

PRACTISING CERTIFICATE REINSTATEMENT PROCEDURE

Costs Lawyer Standards Board

Effective date: 4 July 2012

These procedures have been written to define the board approved process of the Costs Lawyer Standards Board (the "CLSB") on an application for reinstatement of a Costs Lawyers practising certificate.

Practising Rule 11: Lapsed Practising Certificate/Retired Costs Lawyers

- 11.1 A Costs Lawyer is encouraged, during a career break for whatever reason, to retain their Practising Certificate therefore keeping up to date with CPD requirements. However, in the event a Costs Lawyer has not done so, then they may re-apply by completing the required reinstatement form and paying an administrative fee of £30.00 together with the Practising Certificate Fee on a pro-rata basis.
- 11.2 On re-issue of a Practising Certificate, the Costs Lawyer will be required to undertake CPD on a pro-rata basis for what remains of the practising year.
- 11.3 A Costs Lawyer who has retired may continue to receive the Costs Lawyer Journal, diary and may attend the National Conference (but not the AGM) on payment of an administrative fee of £50.00 a year to the ACL. They may not however title themselves a Costs Lawyer or Retired Costs Lawyer.

Procedure

- 1. The Chief Executive of the CLSB (the "CEO") must receive from the applicant:
 - (a) a fully completed and signed Application for Reinstatement form; and
 - (b) the £30.00 Application for Reinstatement fee; and
 - (c) the fully completed and signed Application for a Practising Certificate form; and
 - (d) the annual Practising Certificate Fee (pro-rata).
- 2. Upon receipt of all of the above the CEO will check with the Association of Costs Lawyers (the "ACL") as to whether there is any reason why, to the best of their knowledge and belief, the Costs Lawyer cannot be reinstated.
- 3. The CEO will check the register of complaints (CLSB/ACL/LeO) to establish if there has ever been a complaint filed against the Costs Lawyer in question.
- 4. In the event the above enquiries do not identify any reason why a Practising Certificate should not be issued and the CEO has no other reason why further verification checks

should be made before the application is approved based on signed statements of truth/declarations therein, then a Practising Certificate will be issued to avoid delay and the name of the Costs Lawyer will be added to the Register of Costs Lawyers.

5. The CEO may, at their discretion, subsequently initiate a verification process by requesting the applicant provides:
 - a criminal record check; and/or
 - a bankruptcy check; and/or
 - clarification/documentation to support statements and information contained in their Application for Reinstatement or their Application for a Practising Certificate.

In the event the verification process identifies any cause for concern, such as a false declaration, then an independent investigation will be commenced and if just cause is found, the matter will be referred to the Conduct Committee for consideration.

Examples of why an application for reinstatement may be refused

The CEO has justifiable reasons for believing:

- the applicant is not fit and proper under the Code of Conduct; and/or
- the applicant made a false declaration under either their Application for Reinstatement or their Application for a Practising Certificate.

Those justifiable reasons will be based on one or more of the following:

- Information in the Application for Reinstatement.
- Information in the Application for a Practising Certificate.
- Documentation provided by the applicant e.g. criminal record check, bankruptcy check.
- Documentation obtained by the CLSB.
- Information provided by the ACL on suitability.
- Historical complaints record (CLSB/ACL/LeO).
- Information received as a result of an application validation process.

Notifying the ACL

The CEO will notify the ACL of the reinstatement by copying to them the Application for Reinstatement and attaching a cheque for that proportion of the Practising Certificate Fee which is appropriate for representation on a pro-rata basis.

Pro-rata fee

The applicant shall pay the annual LSB/LeO levy in full together with annual Practising Certificate Fee on a pro-rata basis (fee divided by 12 then multiplied by the number of months the practising certificate will be issued for). In the event the Practising Certificate is being issued part way through a month, the full month will be due and payable.

Right of appeal

In the event the CEO considers it inappropriate to reinstate the Costs Lawyer, the applicant has a right of appeal to the Conduct Committee under Practising Rule 12:

Practising Rule 12: Appeals

- 12.1 There is a right of appeal under this Rule in respect of:
 - (a) Refusal of CLSB to issue a Practising Certificate.
 - (b) Imposition of a condition or conditions upon a Practising Certificate.
 - (c) Refusal of CLSB to remove a condition or conditions imposed on a Practising Certificate.
- 12.2 An appeal must be made within 21 calendar days of the date of the letter notifying the decision which the Costs Lawyer intends to appeal.
- 12.3 The appeal must be in writing to the CLSB and must set out the grounds on which the appeal is being made.
- 12.4 The only grounds for making an appeal are that the decision was flawed because:
 - (a) There was a material error in law.
 - (b) There was a failure to take into account material information.
 - (c) The decision was irrational.
 - (d) The decision was one which could not be made.
 - (e) New evidence has been obtained which could not have been made available when the decision was made.
- 12.5 An appeal shall be by way of review by the Conduct Committee and the decision on the appeal shall be made on paper alone.
- 12.6 The Conduct Committee may not impose any decision or condition that is harsher than the original, it may only uphold the decision or lessen it.
- 12.7 There is no right of appeal beyond the Conduct Committee.