

REVISED: TRAINING & CPD RULES
COSTS LAWYERS

Regulator: Costs Lawyer Standards Board

Effective date: XX

These rules (“Rules”) replace all other Training & CPD Rules previously issued by the Costs Lawyer Standards Board (“CLSB”).

Section 1: Trainee Costs Lawyer Rules

These Rules aim to ensure those who seek to achieve Costs Lawyer status (“Trainee Costs Lawyer”) obtain detailed knowledge of costs law and practice, develop skills of legal analysis, reach a high level of competency and learn valuable transferable skills. This is achieved through study for the Costs Lawyer Qualification (“CLQ”).

1. **Accredited Study Provider (“ASP”)**

1.1 Study for the CLQ may only be undertaken with a provider accredited by the CLSB. The ASP register can be located on the CLSB website at www.clsb.info

2. **Age requirement**

2.1 The minimum age of an applicant to become a Trainee Costs Lawyer (“Applicant”) is 18 at the date study commences with an ASP.

2.2 If requested by an ASP, the Applicant will provide proof of date of birth before their application is considered.

3. **Entry level qualifications**

3.1 The minimum level of qualification for an Applicant is (or equivalent):

- (i) four GCSEs at grade C or above, English and maths being compulsory; or
- (ii) two A level passes and 1 GSCE level to include English; or
- (iii) three AS level passes to include either English or maths; or
- (iv) GNVQ at intermediate or advanced level, provided a communications skills element is included; or
- (v) passing a written aptitude test set by an ASP.

4. **Applications to an ASP**

4.1 It is not a requirement that an Applicant is a member of the Association of Costs Lawyers, which is a voluntary representative body, at the time of application to an ASP or during their period of study with an ASP as a Trainee Costs Lawyer.

- 4.2 An application must be submitted to an ASP fully completed (all required information and documentation) by the date stipulated by that ASP for administrative purposes.
- 4.3 Documentary evidence of entry level qualifications must be submitted with an application (photocopies will be acceptable).
- 4.4 An Applicant is required to provide the name, address and phone number of two referees (one personal, one professional). A personal referee should be a person who knows the Applicant well enough to vouch for their character and know of any problems the Applicant may have had, such as convictions. A professional referee should be a professional person who has worked with the Applicant, knows the Applicant well enough to vouch for their character, and would know of any problems the Applicant may have e.g. convictions, disciplinary matters, plagiarism.
- 4.5 The ASP will advise in writing whether an application has been approved. In the event that an application is refused, the ASP will state the reasons why.

5. Disclosure requirements

- 5.1 On an application to an ASP, the Applicant must declare any information that might affect their suitability to be a Trainee Costs Lawyer/Costs Lawyer which includes:
 - (i) Any disciplinary action by any professional body.
 - (ii) Any finding of cheating in exams or plagiarism during the course of study.
 - (iii) If they are an un-discharged or discharged bankrupt.
 - (iv) If they have entered into an Individual Voluntary Arrangement or Partnership Voluntary Arrangement under the Insolvency Act 1986, as amended.
 - (v) If they have been a director of a company or member of an LLP which has been wound up or the subject of an administration order, administrative receivership or a voluntary arrangement under the Insolvency Act 1986.
 - (vi) If they have been disqualified from being a company director.
 - (vii) If they have been committed to prison on civil or criminal proceedings or have been convicted of an indictable offence (subject to the Rehabilitation of Offenders Act).
 - (viii) If they lack capacity within the meaning of the Mental Capacity Act 2005.
 - (ix) If they have been removed from the office of charity trustee or trustee for a charity by an order within the terms of section 72(1)(d) of the Charities Act 1993.
 - (x) If they are or have been the subject of a money judgement which has been outstanding for more than 28 days.
 - (xi) If they have been the subject of an order under s.43 of the Solicitors Act 1974.
 - (xii) Any other matter that might reasonably be expected to be disclosed in affecting their fitness to study for the Costs Lawyer professional qualification.
- 5.2 In the event of any declaration(s) under rule 5.1 the ASP will consider the Applicant's suitability and the ASP may refuse the application.

5.3 On receipt of an application, the ASP may make any required checks, including criminal records checks, to ensure the suitability of an Applicant. A failure to disclose, or the provision of misleading information on an application will be taken into account by the ASP when considering the suitability of an Applicant to become a Trainee Costs Lawyer.

6. Qualifying experience

6.1 There is no requirement that an Applicant or Trainee Costs Lawyer is employed in costs law and practice at the time of their application or during the course of their study with an ASP.

6.2 To successfully complete the CLQ a Trainee Costs Lawyer will be required to evidence to their ASP that they have also achieved three years' work experience in costs law and practice (Qualifying Experience).

6.3 The three years' Qualifying Experience need not be continuous.

6.4 On successfully completing the CLQ the ASP will audit Qualifying Experience to ensure it was achieved and was relevant i.e. in costs law and practice. The ASP will not issue a certificate of Costs Lawyer qualification until both the CLQ has been successfully completed and the ASP is satisfied the Qualifying Experience has been achieved.

7. Learning support

7.1 If an Applicant or Trainee Costs Lawyer has any needs that may affect their learning then they are required to notify their ASP on application or when the need arises.

8. The Qualification

8.1 The CLQ is that set out by the CLSB following consultation and Legal Services Board approval under the Legal Services Act 2007. It is divided into three separate units providing a structured learning programme and can be located on the CLSB website at www.clsb.info

8.2 A Trainee Costs Lawyer must successfully complete each unit to the satisfaction of their ASP and pass each end of unit examination to a pass standard of 65%.

8.3 The CLQ is designed as a three year course and cannot be fully completed in less than that time.

8.4 Once the CLQ has been completed, there will be no further training obligations by a Trainee Costs Lawyer to an ASP.

9. Exemptions

9.1 A table of exemptions will be approved by the CLSB and will be applied by all ASPs. The table can be located on the CLSB website at www.clsb.info

9.2 Exemptions will be applied where an Applicant has evidenced to the ASP that they have successfully achieved the following qualifications:

- (i) A law degree
 - (ii) Legal Practice Course (LPC)
 - (iii) Bar Professional Training Course (BPTC)
 - (iv) C.ILEX
- 9.3 An Applicant will assist an ASP in validation of a qualification under 9.2 otherwise no exemptions will be applied.
- 9.4 Where exemptions are applied, the fee for that module/unit will be reduced on a pro-rata basis e.g. if exempted from 3 of 6 modules, then only 50% of the study fee will be payable to the ASP.
10. Continuing professional development (“CPD”)
- 10.1 A Trainee Costs Lawyer is not required to undertake any CPD during their period of study for the CLQ.
- 10.2 On qualifying, a Costs Lawyer may then apply to the CLSB for a Costs Lawyer practising certificate under which they will be authorised to undertake reserved legal activities and will be regulated by the CLSB under the Legal Services Act 2007. It is only when a Costs Lawyer has a practising certificate issued by the CLSB that they are required to undertake CPD, and accountability for that CPD is to the CLSB through these Rules.

Section 2: Costs Lawyers and continuing professional development (CPD)

Costs Lawyers are required to continuously develop their knowledge and practical skills to ensure they operate to the standard expected of them in the Costs Lawyer Code of Conduct.

11. Identifying CPD needs
- 11.1 At the start of a CPD Year, a Costs Lawyer is required to reflect on their work and business practice and identify any gaps in skills and knowledge. They must then plan to fill those gaps by undertaking appropriate CPD.
- 11.2 Costs Lawyers are encouraged to plan their annual CPD activities based on an objective assessment of their personal training and development needs in relation to their work and business practice. A Costs Lawyers should determine for themselves (bearing in mind their existing skills and the nature of their practice) the most appropriate subjects where they should undertake CPD, taking account of their responsibilities. When considering whether a type of training or activity could count towards CPD it is suggested a Costs Lawyer asks the question “*what is the value of this training in providing legal services to my clients?*”
12. Achieving CPD
- 12.1 The CPD year will be in line with the authorised practising year i.e. 1 January inclusive to 31 December inclusive (“CPD Year”).
- 12.2 A Costs Lawyer must achieve a minimum of 12 CPD points in a CPD Year. A minimum of 6 CPD points must be achieved from table 1 below, and examples have been

provided in table 2 on how the balance can be achieved. To count towards achieving the overall requirement of 12 CPD points, each CPD activity should be at an appropriate level and contribute to a Costs Lawyers general professional skills and knowledge.

- 12.3 In the event a Costs Lawyer is reinstated or qualifies during the course of a CPD Year they will be required to achieve 1 CPD point for each full month worked during the CPD Year, with a minimum of 50% of that CPD Year points being achieved from CPD table 1.
- 12.4 In the event a Costs Lawyer is on long term leave during the course of a CPD Year (e.g. maternity or sick leave) they will be required to achieve 1 CPD point for each full month worked during the CPD Year, with a minimum of 50% of that CPD Year points being achieved from CPD table 1.
- 12.5 In accordance with Practising Rules, the CLSB may refuse to renew a practising certificate or may issue the practising certificate subject to conditions where the Costs Lawyer has failed to comply with CPD requirements.
- 12.6 The CLSB may require a Costs Lawyer to attend a CPD course at the expense of the Costs Lawyer irrespective of whether they have complied with the 12 point requirement as a sanction on a disciplinary finding, or in the event that they have failed to comply with these Rules.
- 12.7 CLSB will undertake an annual random audit of CPD records, and a Costs Lawyer is required to co-operate fully with the CLSB in that audit process.

13. CPD providers

- 13.1 The CLSB will recognise CPD provided by a CLSB Accredited Costs Lawyer, CLSB Accredited Study Provider, Solicitor, Barrister, C.ILEX, the ACL, professional training provider.
- 13.2 A Costs Lawyer may apply to the CLSB under prevailing rules to be accredited for the purposes of providing CPD. The register of Accredited Costs Lawyers can be located on the CLSB website at www.clsb.info

14. Maintaining records

- 14.1 A Costs Lawyer must keep a record of CPD undertaken, a CPD record sheet can be accessed on the CLSB website at www.clsb.info
- 14.2 A Costs Lawyer is required to file their CPD record on application to the CLSB for a practising certificate for the following year.
- 14.3 A Costs Lawyer is required to keep evidence of CPD achieved for 2 years from the end of the CPD Year.

Table 1 <i>A minimum of 50% (6 points for a full CPD Year) to be achieved from this table</i>		
Action		CPD points achieved
1 (a)	Attending an ACL conference	6 points for one day 4 points for half day
1 (b)	Attending a costs conference provided by a professional training provider	1 point per hour attended <i>(excluding breaks)</i>
1 (c)	Attending training (in-house or external) on a costs related subject matter . Training having been provided by a CLSB Accredited Costs Lawyer, CLSB Accredited Study Provider, Solicitor, Barrister, the ACL or professional training provider	1 point per hour attended <i>(excluding breaks)</i>
1 (d)	Attending training (in-house or external) on a subject matter of relevance to practice e.g. advocacy, area of law in which costs cases are worked. Training having been provided by a CLSB Accredited Costs Lawyer, CLSB Accredited Study Provider, Solicitor, Barrister, the ACL or professional training provider	1 point per hour attended <i>(excluding breaks)</i>
1 (e)	Completing webinars/podcasts on a costs related subject matter or subject matter of relevance to practice	As attributable by provider
1 (f)	Delivery of training on costs law and practice by a CLSB Accredited Costs Lawyer	1 point per hour the training lasts <i>(Maximum 4 points)</i> <i>(No points for preparation time)</i>

Table 2 Examples of how to achieve the balance of CPD points	CPD points achieved
Work: ACL membership (which includes receiving the Costs Lawyer Journal)	2 points
Work: Published written work on costs law e.g. article or law report	3 points per published article
Work: Acting as a tutor for an Accredited Study Provider	6 points
Work: Acting as an examination marker for an Accredited Study Provider	6 points
Work: Providing a seminar to clients on costs related matters	1 point per hour
Business practice: Giving or receiving training in practice	1 point per hour

management	
Business practice: Giving or receiving training in personnel management	1 point per hour
Business practice: Giving or receiving training in accounts management	1 point per hour
Business practice: Tutoring/coaching a Trainee Costs Lawyer	4 points