



CLC Lawyer Licensing Framework

Outcomes-Focused

This Framework seeks to ensure that only those individuals able and committed to delivering the **CLC's Code of Conduct's Outcomes** for **Clients** are awarded a Practising **Licence**.

To achieve this, the **CLC** will only license individuals able and willing to act in a principled manner and deliver the **CLC Code of Conduct's Outcomes** by complying with its **Overriding Principles**:-

- Act with independence and integrity;
- Maintain high standards of work;
- Act in the best interests of **Clients**;
- Comply with your duty to the court;
- Deal with regulators and ombudsmen in an open and co-operative way; and
- Promote equality of access and service.

Applying for a Licence

1. An individual wishing to apply for a **Licence**
 - a. must deliver to the **CLC's** offices:
 - i. a correctly completed application in the form prescribed by the **CLC**; and
 - ii. the fee payable; and
 - b. the application must identify the **authorisations** and **permissions** sought (see item 5); and
 - c. if the **applicant** has not held a **CLC licence** before, they must satisfy the **CLC** they are a **fit and proper person** to practise as a **CLC lawyer** (see item 8.22 of the **Licensed Body (ABS)** Licensing Framework for an overview of the type of factors taken into account when applying the fit and proper test); and
 - d. must:
 - i. either have passed the **CLC's** Qualifying Examination, and completed the **CLC's Practical Training** requirements; or
 - ii. demonstrate to the satisfaction of the **CLC**, and in accordance with such **terms** and **conditions** as may be prescribed, that they have the relevant educational and professional qualifications and experience in the provision of the **reserved legal activity** or activities the subject of the application.

Issuing a *Licence*

2. If the **CLC** is satisfied as to the matters identified at requirement 1 and if it is satisfied of capability and willingness to comply with the **CLC Code of Conduct** and other **CLC** Codes, then the **CLC** shall:
 - a. issue them with a **Licence** as provided at item 5; or
 - b. issue them with a **Licence** as provided at item 5 subject to such **conditions** as it considers appropriate.
3. **Conditions** may result in the **applicant/ CLC lawyer** incurring expenditure and include:
 - a. Limiting the types of **Legal Activities** they may provide;
 - b. Requiring them to take specific steps the CLC deems conducive to safeguarding the interests of consumers or other **regulatory objectives**.
4. If it is not satisfied of the matters set out at requirement 2, the **CLC** shall refuse the application.
5. Any **Licence** issued by the **CLC** will be endorsed with:
 - a. all **authorisations** that it grants the individual to carry on **reserved legal activities** (“the **authorisations**”);
 - b. all **permissions** that it grants the individual to provide non-**reserved legal activities** (“the **permissions**”);
 - c. any **conditions** applicable to the exercise of the individual’s **authorisations** and **permissions** (“the **conditions**”); and
 - d. any **condition** imposed will take effect at the time the **CLC** directs.
 - e. the **CLC** will record on its register maintained under s19. of the 1985 Act:
 - i. the **authorisations** and **permissions** granted and any **conditions** imposed;
 - ii. the licensee’s full name and your practising address; and
 - iii. the date and time from which the **Licence** takes effect and its duration.
6. A **Licence** will be in the form prescribed by the **CLC** and will remain valid from the date specified for an indefinite period or for such period as is specified. A **CLC lawyer** will be entitled to undertake the **Legal Activities** set out in their **Licence**, subject to the **condition** that all regulatory fees have been paid as and when due, and that no order is made or **condition** imposed which affects their continuing entitlement to provide all (or any) of the **Legal Activities** set out in their **Licence**. A **CLC lawyer** wishing to renew their **licence** must apply to do so one month before its expiry.

Practising as the holder of a *Licence*

7. An individual can only practise as a **CLC lawyer** if they hold a **Licence**.
8. A **CLC lawyer** can only carry on your **authorisations** and **permissions** in their capacity as holder of a **Licence**.
9. A **CLC lawyer** must not carry on any **reserved legal activity** that is not within their **authorisations**.

10. A **CLC lawyer** can only carry on their **authorisations** and **permissions**
 - a. as a **manager** of a **CLC Body**; or
 - b. as a **manager** of a body recognised by a **Approved Regulator** or a **Licensing Authority** other than the **CLC**; or
 - c. as an **employee** of a **CLC Body**; or
 - d. as an **employee** of a body recognised by an **Approved Regulator** or a **Licensing Authority** other than the **CLC**.
11. When carrying on their **authorisations** and **permissions**, the **CLC lawyer** must comply at all times with their **conditions**.
12. The individual must return their **Licence** promptly to the **CLC** if they cease to be eligible to remain a **CLC lawyer**, or if the **CLC** demand return of the **Licence**.
13. Whilst holding a **Licence**, the **CLC lawyer** must notify the **CLC** of any changes to the information they provided under requirement 1 within seven days of becoming aware of such changes.

Conditions on your Licence

14. At the time of issuing a **Licence**, or at any time subsequently, the **CLC** may, in its discretion, endorse the **Licence** with such **conditions** as it thinks fit, or remove any **condition** that has been imposed.
15. Where an endorsement is made to a **Licence**, or an endorsement that has been made is later amended or removed, then the **CLC** shall record this in the register.
16. If a **CLC lawyer** wishes to apply for the removal or amendment of any **condition** endorsed on the **Licence**, they must provide the **CLC** with a completed application and the fee payable.
17. Where a **Licence condition** application has been made the **CLC** will notify the **CLC lawyer** of its decision within 42 days of its receipt of the application. If the applicant is not been notified of a decision within this period, the application will be deemed to have been refused.
18. When the **CLC** agrees to the removal or amendment of all or any of the **conditions** imposed, those **conditions** will remain effective until the **Licence** is delivered to the **CLC's** offices together with the fee payable.
19. The **CLC** may refuse an application for the removal or amendment of a **Licence condition** if:
 - a. the **CLC lawyer** has not complied with item 1; or
 - b. it is not satisfied that the person remains a **fit and proper person** to practise with the removal or variation of such a **condition** on the **Licence**.
20. In any case where it decides to issue a **Licence** subject to **conditions**, to refuse an application for a **Licence** or to refuse an application for the removal or amendment of a **condition** on a **Licence** the **CLC** will notify the individual of the refusal of the application and of the grounds on which it has been refused.

21. Where a determination has been made under requirement 2, 4, 5 or 19, the applicant/ **CLC lawyer** may within one month of publication of the **CLC**'s determination appeal to the **Adjudication Panel** under section 29 of the **1985 Act**.
22. If an application is deemed to have been refused as provided under requirement 17, the individual may within one month of the deemed refusal, appeal to the **Adjudication Panel** under section 29 of the **1985 Act**.

Additional Information

Application

23. The **CLC** will treat a **Licence** application as having been made on the day on which the **applicant** has complied fully and finally with item 1.
24. In considering an application for a **Licence** the **CLC** may, at its discretion, require an **applicant** to attend for interview.
25. A **condition** may take effect immediately or at a future time, or it may not have effect until after any appeal in relation to it.
26. An **applicant** may, when applying for a **Licence**, apply in addition for a duplicate **Licence** which, if issued, shall be free of charge. If a **CLC lawyer** applies to the **CLC** at any other time for a duplicate **Licence** a fee is payable.

Duration of Licence

27. The fees payable are those prescribed by the **CLC**'s Fees Framework.