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# Recognition of European Professional Qualifications Rules

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**31 December 2020 (version 2)**

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**Costs Lawyer Standards Board**

**CLSB**  
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## Introduction

These Rules govern the process by which the CLSB will consider an application for recognition of an EEA or Swiss professional qualification as being equivalent to the Costs Lawyer Qualification. A person who makes a successful application under these rules will, despite not having completed the Costs Lawyer Qualification, be entitled to apply for a practising certificate to practise as a Costs Lawyer in England and Wales.

## Definitions

Applicant	A person who makes an Application under these Rules
Application	An application made under these Rules for recognition of a Professional Qualification as being comparable to the Costs Lawyer Qualification in level, content and scope
CLSB	Costs Lawyer Standards Board
Costs Lawyer	A person who, when they hold a valid Practising Certificate, is authorised by the CLSB to carry on the following reserved legal activities: <ul style="list-style-type: none"><li>• The exercise of a right of audience</li><li>• The conduct of litigation</li><li>• The administration of oaths</li></ul>
Costs Lawyer Qualification	The prescribed means of entry into the Costs Lawyer profession as established in the Training Rules and associated course documentation, as they apply at the time the Application is made
EEA	The European Economic Area, with references to an EEA state being a reference to any of the member states of the European Union, Iceland, Liechtenstein or Norway
Practising Certificate	A certificate issued annually allowing a person to practise as an authorised Costs Lawyer and carry on reserved legal activities
Practising Rules	The CLSB's rules and requirements governing the practice of Costs Lawyers and the issue and revocation of Practising Certificates, as they apply at the time an Application is made

Professional Qualification	A qualification attested by a diploma, certificate or other evidence issued by an authority in the UK or in an EEA state or Switzerland certifying successful completion of professional training obtained mainly in the UK or one or more EEA states or Switzerland
Register	The register of Costs Lawyers who hold a current Practising Certificate as published on the CLSB website
Regulatory Arrangements	The CLSB Handbook (including the Code of Conduct) and associated CLSB guidance, policies and procedures as amended from time to time
Training Rules	The CLSB's rules and requirements for training and qualification, as they apply at the time an Application is made
UK-Swiss Citizens' Rights Agreement	The agreement between the UK and the Swiss Confederation on citizens' rights following withdrawal of the UK from the European Union and the Free Movement of Persons Agreement
2015 Regulations	The European Union (Recognition of Professional Qualifications) Regulations 2015, as amended

## **RULE 1: Applicability of these Rules**

- 1.1 These Rules implement the provisions of the 2015 Regulations, which have been amended by the Recognition of Professional Qualifications (Amendment etc) (EU Exit) Regulations 2019 to account for the UK's exit from the European Union on 31 January 2020 and the end of the associated transition period on 31 December 2020.
- 1.2 In relation to Applicants who are not Swiss nationals within the scope of the UK-Swiss Citizens' Rights Agreement, these Rules take effect from 11pm on 31 December 2020 and replace the CLSB's Rules Relating to the Recognition of the Costs Lawyer Qualification Within the EU.

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- 1.3 In relation to Applicants who are Swiss nationals within the scope of the UK-Swiss Citizens' Rights Agreement, these rules take effect from 11pm on 31 December 2024. The CLSB's Rules Relating to the Recognition of the Costs Lawyer Qualification Within the EU continue to have effect in relation to Swiss nationals until that time.
  - 1.4 A person must hold a Professional Qualification to be eligible to make an Application.
  - 1.5 Third country qualifications (that is, non-EEA and non-Swiss qualifications) will not be considered under these Rules. However, an Applicant may be a citizen of any country.

## **RULE 2: Recognition of professional qualifications**

- 2.1 The CLSB is the approved regulator of Costs Lawyers in England and Wales (under the delegated authority of the Association of Costs Lawyers) pursuant to the Legal Services Act 2007 and is a competent authority for the purposes of the 2015 Regulations.
- 2.2 In accordance with Practising Rule 1.1(a), no person shall be entitled to practise as a Costs Lawyer in England and Wales unless they (amongst other things) have qualified as a Costs Lawyer in accordance with the Training Rules. The Training Rules provide for qualification as a Costs Lawyer by completion of a training course known as the Costs Lawyer Qualification.
- 2.3 These Rules allow an Applicant to make an Application to the CLSB for recognition of a Professional Qualification as being comparable to the Costs Lawyer Qualification in level, content and scope, and thus sufficient to meet the requirements of Practising Rule 1.1(a).
- 2.4 An Applicant may make an Application on the basis that they hold multiple Professional Qualifications which, together, are comparable to the Costs Lawyer Qualification in level, content and scope. In such cases, references to a

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Professional Qualification in these Rules should be read as a reference to the multiple Professional Qualifications upon which the Applicant seeks to rely.

- 2.5 To facilitate the comparison of a Professional Qualification with the Costs Lawyer Qualification by a prospective Applicant, the CLSB will publish details of the Costs Lawyer Qualification on its website.
- 2.6 Upon a successful Application, an Applicant will become eligible to apply for a Practising Certificate, following which their name will appear on the Register.
- 2.7 A Costs Lawyer who holds a Practising Certificate must comply with the Regulatory Arrangements.

### **RULE 3: Point of single contact**

- 3.1 The CLSB will act as the point of single contact for the Costs Lawyer profession, in accordance with the description of that role in the 2015 Regulations.
- 3.2 The CLSB will make available all relevant information in relation to the Costs Lawyer profession, the Costs Lawyer Qualification and the requirements, procedures and formalities for making an Application via a dedicated page on its website.
- 3.3 In the event an Applicant requires further information or assistance in making an application, the CLSB will provide such information or assistance. It will do so in collaboration with the UK's national information centre for professional qualifications where appropriate. For this purpose, the CLSB can be contacted using the details on the contact page of its website.
- 3.4 The CLSB will use all reasonable endeavours to respond to a request for information or assistance from an Applicant or prospective Applicant within five working days of receipt of the request by the CLSB.

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## **RULE 4: The assessment process**

- 4.1 An Application must be made to the CLSB using the electronic form provided on the CLSB website. Where a prospective Applicant is unable to use that form due to a disability, the CLSB will work with the Applicant to identify appropriate reasonable adjustments to facilitate making an Application.
- 4.2 An Applicant must provide the information requested in the electronic form and pay the application fee as prescribed by the CLSB from time to time. The requested information will include at least the following in relation to the Applicant:
- (a) a copy of evidence of their Professional Qualification, such as a diploma or certificate;
  - (b) a copy of any documents associated with their Professional Qualification, such as documents formally recognising their training or experience;
  - (c) information and evidence to enable the CLSB to determine the level, content and scope of their Professional Qualification, including any training and experience elements;
  - (d) information relating to their fitness to practice, professional standing and financial standing.
- 4.3 Information and evidence must be provided in the English or Welsh language. Where original documents are not in English or Welsh, an official translation must be provided.
- 4.4 The CLSB will acknowledge receipt of an Application in writing within one month of receipt. If an Application is considered to be incomplete in any respect, the CLSB will notify the Applicant of this when acknowledging receipt and invite the Applicant to submit further information in order to complete the Application.
- 4.5 Once the Application is complete, the CLSB will consider the Application as soon as reasonably practicable and will advise the Applicant in writing of the likely timeframe for determining the Application, based on the CLSB's initial assessment of the Application's complexity. In all cases, a decision will be made no later than four months from receipt of a complete Application.



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4.6 The CLSB will assess the level, content and scope of the Applicant's Professional Qualification against the level, content and scope of the Costs Lawyer Qualification to determine whether they are comparable. In making this assessment, the CLSB will consider at least the following factors:

- (a) Content: Has the training that the Applicant received covered substantially similar matters (including knowledge, skills and competencies), or achieved substantially similar learning outcomes, to the Costs Lawyer Qualification?
- (b) Scope: Does the Applicant's Professional Qualification relate to the carrying out of activities of a substantially similar kind to the reserved legal activities that Costs Lawyers are authorised to carry out?
- (c) Scope: Does the Costs Lawyer Qualification involve training in areas that do not form part of the Applicant's Professional Qualification?
- (d) Level: Is the academic level of the Applicant's Professional Qualification equivalent to that of the Costs Lawyer Qualification?

4.7 In relation to the supervised practice element of the Costs Lawyer Qualification, the CLSB will:

- (a) recognise professional traineeships that have been carried out to a comparable standard in an EEA state or Switzerland; and
- (b) take account of traineeships that have been carried out to a comparable standard in a third country,

where the professional traineeship has been undertaken over a period of not less than three years in total (not necessarily consecutively) and has been supervised by one or more legal practitioners authorised to practise in England and Wales or in the country where the traineeship was carried out.

4.8 The CLSB may request additional information, documents or evidence from the Applicant at any time during the process of considering an Application.

## **RULE 5: Justified doubt**

5.1 The CLSB may, in the event of justified doubt, request from an EEA or Swiss competent authority at any time during the process of considering an Application one or more of the following:

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- (a) confirmation of the authenticity of the evidence of a Professional Qualification awarded in that EEA state or Switzerland;
  - (b) where evidence of a Professional Qualification includes training received in a different country to that in which the Professional Qualification was awarded, verification of matters relating to that training as set out in Regulation 39 of the 2015 Regulations;
  - (c) confirmation that the Applicant is not suspended or prohibited from the pursuit of the profession as a result of serious professional misconduct or conviction of criminal offences relating to the pursuit of any of the Applicant's professional activities.
- 5.2 If the relevant EEA or Swiss competent authority does not provide the requested information before expiry of the time for notifying the Applicant of the outcome of the Application, the CLSB may refuse the Application.
- 5.3 The CLSB may request certified copies of any documents provided by the Applicant in support of their Application, or confirmation by others means of the authenticity of such documents, in the event of justified doubt or as otherwise necessary.

## **RULE 6: Outcome of an Application**

- 6.1 The outcome of an Application will be a decision that either:
- (a) the Applicant's Professional Qualification is comparable to the Costs Lawyer Qualification, in which case the Applicant will be deemed to meet the requirement in Practising Rule 1.1(a); or
  - (b) the Applicant's Professional Qualification is not comparable to the Costs Lawyer Qualification.
- 6.2 The CLSB will notify an Applicant in writing of its decision within four months of receipt of a complete Application.
- 6.3 The CLSB will set out the reasons for its decision in writing and will advise the Applicant of their right to appeal.



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- 6.4 In accordance with the 2015 Regulations, failure by the CLSB to make a decision within four months of receiving a complete Application will be deemed to be a decision that the Applicant's Professional Qualification is not comparable to the Costs Lawyer Qualification.
- 6.5 Applicants may appeal a decision (including a deemed decision under Rule 6.4) on a matter of fact or law (or both) to the County Court within four months of being notified of the decision, or at a later date with the permission of the County Court. The County Court may, for the purposes of determining the appeal:
- (a) authorise the Applicant to practise as a Costs Lawyer and impose any conditions on practising that may be imposed by the CLSB; or
  - (b) refer the matter to the CLSB with such directions as the County Court sees fit.

## **RULE 7: Title**

- 7.1 There are no designatory letters for the Costs Lawyer Qualification and there is no statutory restriction on use of the Costs Lawyer title, save that an unauthorised person must not hold themselves out as being a regulated Costs Lawyer authorised to carry out reserved legal activities or otherwise mislead consumers.
- 7.2 A successful Applicant may use their home state professional title or designatory letters in addition to the title of Costs Lawyer, however any title or designatory letters must be used in a way that does not mislead consumers and should indicate the country in which the Professional Qualification was attained.

## **RULE 8: Sharing information**

- 8.1 Applicants should be aware that the CLSB has certain obligations under the 2015 Regulations to share information and statistics relating to Applications.
- 8.2 The CLSB will collate information and statistics relating to Applications received and decisions taken. It will provide the information and statistics to the UK government upon request.

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- 8.3 The CLSB will maintain and publish a register of successful Applicants.
- 8.4 The CLSB will co-operate fully with the UK's national information centre for professional qualifications and provide all relevant information about individual Applications to that centre on request (subject to data protection legislation as defined by section 3(9) of the Data Protection Act 2018).
- 8.5 The CLSB may share information about criminal sanctions and disciplinary action with competent authorities and other relevant government bodies in EEA states and Switzerland, and with the European Commission, in accordance with the current law on data protection in England and Wales.
- 8.6 In the event the CLSB is in receipt of information about criminal sanctions or disciplinary action from a competent authority in an EEA state or Switzerland or from the European Commission, the CLSB will (insofar as required by the 2015 Regulations):
- (a) examine the veracity of the circumstances;
  - (b) decide on the nature and scope of the investigations which are required and carry them out accordingly; and
  - (c) inform that competent authority of the conclusions which it has drawn from the information available.

## **RULE 9: General**

- 9.1 In the event of any irreconcilable inconsistency between these Rules and the 2015 Regulations, or in the event that the 2015 Regulations make provision for a matter on which these Rules are silent, the 2015 Regulations will apply.
- 9.2 Costs incurred by an Applicant under these Rules will be met by the Applicant.

**END**