

APPLICATION FOR FELLOWSHIP RULES (TRANSITIONAL ARRANGEMENTS)

Definitions

1.1 In these Regulations the following definitions apply:

“Admissions and Licensing Committee” means the Committee established by IPS to deal with matters relating to the Application for Fellowship rules.

“Chartered Institute” means the Chartered Institute of Legal Executives.

“CILEx” means the Chartered Institute of Legal Executives.

“IPS” means ILEX Professional Standards Ltd.

“Licensed Conveyancer” means a person authorised to provide conveyancing and in some situations probate services by the Council for Licensed Conveyancers.

“Registered Person” means a person who is not a Fellow but is registered with CILEx in accordance with its Charter and Bye-Laws and regulations made by the Council.

References to the male gender shall include the female gender.

Admission as a Fellow

1.1 Subject to Regulation 2.4 a Graduate Member who has fewer than 24 months of post Graduate membership to complete by [2 years from date of WBL coming into effect] **and** at the time that he has completed 2 years in the post Graduate grade of membership has a total of 5 years qualifying employment may be admitted as a Fellow if he is in qualifying employment and:

1.1.1 He has been in qualifying employment for an aggregate of 5 years or more;

1.1.2 He has been in qualifying employment as a Graduate Member for at least 2 consecutive years immediately prior to making application to become a Fellow;

1.1.3 He has paid all subscriptions and other fees payable by him to CILEx, or has made arrangements for payment;

1.1.4 He provides a Certificate signed by an authorised person, or at the discretion of IPS any other person, who supervises his work or by

whom he is employed, which confirms the nature of his duties and that he is competent to be a Fellow; and

1.1.5 He accepts any obligations imposed on him by the Charter and Bye-Laws and regulations made by the Council.

1.2 A person who has been admitted as a Fellow previously, but whose membership has lapsed, may be re-admitted as a Fellow if he pays any fees owing to the Institute at the time his membership ended.

Qualifying Employment

2.1 A person is in qualifying employment if he is employed either:

- by an authorised person as defined by the Legal Services Act 2007 in private practice; or
- by an organisation where the employment is subject to supervision by an authorised person employed in duties of a legal nature by that firm, corporation, undertaking, department or office; and

in each case, undertakes work that is ***wholly of a legal nature*** for at least 20 hours per week.

2 For the purposes of Regulation 6, an applicant for Fellowship will be regarded as being employed if:

2.2.1 He is employed under a contract of service and is engaged on his employer's business for specified hours; or

2.2.2 He is a partner in any firm or is an owner of any company; or

2.2.3 at the discretion of IPS, he is employed under a contract for services, whether he works as an independent contractor or provides services through an intervening agent.

2.3 A period of up to 43 weeks spent in attendance on a Legal Practice Course recognised by the Law Society of England and Wales in connection with qualification as a Solicitor will be treated as qualifying employment.

2.4. Part-time employment may be accepted as qualifying employment, if the work undertaken provides the opportunity for practical expertise to be developed. However the two years required to be served in the Graduate Membership grade before admission as a Fellow may be extended by up to one further year where a Graduate Member is employed part-time during that period.

2.4.1 For the purpose of this bye-law, part-time employment is employment

for less than 30 hours per week. Employment for less than 20 hours per week will not normally be accepted as qualifying employment, but IPS shall have power to determine that employment for less than 20 hours per week shall be regarded as part-time qualifying employment, where it decides it is appropriate to do so.

- 2.4.2 Decisions as to whether part-time employment may be counted as qualifying employment and whether any additional periods are required to be served in the Graduate Membership grade before admission as a Fellow may be made by the IPS Officer responsible for checking applications for admission to Fellowship.
- 2.5 Unpaid work may be regarded as "employment" for the purpose of these by-laws.
- 2.6 Time spent on maternity leave will not count as qualifying employment. However maternity leave taken whilst registered as a Graduate Member will not break the continuity of the employment for the purpose of Regulation 1.1.2.
- 2.7 Periods out of employment owing to redundancy will not count as qualifying employment but, if they occur during the period of Graduate Membership they will not break the continuity of employment for the purpose of Regulation 1.1.2.
- 2.8 Breaks in qualifying employment caused by illness or change of employment will be disregarded in determining periods of qualifying employment provided they do not exceed six consecutive weeks.
 - 2.8.1 Where such breaks occur during the period of Graduate Membership they will not break the continuity of employment for the purpose of Regulation 1.1.2, unless they exceed three consecutive months.
 - 2.8.2 Where a break of more than six weeks occurs, caused by illness or change of employment, none of that period will count for the purpose of calculating the qualifying employment.
- 2.9 A Committee of IPS, to be known as "The Admissions and Licensing Committee" will consider applications or requests relating to these Membership Requirement Requirements on behalf of IPS.

Its terms of reference will be as follows:

- 2.9.1 To make decisions on behalf of IPS on cases referred to the Committee by the Officer where a member of the Chartered Institute seeks guidance or a decision on whether or not their employment constitutes 'qualifying employment', and where no earlier precedent has been set.
- 2.9.2 To determine whether a registered person may be deemed to be in

'qualifying employment' in cases where the work he undertakes is similar to 'qualifying employment', but there is no authorised person employed to supervise his work.

- 2.9.4 To consider appeals from decisions of the Officer whether part time employment may be counted as qualifying employment and whether any additional periods are required to be served in the Graduate Membership grade before admission as a Fellow.
- 2.9.5 To develop a body of precedent relating to quality of experience and demonstrable competency.
- 2.9.6 To make recommendations to the IPS Board from time to time on all matters within the remit of the Committee.

25 February 2013