

Consultation: proposal to amend the CPD regulations and CPD handbook

1. CILEx Regulation is the independent regulator of specialist lawyers and was established as a regulatory body by the Chartered Institute of Legal Executives (CILEx), an approved regulator under the Legal Services Act 2007 (the Act). CILEx Regulation is the regulatory body for Chartered Legal Executives, other grades of CILEx membership, CILEx Practitioners, Associate Prosecutors and entities.
2. This consultation makes a number of proposals to make changes to the CPD regulations and handbook to provide clarity of the compulsory elements of the CPD scheme to members and individuals regulated by CILEx Regulation and required to undertake CPD as well as removing the transitional arrangements from the CPD regulations.
3. This consultation will run for 4 weeks, closing on 18 August 2017.

Background: Why are we proposing these changes?

4. CILEx Regulation changed the CPD requirements for CILEx members in 2013, coming into force for the 2013/4 CPD year on an incremental basis. It has become apparent through the operation of the CPD regulations that the rules are not as clear as they could be in relation to the compulsory elements of the scheme. Some compulsory elements appear only in the CPD handbook.
5. The CPD regulations contain the transitional arrangements for moving from the old scheme to the new scheme and now this period has expired, CILEx Regulation is proposing to remove these arrangements from the CPD regulations.
6. In order to clarify the compulsory elements of the scheme and separate this from the guidance within the CPD handbook, amendments have been made to both documents.
7. In addition, following the designation of CILEx Regulation as a body able to authorise individuals to provide reserved legal activities it is possible for non-members to be subject to CPD requirements. Therefore, the CPD regulations have been amended to include the specific CPD requirements for those who hold independent practice rights but are not members of CILEx.
8. Both the rules and the handbook are regulatory arrangements and therefore changes must be approved by the Legal Services Board (LSB).

Our proposals

9. The changes to the CPD regulations and CPD handbook are attached to this consultation in tracked changes at Annexes 1 and 2 respectively. In summary, the proposals are as follows:

CPD Regulations

- Reference to CILEx Practitioners within the CPD regulations
- Reference to 'members' replaced with reference to 'individuals' where appropriate to reflect the situation that a non-member practice rights holder is subject to CPD
- Definitions of all terminology within the regulations
- Clarification of the requirements in relation to recording and monitoring CPD requirements and removing reference to the specific system currently used to record CPD with a generic reference
- Clarification of the requirements for dispensation, extension and exemption

- Clarification of the CPD requirements for self-employed members and overseas members
- Clarification of the situations which may lead to a misconduct investigation

CPD handbook

- Clarifications have been made to the handbook to ensure that the guidance can be easily understood
10. For the avoidance of doubt, CILEx Regulation is not seeking to make substantive changes to the CPD scheme currently in operation. These changes are to introduce clarity to the regulations and ensure all compulsory elements are contained within the CPD regulations. It also proposes to remove the transitional arrangements from the regulations, which have now expired.
11. If approved, these new regulations will come into force for the 2017/2018 CPD year, which starts on 1 October 2017.

Consultation questions

12. **Do you agree that CILEx Regulation should make the amendments to the CPD regulations in order to ensure all compulsory elements of the CPD scheme are contained in a single document?**

If you do not agree, please give reasons for your response.

13. **Do you agree that CILEx Regulation should make the amendments to the CPD handbook, in order to clarify the guidance in relation to the CPD scheme?**

If you do not agree, please give reasons for your response.

14. **Do you agree that the transitional arrangements should be removed from the CPD regulations**

If you do not agree, please give reasons for your response.

15. **Do you have any other comments on these proposals?**

How to respond

A response form has been provided for completion. Please send the response form to CILEx Regulation through one of the following methods:

- By email to consultations@cilexregulation.org.uk . Mark it for the attention of Vicky Purtil

- By post to CILEx Regulation Ltd, Kempston Manor, Kempston, Bedford MK42 7AB
- By DX to CILEx, DX 124780 Kempston 2.

Submission deadline

The deadline for submission of responses is 18 August 2017.