidance explains how to complete and present your logbook and portfolio for the skills part of your application. You must demonstrate your skills in conveyancing practice, client care and legal research by completing a logbook sheet for each skills element. Alternatively, you may complete a skills course or qualification to meet the learning outcomes.

99. This section guides you where you opt to complete a logbook and portfolio of evidence.

101. The skills that you are required to demonstrate can be found in the part of the competence framework labelled: 'Stage 2 Qualification Criteria: Skills'. In the first column of the competence framework, there are 8 skills elements identified.

101. Skills element 1 is client care. This can be demonstrated in a number of ways:

- By passing the CILEx Level 6 Client Care examination;
- completion and passing the LPC or BPTC;
- another examination which meets the outcomes set out in column 2 of the competence framework; or
- through completion of a logbook and portfolio of evidence which demonstrates how you meet these outcomes from your work experience.

102. Skills element 2 is legal research. This can be demonstrated in a number of ways:

- By passing the CILEx Level 6 Legal Research examination;
- through completion of a qualifying law degree;
- another examination which meets the outcomes set out in column 2 of the competence framework; or
- through completion of a logbook and portfolio of evidence which demonstrates how you meet these outcomes from your work experience.

103. Skills elements 3 to 8 are specific to conveyancing practice. They cover drafting and managing conveyancing activities. These can be demonstrated either through:

- successfully completing a course which meets the outcomes set out in column 2 of the competence framework; or
- through completion of a logbook and portfolio of evidence which demonstrates how you meet these outcomes from your work experience.

104. You should complete a separate logbook sheet (located at **Annex 3 of the application form**) for each of the skills learning outcomes that are set out in column 2 of the Competence Framework located in the Reserved Instrument Activities Certification Rules at **Annex 3**. In producing your logbook for each of these outcomes in column 2 you should aim to address the experience elements in column 3 of the framework.

105. For each piece of evidence you provide to support meeting the skills outlined in column 2 you should provide a logbook sheet which explains what the evidence is that you have provided and how it meets the learning outcome and supporting experience (located in columns 2 and 3). For example, to meet the skill element 7 (legal writing and drafting), learning outcome 2 (drafting), you could provide evidence of having drafted a lease or transfer document.

106. You should then outline how the evidence shows you have put the outcome into practice in your workplace. For example, to explain how the lease meets the outcome, you could outline your clients instructions and how the lease meets those requirements.

107. Where your activity in meeting the outcome has highlighted opportunities for you to develop your legal knowledge or professional skills, you should identify this on the logbook sheet. You may also want to include any steps you have taken to address this opportunity for development.

108. The evidence used must come from matters that you have dealt with and must support the learning outcomes and supporting evidence identified on the logbook sheet.

109. The evidence should be provided in a page numbered portfolio, with the relevant logbook sheet attached to the evidence.

110. A template logbook sheet can be found at **Annex 3 of the application form**.

111. There are up to 8 skills elements to be satisfied through preparation of a logbook and portfolio of evidence (depending on how you have chosen to demonstrate you meet these outcomes) and each has a series of learning outcomes attached to them. Ideally you should demonstrate competence against each of the learning outcomes in the competence framework.

112. You should provide the date upon which each outcome was completed on the logbook sheet; this will be the most recent date of the evidence supplied. The evidence on which you rely should not normally be more than 2 years old by the date on which you submit your portfolio. Where you have had a break in your employment, you may rely on conveyancing experience you gained earlier in the preceding 5 years. In exceptional circumstances, CILEx Regulation may accept experience gained from a period longer than 5 years ago.

113. You should sign and date each logbook sheet with the date you complete the logbook entry.

114. You should not present your logbook and portfolio in a ring-binder or any other binding or wallet. You should not staple sheets together or use comb binding. You may connect pages using a treasury tag or an elastic band only.

PRACTICE MANAGEMENT AND ACCOUNTS

115. If you seek to deliver Conveyancing Practice rights through an entity that is regulated by CILEx Regulation you must obtain authorisation at Level 1 in Practice Management and Accounts.

116. In addition all entities must have Compliance Manager(s) responsible for practice management and accounts. The person(s) who will be the Compliance Manager(s) (whether in practice management, accounts or both) must seek complete the Compliance Manager application form. The Compliance Manager does not have to become a CILEx Conveyancing Practitioner if they are not undertaking conveyancing work. Alternatively you may be a CILEx Conveyancing Practitioner and the Compliance Manager.

117. Once you have demonstrated competence in conveyancing entity rights and accounts and practice management to level 1 you will be authorised by CILEx Regulation to deliver conveyancing services.

118. If you intend to practise independently i.e. to set up your own entity you must also seek regulation of your entity. CILEx Regulation and other regulators are able to regulate entities. There is a separate application process for entity regulation.

The Practice Management and Accounts Competence Framework

119. This handbook makes reference to the Practice Management Competence Framework and Accounts Management Competence Framework, which are located at **Annex 4** of this document.

120. You may not be familiar with competence frameworks, in which case you should read this section before you start to complete the portfolios.

121. The framework has 3 columns.

- The first column identifies the nature of the learning outcomes and supporting experience. This is where we identify the required knowledge, understanding, experience and skills elements.

- The second column identifies each learning outcome to be addressed. Learning outcomes set out what you are able to do, either because you have completed a course/examination or because you have developed the knowledge, understanding, experience or skills through your work. When completing your logbook you should refer to the outcomes in this column for the knowledge, understanding, skills and experience.

- The final column sets out the experience that you must have gained in order to meet the learning outcome set out in column 2. Where relevant they explain the steps you should take to evidence the corresponding outcome.

122. You should focus on column 2, which sets out the relevant learning outcome. Column 3 sets out the necessary knowledge and skills that support meeting the learning outcome.

123. Each learning outcome has an explanation of what information is needed to demonstrate that you have met that learning outcome. These are located in column 3 of the framework. You must explain how your case example demonstrates these as this in turn demonstrates that you have met the learning outcome. For example (from Practice Management Competence Framework):

Knowledge, Understanding, Skills and Experience	**Learning Outcome**	**Supporting Experience**
Being part of a profession	*This is made up of 1 learning outcome: It states:* Demonstrate knowledge, understanding and application of the current legal market and legal entities which may be created to provide a legal service	*The information in this column sets out what you need to demonstrate in your case study to have met this learning outcome. It has 2 levels (level 1 and level 2a). All applicants must complete level 1, those seeking authorisation as a Compliance Manager must also complete level 2a.* *Level 1 states:* – Knowledge and understanding of the types of structure through which a legal entity may be formed – Knowledge and understanding of those able to regulate reserved legal activities – Understanding that the structure and regulation of legal entities and activities may change and be able to identify these changes – Knowledge and understanding of a business plan, taking into account recent and current changes to the legal services market – Knowledge, understanding and ability to comply with a complaints procedure in line with LeO guidelines.

124. To meet level 1 of this outcome you should outline your knowledge and understanding of each element, set out in the supporting experience column and explain how you apply this knowledge to your practice. This will demonstrate that you have satisfied this outcome at level 1 in practice management.

Completion of the Practice Management and Accounts Skills Logbook and Portfolio of Evidence

125. The following guidance explains how you should complete and present your logbook and portfolio for your application in relation to practice management and accounts. You must demonstrate your knowledge, understanding, experience and skills in the relevant level of competence for practice management and accounts management by completing a logbook sheet for each skills element. Alternatively, you may complete a course or courses to meet the learning outcomes.

126. This section gives you guidance where you opt to complete a logbook and portfolio of evidence.

127. The knowledge, understanding, experience and skills that you are required to demonstrate can be found in the competence frameworks. In the first column of the competence framework, there are 4 elements identified in the practice management competence framework and 3 elements identified in the accounts management competence framework.

128. The elements identified in the practice management competence framework cover the following elements:

- Being part of a profession
- CILEx regulations
- Management of a legal entity
- Business acumen

129. The elements identified in the accounts competence framework cover the following elements:

- CILEx Accounts Rules
- General Bookkeeping
- Finances

130. Each of the outcomes which fall within each element are levelled, at either level 1, level 2a, level 2b or level 2c. If you are not seeking authorisation as a Compliance Manager, you need only demonstrate competence at level 1.

131. The outcomes can be demonstrated either through:

- successfully completing a course which meets the outcomes set out in column 2 of the competence framework; or
- through completion of a logbook and portfolio of evidence which demonstrates how you meet these outcomes from your work experience.

132. You should complete a separate logbook sheet (located at Annex 3 of the application form) for each of the knowledge, understanding, skills and experience learning outcomes that are set out in column 2 of the Competence Framework located in at Annex 4. In producing your logbook for each of these outcomes in column 2 you should aim to address the experience elements set out in column 3 of the framework.

133. For each piece of evidence you provide to support meeting the skills outlined in column 2 you should provide a logbook sheet which explains what the evidence is that you have provided and how it meets the learning outcome and supporting experience (located in columns 2 and 3). For example, in the Accounts Management Competence Framework, to meet element 2 (General Bookkeeping), learning outcome 1 (Double Entry Bookkeeping) at level 1, you could provide evidence of your knowledge and understanding of client ledgers, making entries into legal cashbooks, trial balances and a bill of costs.

134. You should then outline how the evidence shows you have put the outcome into practice in your workplace. For example, to explain how the financial statement clearly sets out the position of the client and how your knowledge of time costing has been applied to benefit reporting.

135. Where your activity in meeting the outcome has highlighted opportunities for you to develop your legal knowledge or professional skills, you should identify this on the logbook sheet. You may also want to include any steps you have taken to address this opportunity for development.

136. The evidence used must come from matters that you have dealt with and must support the learning outcomes and supporting evidence identified on the logbook sheet.

137. The evidence should be provided in a page numbered portfolio, with the relevant logbook sheet attached to the evidence.

138. A logbook sheet can be found at **Annex 3 of the application form**.

139. There are 7 elements to be satisfied to the required level (as set out above) through preparation of a logbook and portfolio of evidence (depending on how you have chosen to demonstrate you meet these outcomes) and each has a series of learning outcomes attached to them. You should demonstrate meeting each learning outcome at least once.

140. You should provide the date upon which each outcome was completed on the logbook sheet; this will be the most recent date of the evidence supplied. The evidence on which you rely should not normally be more than 2 years old by the date on which you submit your portfolio. Where you have had a break in your employment, you may rely on experience you gained earlier in the preceding 5 years. In exceptional circumstances, CILEx Regulation may accept experience gained from a period longer than 5 years ago.

141. You should sign and date each logbook sheet with the date you complete the logbook entry.

142. You should not present your logbook and portfolio in a ring-binder or any other binding or wallet. You should not staple sheets together or use comb binding. You may connect pages using a treasury tag or an elastic band only.

HOW YOUR APPLICATION IS ASSESSED

General Guidance

The assessment of your application for conveyancing practice rights will be made on the basis of the evidence you have provided to demonstrate you have met each of the learning outcomes in relation to your knowledge and understanding, experience and skills in conveyancing practice, client care, legal research, practice management and accounts.

Assessment is set at a level which is considered to be equivalent with Level 6 on the Qualifications and Credit Framework, except for practice management and accounts, which is not levelled in this way.

You should be able to demonstrate that you are able to:

- refine and apply knowledge, understanding and application of the law to complex problems;
- take responsibility for planning and developing courses of action autonomously;
- make a judgement and take into account changes and developments in the law.

This means that the evidence you provide should demonstrate the following standards:

Knowledge and understanding

- Ability to refine and use facts, law and evidence involved in the matter to create ways forward;
- Ability to critically analyse, interpret and evaluate complex information in the context of legal practice;
- Ability to understand the matter in the context of the area of practice;
- Awareness of recent legal developments in area of practice;
- Ability to understand different approaches, perspectives and developments in the law and business in the legal context, including the legal theory which underpins these approaches.

Application and action

- Ability to address problems that have limited definition and involve a number of related issues;
- Ability to determine, refine, adapt and use appropriate methods and skills;
- Ability to use and/or develop legal research to inform actions;

- Ability to evaluate the likely outcome of actions and methods and the implications of these.

Autonomy and accountability

- Ability to demonstrate responsibility for planning and developing courses of action in the context of legal practice;
- Ability to initiate and lead tasks and processes in the context of legal practice;
- Ability to exercise broad autonomy and judgement.

143. In determining whether your application has met the required standard, we will consider your ability to do the following:

    - Recognise and rank items and issues in terms of relevance and importance;
    - Integrate information and materials from a variety of different sources;
    - Undertake the analysis of information in a logical and coherent way;
    - Make critical judgements on the merits of particular courses of action;
    - Present and make a reasoned choice between alternative solutions;
    - Act independently in planning, preparation and undertaking tasks in conveyancing activities;
    - Undertake independent research in conveyancing practice using standard legal information sources; and
    - Reflect on learning and make constructive use of feedback.

What happens next?

144. Once you have completed your application form and supporting evidence, you should submit your application to:

    CILEx Regulation
    Kempston Manor
    Kempston
    Bedford
    MK42 7AB

145. You should also submit the required fee with your application. The current fee for submitting your application to become a CILEx Conveyancing Practitioner can be found on the CILEx Regulation website (www.cilexregulation.org.uk)

146. When we receive your application, we will send a letter of acknowledgement to you. This will provide you with a likely timescale for the internal review of your application.

147. Once we have reviewed your application, it is usual for us to come back to you for additional information. This is to ensure that as far as possible, your application appears to fully demonstrate that you have met all of the learning outcomes set out on the Competence Framework at **Annex 3** of the handbook, before we submit your portfolios covering your knowledge (where appropriate) and experience to our external assessors.

148. Our external assessors are experienced academics and assessors who are subject matter experts in your area of practice. They will review the information and evidence you have submitted in your application in order to assess whether the information you have provided meets the learning outcomes and supporting experience from columns 2 and 3 of the Competency Framework. Your portfolios may be sent to different assessors based on the subject matter of the relevant portfolio.

149. External assessment may take a few weeks. The external assessors will review all of the evidence and portfolios that you have provided to demonstrate your knowledge, understanding, skills and experience and will assess your portfolios against each of the learning outcomes.

150. There are a number of outcomes from assessment:

    - Where you demonstrate competence, your portfolio/logbook will be considered to demonstrate that you are competent in that element; or
    - We or the external assessor may seek further information before we can reach a decision, for example, we may ask for additional evidence or more detailed explanation of the matter(s) you have relied upon; or
    - The assessor may assess you as not yet competent, in which case they will provide reasons for their decision.

    Once we have received the outcome of the assessment from the external assessor, we will decide the next action required.

151. Our action, once we have received the external assessor's assessment may be to:

    - Approve the application in the office as all elements have been assessed as 'Competent' in accordance with the Competence Framework.
    - Where the portfolio/logbook has been assessed as overall competent, but issues have been identified by the assessor, the office may refer your application to the Admissions and Licensing Committee for their decision.
    - Request further information from you and resubmit the application and/or ask you

to make further submissions in support of your application. We will then submit this along with your existing application to the Admissions and Licensing Committee for a decision.

Where the application is approved in the office

152. If you have demonstrated that you meet all of the learning outcomes set out in the competence framework, covering knowledge and understanding, experience and skills and the external adviser has assessed all of your portfolios as competent, your application can be approved by an CILEx Regulation Officer.

153. We will write to you confirming that you have been authorised as a CILEx Conveyancing Practitioner and will send out your practising certificate.

154. **NOTE: If you are seeking to practise conveyancing in an entity regulated by CILEx Regulation and act as the Compliance Manager for that entity, you must also satisfy the requirements as set out in the Compliance Manager handbook and for entity regulation.**

Where the application cannot be approved in the office

155. Where the external adviser has identified areas for further development in your application before you can be assessed as competent, you will be asked to provide further information, make representations to the Admissions and Licensing Committee or you may decide to withdraw your application.

Withdrawing your application

156. If you decide to withdraw your application where the external adviser has assessed your application as not yet competent, your application will be cancelled. Your fee will not be refunded. If you would like to seek authorisation as a CILEx Conveyancing Practitioner in the future, you will be required to make a fresh application.

The Admissions and Licensing Committee

157. If you decide to continue with your application, you should provide additional supporting information to demonstrate your competence and/or make representations to the Committee as to your competence.

158. Once your additional information has been received, your application will be presented to the next available meeting of the Admissions and Licensing Committee for their decision.

159. The Committee may decide to approve or refuse your application.

160. If the Committee determines that your application demonstrates that you are competent to become a conveyancing practitioner your application will be approved. In this case, we will write to you confirming that you have been authorised as a CILEx Conveyancing Practitioner and will send out your practising certificate.

161. **NOTE: If you are seeking to practise conveyancing in an entity regulated by CILEx Regulation and act as the Compliance Manager for that entity, you must also satisfy the requirements as set out in the Compliance Manager handbook and for entity regulation.**

162. If the Committee determines that your application does not demonstrate that you have yet met the competence requirements necessary to become a CILEx Conveyancing Practitioner they will refuse your application.

163. In this situation, your application will be cancelled. Your fee will not be refunded. If you would like to seek authorisation as a CILEx Conveyancing Practitioner, you will be required to make a fresh application.

164. You may appeal the outcome of the Committee's decision. The rules governing appeal are located in the Admissions and Licensing Committee's rules and Investigation, Disciplinary and Appeal Rules.

APPENDIX 1

RESERVED INSTRUMENT CERTIFICATION RULES

RESERVED INSTRUMENT ACTIVITY CERTIFICATION RULES

Definitions

1. In these Rules, except where otherwise indicated:

   - "Conveyancing Certificate" means: a Conveyancing Practice Rights Certificate identified in these Rules;
   - Conveyancing Practitioner" means a person who has been granted a right to undertake reserved instrument activities, under the terms of the Act;
   - "Certification Rules" means the reserved instrument activity certification rules;
   - "External Advisor" means a person appointed by CILEx Regulation to carry out the role and function identified for them in these Rules;
   - "Applicant in good standing" means a person in respect of whose conduct there is no complaint outstanding, and against whom there is no disciplinary record which, in the view of CILEx Regulation, affects their suitability to be a Conveyancing Practitioner;
   - "CILEx" means the Chartered Institute of Legal Executives;
   - "Investigation, Disciplinary and Appeals Rules" means the Rules of CILEx Regulation which are in place from time to time and which govern the complaints handling and disciplinary procedures of CILEx Regulation;
   - "The Act" means the Legal Services Act 2007; and
   - "The Officer" means a person with responsibility for the Conveyancing Practice Rights Scheme.

   Words importing the singular include the plural and vice versa.

2. Responsibility for this qualification scheme is delegated by CILEx to CILEx Regulation.

Conveyancing Practice Certificate

3. An applicant in good standing may apply to CILEx Regulation to be granted a Conveyancing Practice Rights Certificate (Conveyancing Certificate). The Conveyancing Certificate will authorise a person to exercised reserved instrument rights.

4. The reserved instrument rights exercisable by a person holding a Conveyancing Certificate are to:

   a) Prepare any instrument of transfer or charge for the purposes of the Land Registration Act 2002;

b) Make an application or lodge a document for registration under that Act;

c) Prepare any other instrument relating to real or personal estate for the purposes of the law of England and Wales or instrument relating to Court proceedings in England and Wales.

Instrument includes a contract for the sale or other disposition of land (except a contract to grant a short lease), but does not include

a) A will or other testamentary instrument,

b) An agreement not intended to be executed as a Deed, other than a contract that is included by virtue of the preceding provisions of this sub paragraph,

c) A letter or Power of Attorney, or

d) A transfer of stock containing no trust or limitation of the transfer.

"A short lease" means a lease referred to in Section 54(2) of the Law of Property Act 1925.

Qualification Arrangements

5. Applicants who seek a Conveyancing Certificate must demonstrate that they meet the knowledge, skills and experience criteria in accordance with the knowledge, skills and experience guidelines which appear at **Annex 1** and the portfolio guidelines which appear at **Annex 2** and the competency framework at **Annex 3**.

6. An application must be made on such form as may be prescribed for the purpose by CILEx Regulation and shall be accompanied by such fees as may be fixed by CILEx Regulation from time to time.

7. CILEx Regulation will consider the application to ensure it meets the criteria set out in the knowledge, skills and experience guidelines which appear at **Annex 1** and the portfolio guidelines and assessment criteria which appear at **Annex 2**.

8. The portfolios which form part of the application will be sent to an external advisor for assessment. The external advisor will assess whether the portfolios meet the knowledge, skills and experience guidelines and the portfolio guidelines and assessment criteria at **Annexes 1 and 2**.

9. Where the external advisor finds that the portfolios are satisfactory and meet the knowledge, skills and experience guidelines and the portfolio guidelines and assessment criteria at **Annexes 1 and 2**, the CILEx Regulation Officer will consider the application. The Officer will consider whether the applicant may be granted a Conveyancing Certificate. In reaching their decision, the Officer will consider all the information provided by the applicant and may call for further information from any person or source it considers appropriate. Where the Officer has any doubt as to the suitability of the applicant they may request additional information from the applicant and/or refer the application to the Admissions and Licensing Committee for decision.

10. Where the external advisor decides that the portfolios do not meet the knowledge, skills and experience guidelines and the portfolio guidelines and assessment criteria at Annexes 1 and 2 they will give reasons for their decision. The Officer will inform the applicant of the decision. The applicant may withdraw their application, amend and re-submit their application or make further representation and ask that the full application be referred to the Admissions and Licensing Committee to consider.

11. The Admissions and Licensing Committee will decide whether or not an application should be approved. In reaching its decision, the Committee will consider all the information provided by the applicant, and may call the applicant for interview or call for further information from any person or source it considers appropriate.

12. The committee may:

    - Approve the application;
    - Decide that the applicant does not meet the criteria and indicate which of the criteria the applicant does not meet.

13. In making any assessment or decision required by these Rules, the Admissions and Licensing Committee shall have regard to the knowledge, skills and experience guidelines and the portfolio guidelines and assessment criteria at **Annexes 1 and 2**.

14. The Officer will notify an applicant of their decision or the decision of the Admissions and Licensing Committee.

15. Where the application has been approved, the notification shall include the Conveyancing Certificate.

16. Where the application is unsuccessful, the notification shall set out the Committee's reasons and any pre-conditions to the consideration of any subsequent application. Where an application is unsuccessful, the applicant may apply for reconsideration in accordance with the Admissions and Licensing Committee Rules.

Practice Management and Accounts

17. A Conveyancing Practitioner who seeks to practise in an entity seeking regulation by CILEx Regulation must demonstrate that they meet the knowledge, skills and experience in accounts and practice management in accordance with the knowledge, skills and experience guidelines and portfolio guidelines and the competency frameworks which appear at **Annexes 4 and 5**. They will not be authorised to be an Approved Manager in an entity until these requirements are met.

18. Where an applicant relies upon existing experience they must complete a log in accordance the portfolio guidelines. An applicant who relies upon a qualification as evidence of meeting the competency framework must provide details of that qualification and assessment. CILEx Regulation will consider whether the experience or qualification relied upon demonstrates that the applicant meets the requirements of the competency framework.

19. An applicant who does not meet the knowledge, skills and experience requirements for practice management and or accounts must complete qualification courses and assessment in those areas which meet the competency frameworks at **Annexes 4 and 5**.

Admissions and Licensing Committee

20. The Admissions and Licensing Committee established under the Admissions and Licensing Committee Rules shall be responsible for the reserved Instrument rights qualification scheme.

External Advisors

21. CILEx Regulation shall appoint external advisors to advise CILEx Regulation and the Admissions and Licensing Committee on issues relating to reserved instrument practice rights.

Conveyancing Practitioner

22. An applicant who has been awarded a Conveyancing Certificate will be known as a Conveyancing Practitioner.

Continuing Professional Development (CPD)

23. Conveyancing Practitioners will be required to undertake Continuing Professional Development (CPD) in accordance with the CPD Regulations issued by CILEx Regulation from time to time applicable to Chartered Legal Executives.

24. Where a Conveyancing Practitioner has failed to undertake CPD which meets the CPD Regulations or fails to provide a record of such CPD, the Officer will refer the matter to the Admissions and Licensing Committee. The Admissions and Licensing Committee will consider whether the Conveyancing Practitioner should retain their Conveyancing Certificate.

25. The Conveyancing Practitioner will have the opportunity to make written representations to the Committee and a right to be heard by the Committee.

26. The Committee may decide to:

    - Grant an extension of up to 3 months for the Conveyancing Practitioner to meet their outstanding CPD requirement. The Conveyancing Practitioner will still be required to meet their current CPD requirements in the normal way; or
    - Withdraw the Conveyancing Practice Certificate.

27. Where a Conveyancing Practitioner's Certificate has been withdrawn for 12 months or more, on the basis that they have not met their CPD requirements, they will be required to make a fresh application for a Conveyancing Certificate in accordance with the Rules.

Disciplinary Procedures and Code of Conduct

28. Conveyancing Practitioners will be required to abide by the Code of Conduct of CILEx for the time being in force. They will also be bound by the associated regulatory arrangements in force from time to time.

29. Where a complaint is made, or an issue is brought to the attention of CILEx Regulation, regarding the conduct of a Conveyancing Practitioner, that matter will be dealt with in accordance with CILEx Regulation's Investigation, Disciplinary and Appeals Rules. Where a finding, order or decision is made against a Conveyancing Practitioner, that finding, order or decision will be referred to the Admissions and Licensing Committee. The Admissions and Licensing Committee will decide whether the Conveyancing Practitioner remains a fit and proper person to hold a Conveyancing Certificate. The Admissions and Licensing Committee must give reasons for its decision.

30. Rule 29 shall not apply where an order is made excluding a Conveyancing Practitioner from registration of CILEx Regulation or membership of CILEx. In such a case the Conveyancing Practitioner's Certificate shall be invalid from the date the exclusion from membership or registration takes effect.

31. Where the Admissions and Licensing Committee decides that the Conveyancing Practitioner is no longer a fit and proper person to hold a Conveyancing Practice Certificate or their certificate is invalid in accordance with Rule 30, they must return their Certificate to CILEx Regulation within 28 days of being notified of the decision. Failure to do so will constitute a disciplinary offence. The Conveyancing Practitioner may not exercise any Conveyancing Practice rights granted to them under their certificate after they have been notified of the decision.

32. Notwithstanding the Admissions and Licensing Committee Rules an appeal against the decision of the Admissions and Licensing Committee that a Conveyancing Practitioner is no longer a fit and proper person to hold a Conveyancing Certificate will be considered by a professional member and 2 lay members drawn from the panel of lay and professional members appointed to serve on CILEx Regulation's appeals body.

ANNEX 1 - KNOWLEDGE, SKILLS AND EXPERIENCE GUIDELINES

1. An applicant who seeks conveyancing practice rights must satisfy the guidelines below.

2. An applicant seeking conveyancing practice rights must provide the following information in an application devised by CILEx Regulation:

   - A general outline of the conveyancing practice work they have carried out and the total experience they have gained of conveyancing practice;
   - Details of their typical caseload;
   - The number of chargeable hours they spent on conveyancing work;
   - The proportion or number of cases which they have handled;
   - Details of any distinctive features of their work; and
   - Details of any supervisory arrangements under which they work and their own supervisory responsibilities.

3. Applicants must demonstrate that they have the appropriate level of knowledge, experience and skills in conveyancing practice and land law to be awarded a Conveyancing Certificate in accordance with the criteria set out at **Annex 3**.

Competence Criteria

4. In deciding whether an applicant has adequate knowledge, skills and experience, CILEx Regulation will have regard to the competency framework set out at **Annex 3**.

5. Applicants will be required to demonstrate their knowledge, skills and experience in accordance with the portfolio guidelines and assessment criteria set out at **Annex 2**.

6. In their application, portfolios and logbooks, an applicant will be expected to demonstrate that they can:

   - Recognise and rank items and issues in terms of relevance and importance;
   - Integrate information and materials from a variety of different sources;
   - Undertake the analysis of information in a logical and coherent way;
   - Make critical judgements on the merits of particular courses of action;
   - Present and make a reasoned choice between alternative solutions;
   - Act independently in planning, preparing and undertaking tasks in conveyancing activities;

- Undertake independent research in conveyancing practice using standard legal information sources; and
- Reflect on their learning and make constructive use of feedback.

Evaluating Experience

7. An applicant will be expected to have a range of experience across the area in which they work. Applicants will be expected to have handled cases from the beginning to the end.

8. CILEx Regulation will consider the quality and quantity of experience that an applicant has gained. In considering the quality of experience, CILEx Regulation will look at various factors such as the complexity of transactions handled, the nature of the transactions handled and the types of issues that have arisen within them.

9. CILEx Regulation will recognise that applicants could have had a break in their experience due to factors such as career breaks, job changes, maternity or paternity leave, long term illness, or disability. CILEx Regulation will not discriminate directly or indirectly against an applicant whose experience has been affected in this way. However, CILEx Regulation will need to ensure that an applicant has an acceptable level of experience.

10. Where an applicant has had a break in their experience, they may provide details of experience gained during a different period when they were more actively engaged in conveyancing practice. However, the break must not have been longer than 5 years. In exceptional circumstances, applications may be accepted from applicants who have had a break longer than 5 years.

11. There may be other factors which affect an applicant's experience in the preceding 2 years. CILEx Regulation will consider details of more active periods from applicants whose experience discloses a pattern that they regard as atypical.

Reserved instrument KSE

ANNEX 2 - PORTFOLIO GUIDELINES AND ASSESSMENT CRITERIA

Introduction

1. An applicant seeking conveyancing practice rights must provide evidence of their:

   - Knowledge and understanding of the area of law in which they seek rights, demonstrated to CILEx Level 6 standard.
   - Knowledge and understanding of the area of practice in which they seek rights, demonstrated to CILEx Level 6 standard.
   - Evidence of their experience in the area of law in which they seek rights.
   - Skills in the legal practice area in which they seek rights.

2. Applicants must demonstrate their knowledge, skills and experience, set out at Rule 1, in accordance with the competency framework which appears at **Annex 3**.

Knowledge of Law and Legal Practice

3. An applicant who has successfully completed and passed an assessment in the CILEx Level 6 examinations in the law and associated legal practice subject relevant to the area in which they seek practice rights will have demonstrated their knowledge of the law and legal practice.

4. An applicant who has obtained a qualification which is not the CILEx Level 6 qualification, but of an equivalent standard, may rely upon that as evidence of their knowledge. In determining whether to accept an alternative qualification, CILEx Regulation will assess the syllabus of that qualification, date upon which the qualification was obtained and details of the assessment the applicant undertook, to determine whether an exemption may be granted. In assessing the details of the qualification, CILEx Regulation will determine whether the qualification relied upon is of an equivalent standard and covered at least 50% of the syllabus of the relevant CILEx Level 6 subject(s).

5. Where an applicant does not rely upon an alternative qualification, or the qualification is deemed as not providing sufficient coverage to the same standard as the CILEx Level 6 subject(s), they may rely upon experience which has developed their knowledge of the relevant law area and/or legal practice.

6. Applicants seeking to rely upon their experience must demonstrate how they have developed their knowledge of the relevant law and/or legal practice subject area(s) through their experience. Applicants will complete portfolios of 5 cases they have handled, within the 2 years preceding the date of their application, which demonstrate the knowledge they have gained through experience.

7. Applicants will be required to select a range of cases and provide an outline of the following in respect of each portfolio:

   - The facts of the case;
   - The law arising in the case and its application to the facts of the case;
   - The appropriate procedural and process matters that arose in the case and how they were dealt with;
   - The evidential issues that arose in the case and how they were dealt with;
   - An outline of any ethical or conduct issues that arose in the case and how they were dealt with;
   - The funding issues that arose in the case and how they were dealt with;
   - The advice the applicant provided to the client and the outcome of the matter;
   - Decisions the applicant had to make in the case and whether they had to take advice on any strategic issues in the case; and
   - Any training or development needs the applicant identified from having dealt with the case.

8. CILEx Regulation will assess the portfolios to establish whether they demonstrate that an applicant has acquired sufficient knowledge, through experience, to the same standard as the CILEx Level 6 in the subject. The knowledge gained must cover at least 50% of the syllabus of the CILEx Level 6 subject.

9. In making its assessment, CILEx Regulation will take into account the competence criteria set out at Annex 3 which outline the knowledge requirements for the relevant subject area.

Experience

10. All applicants must provide an outline of their experience in the area of practice in which they seek to become an authorised person for the purposes of conducting reserved legal activities.

11. Applicants must provide an outline of their experience in an application along with 3 portfolios of cases they have handled which demonstrate their experience.

12. The experience outlined in an application must set out the following information for the 2 years preceding the date of the application:

    - A description of cases that the applicant has handled;

- A description of the applicant's typical case load, including details about the complexity of the case load and a summary of any difficult cases the applicant has handled;
- The number of chargeable hours spent on the practice area in which rights are sought;
- The proportion of time spent on that area of law;
- A description of the range and nature of matters that the applicant has handled in the area of practice in which rights are sought;
- Details of any distinctive features of the applicant's work; and
- Details of any supervisory arrangements under which the applicant works and any supervisory responsibilities they have.

13. An applicant will be required to produce portfolios of 3 cases which demonstrate their experience in the area in which rights are sought.

14. In the portfolios, applicants must provide the following information:

- The facts of the case;
- The law arising in the case and its application to the facts of the case;
- The procedural and process matters that arose in the case and how they were dealt with;
- The evidential issues that arose in the case and how they were dealt with;
- Any ethical or conduct issues that arose in the case and how they were dealt with;
- The funding issues that arose in the case and how they were dealt with;
- The advice the applicant provided to the client and the outcome of the case;
- Decisions that the applicant had to make in the case, including whether they had to take advice on any strategic issues; and
- Any training or development needs that the applicant identified from having dealt with the case.

15. CILEx Regulation will assess the outline of experience provided in the application, along with the 3 portfolios. The assessment will consider whether the applicant meets the experience requirements set out in the competency framework at **Annex 3**.

Skills

16. An applicant must provide evidence of their skills in the area in which they seek reserved legal activity rights in accordance with the skills criteria for each practice and law area which appear at **Annex 3**.

17. An applicant may demonstrate their skills through either undertaking a skills course which meets the outcomes set out at **Annex 3**, or producing a log of their experience which demonstrates their skills.

18. Where an applicant seeks to rely upon a course, they must demonstrate that the course meets the outcomes set out at **Annex 3**.

19. An applicant who seeks to rely upon their experience as evidence of their skills must demonstrate that they meet each of the outcomes set out at **Annex 3** through the production of a log book and supporting evidence. Applicants will be required to evidence in the log book the outcome that has been met and reflect upon how the outcome was met. Each outcome must be met at least once.

20. CILEx Regulation will assess the log and supporting evidence provided by applicants to determine whether an applicant has demonstrated that they meet the skills criteria set out at **Annex 3**.

Practice management and accounts

21. An applicant who relies upon their existing practical experience of practice management and accounts must provide evidence of their knowledge, skills and experience of accounts and practice management in accordance with the competency criteria which appear at **Annexes 4 and 5**.

22. An applicant must demonstrate their knowledge, skills and experience through producing a log which demonstrates that they meet each of the outcomes set out at **Annexes 4 and 5**. The log must be supported by evidence. Applicants will be required to evidence in the log book the outcome that has been met and reflect upon how the outcome was met. Each outcome must be met at least once.

23. CILEx Regulation will assess the log and supporting evidence provided by applicants to determine whether an applicant has demonstrated that they meet the competency requirements set out at **Annexes 4 and 5**.

ANNEX 3 - CONVEYANCING PRACTICE RIGHTS

Introduction

The entry criteria, learning outcomes and evidence of competency stated in this schedule set out:

- the level of competency, knowledge and understanding required to practise in the area of residential and/or commercial conveyancing
- the elements required to evidence that level of competency, knowledge and understanding
- the level of competency required in the relevant skills for this area of practice – client care, research, drafting, letter writing, negotiation, interviewing and advising
- the elements required to evidence the required level of competence for these relevant skills
- a statement of the study and work-based experience that demonstrates that an applicant has attained the required level of competence, knowledge and understanding in all the required elements.

Certification of Conveyancing Practice Rights will ensure that the applicant has:

- met the application requirements
- an appropriate level of experience in the field of conveyancing work in practice which must include not less than 2 years relevant experience immediately preceding the application
- an appropriate level of knowledge and appreciation of the key legal features of a Conveyancing transaction, including the ability to deduce and investigate title to registered and unregistered, freehold and leasehold land, act for mortgagees, exchange contracts, complete a transaction and deal with post completion formalities
- the ability, and experience, to research aspects of statute and case law, legal practice, procedures and documentation that is current
- the ability, and experience, to interview clients appropriately and identify the client's objectives and different means of achieving those objectives, the options available, together with the ability, and experience, to advise such clients and be aware of the financial, fiscal and other priorities and constraints to be taken into account together with the costs, benefits and risks involved in any procedure, transaction or course of action

- the ability, and experience, to perform the tasks required to advance procedures, transactions or matters, to include (but not restricted by), drafting letters of advice to clients, drafting and completing documents and forms, communicating with co-professionals, lenders, the Land Registry, local authorities, and other bodies and organisations
- the ability, and experience to draft and amend all relevant documentation including (but not restricted to) contracts and options for the sale of land, agreements for lease, leases, transfers, Stamp Duty Land Tax forms and other ancillary documentation necessary to progress, complete and finalise the transaction
- the ability, and experience, to advise and conduct negotiation in those fields within this practice area where this may be relevant such as (but not restricted to) matters affecting title and contractual and lease provisions.
- demonstrate a level of experience, knowledge and understanding of all aspects of professional conduct and regulation which includes an understanding of the key ethical requirements contained in the relevant conduct rules and other law and regulations and where these may impact and be able to apply them in context.

Entry Level Competencies	Learning Outcome The entry requirement to obtain conveyancing practice rights seeks to ensure that the applicant:	Supporting Experience The applicant will need to provide evidence of:
STAGE 1 **Entry Criteria** • knowledge understanding experience	• Has practical knowledge, understanding and experience	
KNOWLEDGE AND UNDERSTANDING		**Either** • successful completion of CILEX Level 6 Professional Higher Diplomas in Land Law and Conveyancing **Or** • Has supplied evidence of qualification of an equivalent standard **Or** • Where the applicant does not hold the relevant CILEx Level 6 Land Law or Conveyancing examination (or equivalent), they are required to demonstrate their knowledge and understanding of Land Law and Conveyancing (and Landlord and Tenant where appropriate) through the submission of 5 portfolios • Examples will be drawn from a range of cases from the applicant's case load. Guidance on this can be found in the **Portfolio Guidelines**.
Element 1 LAND LAW	**Demonstrate knowledge, understanding and application of the difference between real and personal property**	• The distinction between real and personal property, the ability to identify fixtures and fittings/contents, to understand when property does and does not pass with the land • The doctrine of relativity of title and the relevance of possession • The different types of title in land.
	Demonstrate knowledge, understanding and application of the types of legal and equitable interests that arise in land	• The difference between the registered and unregistered land regimes, the circumstances in which compulsory or voluntary registration of unregistered land arises, the system of registration, curtain and indemnity principles • The differences between the types of title that can be held in land (including freehold, leasehold and commonhold) • The classes of title that can be held in land • The legal and equitable estates and interests that can be held in land and the remedies available recognised by law and equity, including relevant legislation and case law, and the relative advantages and disadvantages of legal and equitable rights • The formalities required for the express creation of legal and equitable interests in land including relevant legislation and case law.

Entry Level Competencies	Learning Outcome The entry requirement to obtain conveyancing practice rights seeks to ensure that the applicant:	Supporting Experience The applicant will need to provide evidence of:

	Demonstrate knowledge, understanding and application of the legal and equitable rules and formalities relating to the creation and protection of third party rights and interests over land	• Situations where interests in land can be created by proprietary estoppel, the legal implications of such rights and the remedies and defences to such claims
		• The legal and equitable rules and formalities relating to the creation (including prescription), registration, determination and extinguishing of easements and profits
		• The legal and equitable rules and formalities relating to the creation, modification and extinguishing of freehold personal, positive and negative covenants in land and whether a successor in title is bound by a freehold personal, negative and/or positive covenants and the remedies and defences for a breach of covenant
		• The statutory provisions relating to adverse possession claims in relation to registered and unregistered land, the rights of the owner to evict a trespasser on registered and unregistered land and the time limits and factors which a claimant needs to prove to establish a successful claim for adverse possession
		• The rules and formalities relating to the protection of third party rights in registered and unregistered land including (but not limited to):
		  • How third party interests can be protected in registered land by registration, or whether they are overriding, how certain third party interests in registered land can be overreached including relevant legislation and case law
		  • How certain third party interests are protected by registration as Land Charges, others protected by holding the original title deeds and how a purchaser for value may take free of certain third party interests affecting the land being purchased including any relevant remedies and defences including relevant legislation and case law

	Demonstrate knowledge, understanding and application of the law relating to trusts of land	• The formalities for the creation of express trusts of land • The legal rules relating to the creation of resulting and constructive trusts in land • Sole and co-ownership and the difference between holding the equitable estate in a joint tenancy or a tenancy in common, allocating distinct shares in land, severance of a joint tenancy, and devolution of title on the death of a co-owner and sole owner • The rights and powers of trustees and beneficiaries of a trust of land conferred by relevant legislation

Entry Level Competencies	Learning Outcome The entry requirement to obtain conveyancing practice rights seeks to ensure that the applicant:	Supporting Experience The applicant will need to provide evidence of:
		• The statutory rules and rules applied by the judiciary when determining the legal and beneficial ownership of land.
	Demonstrate knowledge, understanding and application of the law relating to mortgages	• The legal rules and formalities relating to the creation of valid legal and equitable mortgages, the manner in which a mortgagee client can be protected in both registered and unregistered land, the legal rules relating to the priority of legal and equitable mortgages, the rights of the mortgagor and mortgagee and the legal rules relating to a mortgagee enforcing it's security through the power of sale.
	Demonstrate knowledge, understanding and application of the nature of leasehold estates and landlord and tenant law	• Explanation of the nature of a leasehold estate (including being subject to and granted out of a superior title) • The rules and formalities relating to the creation of legal and equitable leases in both registered (including the Land Registry's registration requirements) and unregistered land and the difference between a lease and under-lease • The difference between an 'old' and a 'new' lease and the legal rules relating to the enforceability of lease covenants between the original parties to a lease (landlord, tenant and guarantor) any subsequent owners (purchaser of the reversion and assignee), and against third parties.
	Demonstrate knowledge, understanding and application of complying with the correct rules and procedures according to the Land Registration Act 2002 in relation to dealings with registered land and the Land Charges Acts in dealing with unregistered land	• Understanding and application of the law, rules, and Land Registry procedure relating to the practice of land registration in relation to conveyancing transactions • Dealing with trigger and first registrations • Understand and explain the different classes of Land Charge and how certain third party rights can be protected by registration as a Land Charge to determine whether a right is binding on a purchaser
	Demonstrate knowledge, understanding and application of the different types of titles in land that can be held in England and Wales	• The differences between the types of title that can be held in land (including freehold, leasehold and commonhold) • The classes of title that can be held in land and the procedure under which these may be upgraded under relevant legislation and Land Registry procedure • The legal and equitable estates and interests that can be held in land and the remedies available, recognised by relevant legislation and authority, and the relative advantages and disadvantages of legal and equitable rights

Entry Level Competencies	Learning Outcome The entry requirement to obtain conveyancing practice rights seeks to ensure that the applicant:	Supporting Experience The applicant will need to provide evidence of:
		• The formalities required for the express creation of legal and equitable interests in land including legislation and case law • Explaining sole and co-ownership and the difference between holding a legal and equitable estate in a joint tenancy and a tenancy in common, advising clients on the most appropriate form of joint ownership, allocating distinct shares in land, being able to determine depending on circumstances the most appropriate form of co-ownership for the client, being able to sever a joint tenancy, and determining the devolution of title on the death of a sole and co-owner and the documentation and forms required to prove such devolution • Explaining how land can be transferred, let or charged including but not limited to where the owner has died, lost capacity, is insolvent or bankrupt, or is absent
	Demonstrate knowledge, understanding and application of title deduction and investigation of freehold and leasehold, registered and unregistered land	• Deduction of title to both registered and unregistered freehold and leasehold land and an ability to follow the procedure under the Law Society's Conveyancing Protocol to determine which documentation should be included in the contract bundle for the above types of title • Raising and drafting standard pre-contract enquiries for registered and unregistered freehold and leasehold land under the Law Society's Conveyancing Protocol and raising and replying to non-standard pre-contract enquiries and requisitions based on a examination of the title • Determine and perform the relevant pre-contract searches required for a particular property based on its location and an examination of the title • The need to ensure compliance with both planning and building regulations approval, the enforcement periods and the remedies and/or solutions for a breach of such obligations (including indemnity insurance) where there is such a contravention • In relation to a client's proposed buildings works and/or change of use to advise a client on the planning and building regulations regime and the need to inform the lender • The need for a Buildmark scheme in relation to new residential properties, the requirements under the Lenders Handbook, the period of cover provided, the remedies which a client has when a defect arises • Being able to act for a client purchasing a property 'off plan'.

Entry Level Competencies	Learning Outcome The entry requirement to obtain conveyancing practice rights seeks to ensure that the applicant:	Supporting Experience The applicant will need to provide evidence of:
		• To be able to identify 'problems'/defects in relation to a title and/or search results and to indentify and advise a client and lender on relevant solutions and/or whether not to proceed with the purchase • The different types of title indemnity insurance available and arranging such cover when necessary • To be able to draft a report on title to the client providing the client with all of the relevant information about the transaction and providing advice as to whether the client should proceed and on the options available to overcome any problems or defects in title

Element 2.
 	
RESIDENTIAL CONVEYANCING
	Demonstrate knowledge, understanding and application of contract law and the standard provisions of sale and special conditions for contracts and options for the sale of both freehold and leasehold land and the contractual remedies for breach of contract	• To adhere to the formalities for creating a binding contract and option for the sale of land including adhering to the formalities created by relevant legislation
		• To determine the difference between full title, limited title and no title guarantee under relevant legislation and the situations in which each type of title guarantee will be given
		• Understand the structure of the standard provisions and special conditions of the Standard Conditions of Sales (current edition) (the Standard Conditions) and how these may be varied by the use of additional special conditions according to the transaction
		• To determine the appropriate manner in which the deposit should be held in each transaction
		• To be able to exchange contracts in any given situation and determine the appropriate Law Society formula to used in single and chain transactions
		• Explain how a contract can be made conditional
		• Explain the law relating to options for the sale of land and the need to protect certain options by registration
		• Explain the legal and contractual consequences of late completion and misrepresentation:
		  • Explain the remedies available under the common law, statute and the Standard Conditions in relation to a delayed completion by either the buyer or the seller, the remedies and procedure available to both parties
		  • To explain the law relating to misrepresentation the remedies available under the Standard Conditions of sale and relevant legislation

Entry Level Competencies	Learning Outcome The entry requirement to obtain conveyancing practice rights seeks to ensure that the applicant:	Supporting Experience The applicant will need to provide evidence of:
	Demonstrate knowledge, understanding and application of the law and practice relating to residential leasehold transactions	• The law relating to residential leases and leases granted out of a superior title, the difference between a lease and an underlease and adhering to the formalities for the creation of a valid lease or underlease including the Land Registry's requirements relating to registrable leases • The structure of a long residential lease including prescribed clauses for registered leases and provisions of a residential lease • Determining the suitability of the provisions of a residential lease from a tenant's, landlord's and lender's point of view including, but not limited to repairing obligations, insurance, ground rent, user, service charge, extent of the demise, easements granted and reserved, the provision of services, landlord's covenant for quite enjoyment, whether there is a requirement to transfer shares in a management company to the assignee • To determine from the provisions of a lease whether a landlord's consent is required for alienation or for any of the tenant's proposals and the effect of relevant statutory provisions • To adhere to a lender's additional requirements relating to registered and unregistered leasehold land contained in instructions in the Council of Mortgage Lenders Handbook and mortgage offer • An understanding of the rights and qualifying criteria for residential leaseholders to singly or to collectively purchase the freehold and the rights and qualifying criteria that individual residential leaseholders have to extend the term of a lease.
	Demonstrate knowledge, understanding and application of the rules and practise relating to the creation and protection of easements and covenants (including their registration)	• To determine whether suitable easements are in existence or will be reserved and/or granted when transferring the whole or part of a title and leasehold interests in relation (but not limited to) access, service arrangements in relation to utilities the right to connect to and/or install utilities, the right to repair and suitable arrangements in relation to maintenance and the payment of any service charge (including the difficulty of enforcing positive (non-leasehold) covenants in relation to such payments) • To determine whether suitable positive and negative covenants are in existence or will need to be created or modified based on the needs of the clients when transferring the whole or part of a title • To follow the correct procedure for registering easements and covenants in both registered and unregistered land.

Entry Level Competencies	Learning Outcome The entry requirement to obtain conveyancing practice rights seeks to ensure that the applicant:	Supporting Experience The applicant will need to provide evidence of:
	Demonstrate knowledge, understanding and application of the requirements of lenders and the formalities for creating valid mortgages	• Understanding of the formalities relating to the creation of a valid mortgage • Understanding of the main types of mortgage surveys available and their suitability depending on the client's instructions • The ability to act for a mortgagee in a sale and purchase and a remortgage transaction in both registered and unregistered freehold and leasehold land by perfecting their charge including, but not limited to following instructions in the Council of Mortgage Lenders Handbook and mortgage offer, investigating title to ensure there is a good and marketable title, redeeming existing charges on a sale or remortgage, dealing with the priority of mortgages when acting for a second or subsequent mortgagee
	Demonstrate knowledge, understanding and application of the procedure and steps to be performed during pre-completion and completion in a residential conveyancing transaction in both registered and unregistered freehold and leasehold land	• To perform the correct pre-completion steps in conveyancing transactions including preparing the relevant priority searches for registered and unregistered land • Follow the correct formalities for the engrossment, execution and completion (dating of documentation) by individuals, companies and attorneys • For both freehold and leasehold registered and unregistered transactions determine which documents need to be handed over by the seller's lawyer on completion and dealing with logistics such as the arrangements for the clients collecting the keys • Following the correct procedures to discharge the client's existing mortgage • Following good practice for completion by adhering to the Law Society's Code for Completion by Post
	Demonstrate knowledge, understanding and application of the post completion procedures and steps to be followed to perfect a purchaser's and/or lender's title in registered and unregistered land	• To determine whether Stamp Duty Land Tax is payable in relation to a transaction and to follow the correct procedure in submitting the correct forms and making payment and the penalties that apply for late payment/submission • Following the correct procedure to register the transaction and/or charge at the Land Registry, within the relevant time limits that apply and an understanding of the consequences of failing to register title within the relevant time limits

Entry Level Competencies	Learning Outcome The entry requirement to obtain conveyancing practice rights seeks to ensure that the applicant:	Supporting Experience The applicant will need to provide evidence of:
Element 3. COMMERCIAL CONVEYANCING	**Demonstrate knowledge, understanding and application of identifying and advising on the practical, commercial and legal considerations when carrying out Commercial Property Conveyancing of both registered and unregistered freehold and leasehold land (including the grant of a lease or underlease)**	• To be able to deduce and investigate title to registered (including identifying and carrying out relevant searches) and unregistered freehold and leasehold commercial property • To raise and reply to standard (including the CPSEs) and non-standard pre-contract enquiries and requisitions based on an examination of the title • To be able to identify and advise on the practical, commercial and legal considerations when dealing with acquisitions of commercial land including greenfield and brownfield sites • To be aware of the main types of building contract, to be able to identify the parties involved in a construction project (the professional team) and their roles , the liability of the team to third parties, overview of the protections for third parties including collateral warranties • The need to ensure compliance with both planning and building regulations approval, an awareness of the statutory provisions including the enforcement periods and the remedies and/or solutions for a breach of such obligations (including indemnity insurance) where there is such a contravention • In relation to a client's proposed development or buildings works and/or change of use to advise a client on the planning and building regulations regime and the need to inform the lender • To understand environmental liabilities in the context of commercial property transactions, to be able to explain how to identify and deal with contaminated land and appreciate the use of contractual protections to exclude or apportion liability for remedial work and to be able to identify the provisions in a commercial lease which may impose environmental liabilities on a tenant • To understand the different types of contract that may be used to acquire commercial property and the standard and special conditions of such contracts that commercial property can be sold by (including the Standard Commercial Property Conditions (current edition)) and the provisions that must be included to protect the client seller and buyer • To understand the structure and provisions of ancillary documentation used to create an interest in commercial land including but not limited to agreements for lease, options to buy, conditional contracts, overage agreements, etc.

Entry Level Competencies	Learning Outcome The entry requirement to obtain conveyancing practice rights seeks to ensure that the applicant:	Supporting Experience The applicant will need to provide evidence of:
		• To understand the VAT implications of a purchase and development of commercial property and the correct procedure to be followed where VAT is chargeable when acting for both the buyer and seller • To be able to identify 'problems'/defects in relation to a title and/or search results and to identify and advise a client seller/purchaser and lender on relevant solutions (including indemnity insurance) and/or whether not to proceed with the transaction • To be able to draft a report on title/lease to the client providing the client with all of the relevant information about the transaction and providing advice as to whether the client should proceed and on the options available to overcome any problems or defects in title • To understand the provisions of and draft and execute deeds that create legal and/or equitable interests in land including but not limited to transfers, assignments, leases, subleases, mortgages and to be able to make valid amendments to such documents • To perform the correct pre-completion steps in a commercial conveyancing transaction including preparing the relevant priority searches • To be able to complete commercial conveyancing transactions including following the Law Society's Code for Completion by Post and preparing the documents to be provided on completion • To be able to follow the correct post completion procedures to perfect the client's title, including but not limited to paying SDLT and following the correct procedure to register title at the Land Registry and/or upgrade the title
	Demonstrate knowledge, understanding and application of acting for both a landlord and tenant in commercial lease transactions	• To understand the distinction between a lease and licence, leasehold tenure and the anatomy of a commercial lease • The liability of parties to a commercial lease (landlord, tenant and guarantor) including privity of contract and estate, relevant legislation, guarantees and release of guarantors; strength of tenant's covenant, interpreting guarantee provisions in a commercial lease • To understand and deal with issues of leases of part including adequately defining the property, service charge provisions from the landlord's and tenant's view, ancillary documentation

Entry Level Competencies	Learning Outcome The entry requirement to obtain conveyancing practice rights seeks to ensure that the applicant:	Supporting Experience The applicant will need to provide evidence of:

		• The ability to draft a commercial lease, sublease and ancillary documentation including but not limited to licences, and to seek to amend terms according to the objectives of the landlord or tenant client and to be able to advise your landlord and tenant client on specific parts of a commercial lease and making relevant amendments including provisions on:
		  • Repair and decoration, limiting tenant's repairing obligations, applying the relevant statutory provisions in relation to a breach of repairing covenant, advising on and amending repairing/decorating provisions, and enforcement of repairing obligations
		  • Insurance including insured and uninsured risks, rent suspension, termination, insurance provisions relating to lease of part, and advising on and amending insurance provisions
		  • Restricting user and alterations, applying legislation relevant to change of use and alterations and the sanctions for breach, planning consent for change of use and alterations, amending user and alteration provisions and drafting ancillary documentation such as licences
		  • Alienation (including assignment, subletting and other dealing), identification of 'old' and 'new' leases, lease provisions affecting alienation, understanding and applying relevant legislation, amending alienation provisions, drafting ancillary documentation, and remedies for unreasonably withholding consent
		  • Rent review, the common types of review provisions and provisions of an open market rent review, making amendments to rent review provisions, and advising clients on the mechanics of a rent review
		• To Interpret and advise on the terms of a business lease when acting for a purchaser of a reversionary interest (i.e. an investor)
		• Understanding of the range of methods by which a business lease may be terminated including the principle of security of tenure under relevant legislation (the Act), to be able to follow the, renewal and termination procedure under the Act, to be able to prepare relevant notices under the Act; and to progress negotiations for the renewal or termination of a business lease under the Act; forfeiture; surrender; and break clauses (interpreting

Entry Level Competencies	Learning Outcome The entry requirement to obtain conveyancing practice rights seeks to ensure that the applicant:	Supporting Experience The applicant will need to provide evidence of:
		and advising of the exercise of a break clause in a commercial lease), and drafting ancillary documentation (including but not limited notices, forms and deeds of surrender)
ENTRY **ALL APPLICANTS**	• conveyancing experience in the 2 years preceding the application	• General description of conveyancing work carried out • Description of typical case load • An indication of chargeable hours spent on conveyancing work in each of the last 2 years • The proportion of time spent on conveyancing work • Details of the supervisory arrangements under which the applicant works and/or their supervisory responsibilities • The applicant is required to demonstrate their experience of Conveyancing through the submission of 3 portfolios in accordance with the Portfolio Guidelines. • Examples will be drawn from a range of cases from the applicant's case load.
STAGE 2 **QUALIFICATION CRITERIA: SKILLS**	**Applicants must demonstrate the following skills.** • Client Care and Legal Research	**Applicants must provide an example to evidence their skills in these elements** **Either** • successful completion of CILEX Level 6 Professional Higher Diplomas in the skills of Legal Research and Client Care **Or** • qualification of an equivalent standard • Where the applicant does not hold the relevant CILEx Level 6 Legal Research or Client Care (or equivalent) qualification, he should provide a portfolio of evidence and logbook which demonstrates meeting each of the outcomes set out in Elements 1 and 2 below in accordance with **the Portfolio Guidelines**. • Examples will be drawn from a range of cases from the applicant's case load.
Element 1 CLIENT CARE	**Demonstrate knowledge and understanding of good practice in interviewing and advising**	• Explain successful client interviewing • Demonstrate interviews which the applicant considers to be successful and identify what made them successful. This may be evidenced by demonstrating an ability to: • Prepare for the interview and apply a structured approach to it

Entry Level Competencies	Learning Outcome The entry requirement to obtain conveyancing practice rights seeks to ensure that the applicant:	Supporting Experience The applicant will need to provide evidence of:
		• Greet the interviewee appropriately and maintain the interviewee's confidence • Use appropriate listening, questioning and feedback techniques • Be sensitive to diversity and other relevant issues and handle any emotionally distressed client in a sensitive and professional manner • Give appropriate advice when required (including the need to take further instructions or undertake research before doing so) • Keep a full and accurate record of the interview • Close the interview appropriately and deal with any follow-up issues as required. • Demonstrate the ability to give and communicate clear, accurate and practical advice both orally and in writing on matters relating to conveyancing activities. This may be evidenced by an ability to: • Obtain all relevant information and identify the client's objectives • Give clear advice on all relevant matters arising • Where necessary, refer the client to other professionals better able to deal with the issues • Identify the options available and explain the advantages and disadvantages of each of those options • Enable and assist the client to reach a decision based on appropriate advice • Give clear, appropriate and accurate advice regarding costs, disbursements and funding • Seek appropriate instructions and give clear advice regarding the next steps to be taken in the matter • Deal appropriately with any diversity or other issues that might arise • Keep an accurate record of the advice given and the information on which that advice was based.
	Demonstrate good practice in legal writing	Provide evidence of legal writing which demonstrates understanding of the following key areas of good practice: • accurate, succinct, complete and precise writing • awareness of the need to use 'plain English' and writing using correct grammar and spelling • the use of legal English is used only when necessary and is appropriately explained • judicious use of structure to clearly and logically set out information

Entry Level Competencies	**Learning Outcome** The entry requirement to obtain conveyancing practice rights seeks to ensure that the applicant:	**Supporting Experience** The applicant will need to provide evidence of:
		• Provide evidence to demonstrate the synthesis of a variety of sources to provide advice to the client • Provide evidence of use of appropriate communication, including use of appropriate tone and style, to sensitively manage client expectations
	Demonstrate knowledge and understanding of professional conduct issues arising in practice	• Explain where the applicant will find the rules of professional conduct which affect their practise of the law • Identify situations in which an ethical issue may have arisen in their practice and how they dealt with those situations • Identify any professional organisations that exist within their area of practice and explain benefits of membership
	Demonstrate knowledge and understanding of the importance of client care in legal practice	• Explain the SRA or CILEx equivalent rules relating to client care and evidence use of the rules in practice • Evidence use of client care letters and complaint management handling • Demonstrate understanding of the need for good client care to benefit the business
Element 2 LEGAL RESEARCH	**Demonstrate knowledge and understanding of and be able to:** **1 analyse the scope and complexity of situations which need legal research** **2 evaluate legal research sources** **3 perform appropriate legal research** **4 analyse the law in relation to practical problems** **5 record and evaluate information** **6 synthesise research to present advice**	• Identify situations in which the need for legal research has arisen in work • Explain the steps the applicant undertook to identify relevant sources of information and how they determined the reliability, accuracy and currency of the information discovered • Explain understanding of primary and secondary sources and how these sources can be used to ensure the applicant has sufficiently researched the problem • Identify relevant statutes, case law and other sources from their research • Evidence how they prioritised and analysed the research and used this to better understand the issues raised in the legal matter • Evidence their synthesis of the research materials to provide a structured and accurate report • Evidence how the applicant evaluated the research ensuring that it is comprehensive and sensitive to the needs of the recipient
Element 3 INTERVIEWING, ADVISING AND COMMUNICATING	INTERVIEWING • An ability to conduct effective interviews with clients across a range of conveyancing matters	• Prepare for an initial interview and apply a structured approach to it • Greet the interviewee appropriately • Use appropriate listening, questioning and feedback techniques • Maintain rapport with the interviewee.

Entry Level Competencies	Learning Outcome The entry requirement to obtain conveyancing practice rights seeks to ensure that the applicant:	Supporting Experience The applicant will need to provide evidence of:
		• Be sensitive to diversity issues • Keep a full and accurate record of the interview • Close the interview appropriately • Clearly identify the next steps to be taken by the interviewer and interviewee
	ADVISING & COMMUNICATING • To give and communicate clear accurate and practical advice both orally and in writing on matters relating to the to a conveyancing transaction to a client on the law, procedure and on the options available	• Obtain all relevant information to identify the client's objectives • Give clear advice on all relevant matters arising • Identify the options available and explain the pros and cons of each of those options • Enable the client to make decisions on the transaction based on appropriate advice • Giving clear, appropriate and accurate advice regarding costs and funding • Seek appropriate instructions and give clear advice regarding the next steps to be taken • Deal appropriately with any diversity issues that arise • Producing an accurate record of the advice given
Element 4 COSTS & FUNDING	• An awareness of the importance of the client having sufficient funds in place to complete any conveyance	• Clear and accurate calculation of all of the costs the client will incur during a conveyancing transaction including, but not limited to the purchase price, legal costs plus VAT, cost of all disbursements, any notification fees, and any stamp duty land tax that needs to be paid • A clear calculation of the funds available to the client taking into account any conditions attached to a mortgage offer and whether these will be sufficient to complete the purchase • The ability to provide generic advice on the main types of mortgage finance available for funding a purchase • Awareness of the range of options and advice that can be given to clients where there is a shortfall and the pros and cons associated with each option • The production of a clear and succinct completion statement • To advise on the tax implications of VAT and/or CGT on a conveyancing transaction • To arrange for the transfer of funds on completion by drawing down the montage funds, arranging for a telegraphic transfer to the vendor's solicitor
Element 5 PROFESSIONAL CONDUCT AND ETHICS	• An awareness of and adherence to the professional conduct rules, relevant law and ethics relating to conveyancing practice	• An awareness of professional obligations in a diverse range of situations in respect of matters relating to substantive law and the rules of professional conduct in conveyancing transactions.

Entry Level Competencies	**Learning Outcome** The entry requirement to obtain conveyancing practice rights seeks to ensure that the applicant:	**Supporting Experience** The applicant will need to provide evidence of:
		• An awareness of the obligations owed to the client, lender, other lawyers, and other third parties in respect of money laundering legislation and regulation and complying with such regulation. • To be able to identify and deal appropriately with conflicts of interest that arise or may arise during a conveyancing transaction arising between the applicant and the client, between one or more clients, the client and the lender and between the client and any relevant third party including application of relevant case law and legislation. • Evidence use of client care letters and complaint management handling • An understanding of the base for the giving of professional undertakings to clients, the lenders, other lawyers and third parties in conveyancing transactions; the implications of giving such undertakings; the consequences of breaching such undertakings and demonstration of the appropriate use of undertakings in conveyancing transactions • Adherence to the statutory rules and procedures in relation to acting for clients in dealing with specified investments in conveyancing transactions (including, but not limited to share transfers, insurance, mortgages) and whether the firm can act under an exclusion and/or an exemption
Element 6 MANAGING CONVEYANCING WORK	FILE HANDLING • An ability to plan and manage a conveyancing transaction effectively	• Allocating time and resources appropriately, • Being aware of all legal and procedural requirements • To actively manage a wide range and number of matters to ensure that they progress in a timely manner • To diarise and be aware of all deadlines
	DEALING WITH OTHER PROFESSIONALS • An ability to deal with and instruct other professionals	• To be able to communicate and deal professional with other professionals and third parties orally and in writing. • To be able to instruct experts including: • Appreciate the nature and function of different types of experts relevant to conveyancing practice • Identify where an expert will need to be instructed during a conveyancing transaction (such as a surveyor) • Identify suitably qualified/experienced expert • Agree an appropriate fee for the expert's work • Draft a letter of instruction to the expert

Entry Level Competencies	Learning Outcome The entry requirement to obtain conveyancing practice rights seeks to ensure that the applicant:	Supporting Experience The applicant will need to provide evidence of:
Element 7 LEGAL WRITING AND DRAFTING	EFFECTIVE LETTER WRITING	• To write letters to co-professionals, clients, and other parties that are: • accurate, succinct, complete and precise writing • use 'plain English' and writing using correct grammar and spelling • legal English is used only when necessary and is appropriately explained • judicious use of structure to clearly and logically set out information • demonstrate the synthesis of a variety of sources to provide advice to the client • use of appropriate communication, including use of appropriate tone and style, to sensitively manage client expectations.
	DRAFTING To correctly draft and complete all contracts, deeds, documents, forms and letters required throughout all stages of a conveyancing transaction	• Deeds and documents required to transfer or grant title such as transfers, leases, underleases, assignments, charges, etc. • Other deeds and documents that create an interest in land such as those creating easements and covenants • Contracts and options for the sale of land • The various forms and documentation involved in a conveyancing transaction including but not limited to Land Registry forms, Law Society Protocol forms, taxation forms, mortgagees forms. • Drafting letters to clients and other parties (including client care letters) and reports on title/ leases.
Element 8 NEGOTIATION	• The ability to negotiate with other professionals at various stages of a conveyancing transaction and third parties on behalf of client, seller, buyer, tenant and landlord	• Being aware of different negotiating styles and stances and clearly determining the agenda/ objectives to be achieved prior to conducting the negotiations • Obtaining all relevant information and identifying the client's objectives and entering into negotiations with other professions and third parties to achieve the client's objectives including but not limited to negotiating amendments to contracts, deeds, and other documentation, leases, all ancillary documentation, the wording and extent of undertakings, liaising and negotiating with the Land Registry, negotiating and liaising with planning authorities, and any other relevant third party

ANNEX 4 - COMPETENCE FRAMEWORK

PRACTICE MANAGEMENT

Introduction

The qualification criteria, learning outcomes and evidence of competency stated in this schedule set out:

- the level of competency, knowledge and understanding required to run a business which provides a legal service, having consideration for rules and regulations, both professional and legislative
- the elements required to evidence that level of competency, knowledge and understanding.
- the level of competency required in the relevant skills for this area of practice –what it means to be part of a profession, CILEx regulations, management of a legal entity and business acumen
- the elements required to evidence the required level of competence for these relevant skills
- a statement of the study and work-based experience that demonstrates that an applicant has attained the required level of competence, knowledge and understanding in all the required elements.

Certification of practice management will ensure that the applicant has:

- met the application requirements
- an appropriate level of suitability to manage a practice
- an appropriate level of knowledge and appreciation of the key features both financial and non-financial of practice management to include the ability to deal with risk, have a strategy, make informed business decisions, manage and motivate others, the benefits of IT and the external and internal forces which will ultimately will affect an organisation's ability to succeed
- the ability and skill to advance the organisation through the creation of a strategy appropriate to the market sector the organisation wishes to target, to include the use of a business plan, marketing plan, corporate social responsibility policy and other appropriate associated documents which may be needed to support the organisation's strategy
- the ability and skill to manage a client's expectations appropriately, not just at the outset of a case, but throughout the life of the retainer relationship

- the ability and skill to read and interpret the firm's accounts, in addition to any supporting budgets, cash flows, management accounts and ad hoc reports pertaining to the firm's profitability and financial position
- the ability and skill to perform the tasks required to evaluate the benefits of IT and the need for good project management
- to demonstrate a level of experience, knowledge and understanding of professional conduct and regulation contained in the relevant conduct rules and other law and regulations, including government legislation, and where these may impact and to be able to apply them in context.

QUALIFICATION CRITERIA	Learning Outcome An applicant must meet the following outcomes:	Supporting Experience The applicant will need to provide evidence of:
• KNOWLEDGE • UNDERSTANDING • EXPERIENCE • SKILLS	• Sufficient practical knowledge, understanding, experience and skills – note these are different depending of the role of the applicant	Demonstrate they meet the outcomes set out below by: • attendance on a course, **or** • practical experience The outcomes are split into the following levels: • Level 1 - mandatory for all applicants • Level 2a - mandatory for compliance managers • Level 2b - mandatory for compliance manager undertaking practice management • Level 2c - mandatory for compliance manager undertaking accounts management
Element 1 BEING PART OF A PROFESSION	EXTERNAL INFLUENCES **Demonstrate knowledge, understanding and application of the current legal market and legal entities which may be created to provide a legal service**	LEVEL 1: • Knowledge and understanding of the types of structure through which a legal entity may be formed • Knowledge and understanding of those able to regulate reserved legal activities • Understanding that the structure and regulation of legal entities and activities may change and be able to identify these changes • Knowledge and understanding of a business plan, taking into account recent and current changes to the legal services market • Knowledge, understanding and ability to comply with a complaints procedure in line with LeO guidelines. LEVEL 2a: • Ability to prepare a business plan, taking into account recent and current changes to the legal services market • Ability to create a complaints procedure in line with LeO guidelines.
	REGULATION **Demonstrate knowledge, understanding and application of the relevant conduct rules and other laws and regulation affecting the professional and legal practice**	LEVEL 1: • Knowledge, understanding and application of obligations to the court, the client, other lawyers and barristers, stakeholders, third parties and the general public • Knowledge, understanding and application of the regulations for which an individual is personally responsible • Knowledge, understanding and application of obligations to the client • Knowledge and understanding of how and when a retainer relationship should be terminated • Knowledge and understanding of professional indemnity insurance. LEVEL 2a: • Ability to complete a professional indemnity proposal form, gathering and identifying relevant information for proposal.

QUALIFICATION CRITERIA	Learning Outcome An applicant must meet the following outcomes:	Supporting Experience The applicant will need to provide evidence of:
	Demonstrate knowledge, understanding and appropriate application of effective procedures for compliance	LEVEL 1: • Knowledge and understanding of the nomination procedure and suitability for the Money Laundering Reporting Officer (MLRO) • Knowledge and understanding of the Money Laundering regulations. LEVEL 2b: • Ability to identify and appoint a MLRO • Knowledge, understanding and application of procedures which a legal entity must follow in order to produce an office policy on money laundering • Knowledge, understanding and application of appropriate file testing which ensures files are only opened after necessary money laundering checks • Knowledge, understanding and application of the requirements of the Information Commissioner's Office (ICO) and why legal entities must register with them • Knowledge, understanding and application of equality and diversity monitoring both in the workplace and through contracting of third parties.
Element 2 CILEx REGULATIONS	CILEx PRACTICE RULES (GENERAL) **Demonstrate knowledge, understanding and appropriate application of the scope of the CILEx practice rules**	LEVEL 1: • Knowledge and understanding of situations which would give rise to a breach of the practice rules • Knowledge, understanding and application of the duty of confidentiality, including identification of when this starts and ends LEVEL 2b: • Knowledge, understanding and application of the requirements to fulfil the role of practice manager. LEVEL 2c: • Knowledge, understanding and application of the requirements to fulfil the role of the financial manager.
	CILEx PRACTICE RULES (ADMINISTRATION) **Demonstrate knowledge, understanding and appropriate application of the administration requirements of a CILEx regulated entity in addition to any requirements to remain individually compliant**	LEVEL 1: • Knowledge, understanding and ability to provide appropriate advice regarding fees to be charged and the merits of the case following a cost benefit analysis • Knowledge, understanding and ability to provide realistic cost estimates in the form of a 'costing' of all costs and disbursements at the start of the case and to provide regular updates throughout the life of the file • Knowledge and understanding of identification, documentation and dealing appropriately with potential conflicts of interests both at the outset and throughout a retainer relationship

QUALIFICATION CRITERIA	Learning Outcome An applicant must meet the following outcomes:	Supporting Experience The applicant will need to provide evidence of:
		• Knowledge and understanding of situations which may give rise to an undertaking and the implications of giving an undertaking • Knowledge and understanding of situations which would result in a breach of the equality and diversity code. LEVEL 2a: • Knowledge, understanding and demonstration of good internal governance • Knowledge, understanding and application of systems, procedures and reporting to monitor compliance • Application of monitoring equality and diversity, both in the workplace and in the selection of external resources. LEVEL 2b: • Knowledge, understanding and implementation of procedures to review and test systems put in place to meet the outcomes of the CILEx practice rules (including management of undertakings, cost information, file reviews, client care, referral arrangements and conflicts of interest • Ability to identify when a fee earner has undertaken work in the absence of sufficient resources and outside their competence • Ability to draft policies which promote equality and diversity • Ability to draft appropriate safeguards for the issuing of undertakings and the consequences of not fulfilling the created obligation • Knowledge and understanding of the difference between an introduction and a referral • Knowledge, understanding and ability to draft an outsourcing policy.
	CILEX PRACTICE RULES (COMMUNICATION) **Demonstrate the ability to communicate the requirements of the CILEx practice rules appropriately**	LEVEL 1: • Ability to establish good relationships with client and third parties, including the ability to adapt the style, medium or method of communication for a diverse range of clients to identify the client's objective(s) • Ability to communicate to the client how legal services will be provided including expected time frame, what the client must do and duties and obligations applicant will carry out • Ability to draft a letter which identifies the client's objectives and advises them of the right to complain • Ability to communicate to ensure the client is kept up to date with progress of a matter and advise who is dealing with the matter, including the status of that person.

QUALIFICATION CRITERIA	Learning Outcome An applicant must meet the following outcomes:	Supporting Experience The applicant will need to provide evidence of:
		LEVEL 2b: • Ability to communicate values to all staff which promote client outcomes, transparency of costs • Ability to manage client expectations and evaluate overall client satisfaction.
	FILE MANAGEMENT **Demonstrate knowledge, understanding and appropriate application of good file management**	LEVEL 1: • Knowledge and understanding of examples of key dates and the methods which could be used in recording such dates in a diarised system and on the client's file • Ability to identify and record key dates. LEVEL 2a: • Knowledge and understanding of the elements of a good case management system, including the potential benefits • Ability to implement and operate a case management system, including for use as a supervision and compliance monitoring tool • Ability to design and implement a file closure procedure. LEVEL 2b: • Ability to create and perform a file review process covering both legal and administrative obligations • Ability to participate significantly in the successful application of an accreditation standard.
Element 3 MANAGEMENT OF A LEGAL ENTITY	EXTERNAL INFLUENCES **Demonstrate knowledge, understanding and impact of external influences on a business**	LEVEL 1: • Knowledge and understanding of recent and/or current external issues facing business/legal entities • Knowledge and understanding of the impact of inflation, how this impacts on business and actions which can be taken to counterbalance this. LEVEL 2a: • Ability to assess the impact of the current economic environment. LEVEL 2b: • Knowledge, understanding and ability to identify pending legislation or professional changes which could affect the business.

QUALIFICATION CRITERIA	Learning Outcome An applicant must meet the following outcomes:	Supporting Experience The applicant will need to provide evidence of:
	INTERNAL INFLUENCES **Demonstrate knowledge, understanding and appropriate application of internal influences which can affect a business**	LEVEL 1: • Knowledge and understanding of the internal influences which a business is likely to face and effective ways of controlling them. LEVEL 2a: • Ability to develop a culture of accountability, compliance and openness for the business • Ability to manage a team. • Knowledge and understanding of the different types of risk affecting a business • Ability to identify examples of risks and to identify how these risks can be managed.
	RISK MANAGEMENT **Demonstrate knowledge, understanding and appropriate application of risk management**	LEVEL 2a: • Ability to respond to risks • Knowledge and understanding of collection, review, evaluation and management of risk • Ability to produce a risk management policy • Knowledge, understanding and implementation of appropriate supervision • Knowledge and understanding of the principles supporting delegation.
	CONTINGENCY PLANNING **Demonstrate knowledge, understanding and application of basic contingency planning**	LEVEL 2b: • Knowledge and understanding of the key contents of an effective contingency plan, and the need for regular review • Ability to draft a contingency plan • Ability to test a contingency plan.
	PEOPLE MANAGEMENT **Demonstrate knowledge, understanding and application of good supervision; including appropriate management, motivation and delegation**	LEVEL 1: • Knowledge and understanding of the negative effects of poor management • Ability to manage and motivate others. LEVEL 2a: • Ability to identify the link between low motivation and low production • Knowledge, understanding and application of procedures to manage and motivate • Ability to use specific, measurable, achievable, relative, time bound objectives to delegate • Ability to encourage a culture of continuous improvement

QUALIFICATION CRITERIA	Learning Outcome An applicant must meet the following outcomes:	Supporting Experience The applicant will need to provide evidence of:
	PROJECT MANAGEMENT **Demonstrate knowledge, understanding and application of planning, control, managing and evaluating a project successfully**	LEVEL 2a: • Knowledge and understanding of the need for a project plan and the elements which should be included in the plan • Ability to apply these elements to allow for successful project management • Ability to evaluate the success of the project.
	INFORMATION TECHNOLOGY (IT) **Demonstrate knowledge, understanding and application of IT in a legal environment**	LEVEL 1: • Knowledge, understanding and application of bespoke third party software to complete prescribed electronic applications/submissions. LEVEL 2a: • Knowledge and understanding of the use of IT in monitoring compliance and understand its advantages, including as a time saving device.
Element 4 BUSINESS ACUMEN	STRATEGY **Demonstrate knowledge, understanding and appropriate application of strategy and the use of a business plan to underpin that strategy**	LEVEL 1: • Knowledge and understanding of a strategy • Ability to perform an analysis which identifies the strengths, weaknesses, opportunities and threats (SWOT analysis) of/to the business • Knowledge and understanding of how a competitive advantage arises and how a firm can differentiate themselves from competitors. LEVEL 2b: • Implementation and creation of strategy • Knowledge, understanding and application of likely trends evident following changes to internal and external influences and use these to identify a firm's current market position • Knowledge, understanding and application of the critical success factors (CSF) of a business and use these to identify the factors which are likely to be critical to the success of the business.
	MARKETING **Demonstrate knowledge, understanding and application of a marketing strategy which supports the business plan**	LEVEL 1: • Knowledge and understanding of what is meant by a marketing mix • Ability to implement and evaluate a marketing plan which supports the business plan • Knowledge and understanding of the importance of a website (or where appropriate provide a rationale as to why a website would not meet client needs). LEVEL 2b: • Ability to create an effective marketing plan • Knowledge and understanding of various methods of social media

QUALIFICATION CRITERIA	Learning Outcome An applicant must meet the following outcomes:	Supporting Experience The applicant will need to provide evidence of:
		• Ability to identify potential benefits of effective use of social media • Ability to identify the potential risks presented by social media both internally and externally.
	PROFITABLITY **Demonstrate knowledge, understanding and application of appropriate tools to determine profitability**	LEVEL 1: • Knowledge and understanding of working within budgets • Knowledge and understanding of a cash flow forecast. LEVEL 2a: • Ability to budget and analyse the variances which arise through a given period • Ability to create a cash flow forecast and update it for a given period • Knowledge, understanding and identification of key performance indicators (KPIs), including how these can be met and used to measure a firm's success in comparison with the business strategy. LEVEL 2c: • Knowledge and understanding of /and ability to differentiate between fixed and variable costs and direct and indirect costs • Knowledge and understanding of the use of appropriate ratios and formulae to ascertain an organisation's overall profitability and department profitability • Ability to calculate 2 ratios to assist in ascertaining overall profitability • Ability to use appropriate formulae to ascertain a department's profitability • Knowledge and understanding of what is meant by direct, indirect, fixed and variable costs • Knowledge and understanding of what is meant by inefficiencies and how processes can be measured for value • Ability to identify inefficiencies which would lead to a loss of profit:

ACCOUNTS

Introduction

The entry criteria, learning outcomes and evidence of competency stated in this schedule set out:

- the level of competency, knowledge and understanding required to keep the books of accounts specific to a legal entity and to apply a minimum standard of accountancy for a business
- the elements required to evidence that level of competency, knowledge and understanding
- the level of competency required in the relevant skills for this area of practice – to accurately account for clients' money, run the firm's own accounts, apply CILEx Accounts Rules, bring the accounts from trial balance to profit and loss /balance sheet account position
- the elements required to evidence the required level of competence for these relevant skills
- a statement of the study and work-based experience that demonstrates that an applicant has attained the required level of competence, knowledge and understanding in all the required elements.

Certification of accounts will ensure that the applicant has:

- met the application requirements
- an appropriate level of expertise to manage the firms accounts and finances to an acceptable standard
- an appropriate level of knowledge and appreciation of the key features of protecting client's money, effective billing and efficient financial management
- the appropriate level of knowledge and skill to perform double entry booking, raise a valid invoice and a three way bank reconciliation.

QUALIFICATION CRITERIA	**Learning Outcome** An applicant must meet the following outcomes:	**Supporting Experience** The applicant will need to provide evidence of:
• KNOWLEDGE • UNDERSTANDING • EXPERIENCE • SKILLS	• Has sufficient practical knowledge, understanding, experience and skills – note these are different depending of the role of the applicant	Demonstrate they meet the outcomes set out below by: • attendance on a course, or • practical experience The outcomes are split into the following levels: • Level 1 - mandatory for all applicants • Level 2a - mandatory for compliance managers • Level 2b - mandatory for compliance manager undertaking practice management • Level 2c - mandatory for compliance manager undertaking accounts management
Element 1 CILEx ACCOUNTS RULES	**Demonstrate knowledge, understanding and where appropriate apply the rules and regulations relating to the handling of client money**	LEVEL 1: • Knowledge and understanding of the accounts rules • Ability to complete a three way bank reconciliation to accurately account for all client money • Ability to record and account for client money, ensuring it is banked promptly and not left unattended or unsecure • Understand the importance of the audit trail and ensure there is a clear audit trail • Understand the need to keep client money safe and separate from that of the business • Knowledge and understanding of the situations where it is fair and reasonable to account for interest to the client • Knowledge and understanding of money held as an agent/stakeholder • Knowledge, understanding and application of the internal policy on who can withdraw money • Knowledge and understanding of what is meant by trust money and an individual's legal responsibility as a trustee. LEVEL 2a: • Ability to apply controls to safeguard client money • Communicate knowledge and understanding of the accounts rules to staff to ensure compliance • Understand the difference between client money and client account LEVEL 2c: • Ability to draft, implement and test robust internal controls, including who can withdraw client money and be able to distinguish between a material and non-material breach • Ability to perform an internal audit • Ability to draft, implement and communicate a fair and reasonable interest policy • Ability to make a calculation of interest • Ensure files are closed in a timely manner and surplus funds are returned promptly

QUALIFICATION CRITERIA	Learning Outcome An applicant must meet the following outcomes:	Supporting Experience The applicant will need to provide evidence of:
		• Ability to draft, implement and periodically review a compliance register and maintain complete records of all breaches • Control the release of client bank details outside of the legal entity • Knowledge, understanding and application of time costing and understanding the benefits of this information for reporting purposes.
Element 2 GENERAL BOOKKEEPING	DOUBLE ENTRY BOOKKEEPING **Demonstrate knowledge, understanding and application of double entry bookkeeping**	LEVEL 1: • Knowledge and understanding of posting entries to the client ledger account and appropriate cashbooks of a legal entity • Knowledge and understanding of a bill of costs • Knowledge and understanding of a trial balance. LEVEL 2c: • Ability to post entries to client ledger account and cashbooks • Ability to produce bill of costs • Ability to produce trial balance.
	FINANCIAL STATEMENTS **Demonstrate knowledge and understanding of the use of financial statements**	LEVEL 1: • Knowledge and understanding of when it is appropriate to provide the client with a financial statement. LEVEL 2c: • Ability to produce clear and informative financial statements which reflect the client's position and which include balances due to the client or to the legal entity • Ability to draft a financial statement • Knowledge, understanding and application of time costing and understanding the benefits of this information for reporting purposes.
Element 3 FINANCES	VALUE ADDED TAX (VAT) **Demonstrate knowledge, understanding and appropriate application of VAT**	LEVEL 1: • Knowledge and understanding as to how to calculate VAT payable • Knowledge and understanding of a vatable disbursement and a re-charge and understand the difference between the two. LEVEL 2c: • Ability to post a vatable disbursement and a re-charge to a client ledger • Ability to perform a partial exemption calculation • Ability to complete a UK VAT return.

QUALIFICATION CRITERIA	Learning Outcome An applicant must meet the following outcomes:	Supporting Experience The applicant will need to provide evidence of:
	CREDIT CONTROL AND DEBT COLLECTION **Demonstrate knowledge, understanding and appropriate application of the creation of a credit control policy**	LEVEL 1: • Knowledge and understanding of how credit control including business payment terms and debt collection policies and procedures are created. LEVEL 2: • Ability to implement and communicate a credit control policy including business payment terms and debt collection policies and procedures. LEVEL 2c: • Ability to create a credit control policy • Ability to create and communicate a set of business terms and conditions relevant to a legal entity • Ability to draft debt collection procedures.
	NOMINAL LEDGERS **Demonstrate knowledge, understanding and appropriate application of nominal ledgers for a legal entity**	LEVEL 1: • Knowledge and understanding of maintaining a nominal ledger • Ability to post a small selection of non-vatable entries to a nominal ledger • Ability to explain what is meant by 'drawings' and the use of the capital and current accounts. LEVEL 2c: • Knowledge, understanding and ability to distinguish between profit and loss ledgers and a balance sheet nominal ledger • Ability to post entries to a nominal ledger.
	ACCOUNTS **Demonstrate knowledge, understanding and application of information relating to the financial position of a legal entity**	LEVEL 1: • Ability to read and interpret management reports which include Profit and Loss Accounts and Balance Sheet • Ability to identify significant variations to the accounts from previous years. LEVEL 2a: • Ability to determine the general financial position of a legal entity. LEVEL 2c: • Ability to produce Profit and Loss Accounts and Balance Sheet • Ability to calculate a liquidity ratio, provide commentary on the findings and provide guidance on what is viewed as a poor liquidity ratio • Ability to understand and explain working capital and how it can be effectively and efficiently managed • Ability to explain different finance options available to each type of legal structure.

QUALIFICATION CRITERIA	Learning Outcome An applicant must meet the following outcomes:	Supporting Experience The applicant will need to provide evidence of:
	TAXATION **Demonstrate outline knowledge and understanding of taxation**	LEVEL 1: • Knowledge and understanding of the taxation system as it applies to individuals and corporations. LEVEL 2c: • Ability to apply rules of taxation to individuals and corporations.
	SET OF ACCOUNTS **Demonstrate knowledge, understanding and appropriate application of the creation and interpretation of accounts**	LEVEL 1: • Ability to understand a profit and loss account and balance sheet and relationship with a trial balance • Ability to interpret a profit and loss account and balance sheet. LEVEL 2a: • Ability to identify that the business is unlikely to meet its forthcoming liabilities and when it is appropriate to notify ILEX Professional Standards of this. LEVEL 2c: • Ability to produce profit and loss account and balance sheet from a trial balance • Ability to make the necessary annual adjustments to produce an accurate set of accounts • Ability to calculate a liquidity ratio • Ability to identify and explain the early indicators of a failing business • Ability to identify the point when a business is no longer a going concern.

APPENDIX 2

ADMISSIONS AND LICENSING COMMITTEE RULES

ADMISSIONS AND LICENSING COMMITTEE RULES

1. CILEx Regulation shall establish an Admissions and Licensing Committee.

2. The Admissions and Licensing Committee shall:

   - apply and monitor the Certification Rules for the reserved legal activity and regulated legal activity schemes;
   - consider and determine applications by applicants for reserved or regulated legal activity rights referred to it;
   - consider and determine applications for the renewal of advocacy certificates referred to it;
   - consider and determine applications by prospective or current course providers for accreditation or renewal of accreditation to provide courses referred to it by the Officer;
   - consider whether or not an authorised person may continue to hold a Certificate which authorises them to undertake a reserved or regulated legal activity;
   - determine whether accreditation of a course provider to provide a course should be withdrawn;
   - receive reports of inspections of courses from the external advisors and the Officer;
   - receive reports of the moderation of course assessments from the external advisors;
   - receive annual reports from course providers;
   - submit an annual report to the CILEx Regulation Board.

3. The Officers will report all decisions made by them to the Admissions and Licensing Committee.

4. Wherever the Officer is unable to make a decision or takes the view that the matter requires Committee consideration they may refer the matter to the Admissions and Licensing Committee.

5. A person or organisation affected by any decision which the Admissions and Licensing Committee makes pursuant to its powers under these Rules may apply for reconsideration of that decision. Any such person or organisation must lodge an application for reconsideration at the CILEx Regulation offices within 20 working days of receiving written notification of the decision. The application must include written reasons why it should be reconsidered. The applicant shall have a right to be heard by the Committee when it reconsiders their application.

6. Where an application is reconsidered by the Admissions and Licensing Committee it shall have all the powers that were available to it at the original consideration of the application.

7. An appeal may be made against the decision reached by the Admissions and Licensing Committee in accordance with Rule 5. Appeals will be considered by an Appeal Panel comprising a professional member and two lay members drawn from the panel of lay and professional members appointed to serve on CILEx Regulation's appeal bodies under the Investigation, Disciplinary and Appeals Rules (IDAR). The Appeal Panel will have available to it all the powers available to the Admissions and Licensing Committee at the original consideration of the application.

8. The Admissions and Licensing Committee shall report annually to the CILEx Regulation Board on its work during the preceding calendar year, and make such recommendations as it thinks fit concerning the operation of the scheme Rules falling within its remit.

9. The Admissions and Licensing Committee will comprise:

   - Fellows of CILEx; and
   - Independent members, at least 1 of whom shall have knowledge or experience of consumer issues

   Who are not members of CILEx Council or the CILEx Regulation Board and provided that the independent members are in the majority.

10. A Fellow who is a member of CILEx Regulation's Professional Conduct, Disciplinary or Appeals Panel shall not be eligible to serve as a member of the Admissions and Licensing Committee.

11. Appointments of independent members and Fellows shall be made by the CILEx Regulation Board.

12. Each independent member and Fellow will be appointed to the Admissions and Licensing Committee by CILEx Regulation for a period of five years. Upon the termination of the five year period of their appointment the Board may reappoint them or make a new appointment.

13. No Fellow or independent member may serve more than two consecutive terms as a member of the Admissions and Licensing Committee. Where they fail without good reason to fulfil their duties set out in these Rules CILEx Regulation may terminate their appointment whether or not they have completed their current term of office.

14. The external advisors shall be invited to attend meetings of the Admissions and Licensing Committee. Where necessary the Committee may seek advice on matters under its consideration from other persons or sources.

15. At least three members of the Admissions and Licensing Committee must be present at a meeting to constitute a quorum. The external advisors will not form part of the quorum.

16. The Admissions and Licensing Committee will appoint one of its members as Chair. The Chair will be appointed for a period of one year. The Chair will be eligible for reappointment, but may not serve as Chair for more than three consecutive years.

17. Decisions of the Admissions and Licensing Committee will be reached by a majority vote. In the case of an equality of votes the Chair shall have a casting vote. External advisors may not vote on any matter at a meeting.

18. The Admissions and Licensing Committee shall meet at least once each year. Subject to this, where the Committee deems it appropriate it may consider applications and any other matter by way of a postal agenda or telephone conference.

19. CILEx Regulation shall have the power to pay fees to members of the Admissions and Licensing Committee and shall from time to time, determine the amount and basis of payments of such fees.

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