



# **UNIVERSAL GUIDANCE FOR APPLICATIONS Individual Licences and Other Authorisations**

# UNIVERSAL GUIDANCE FOR APPLICATIONS

## Individual Licences and Other Authorisations

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# UNIVERSAL GUIDANCE FOR APPLICATIONS Individual Licences and Other Authorisations

## Section 1: General Information

### A INTRODUCTION

Applicants should familiarise themselves with the [CLC Licensing Framework](#).

The Universal Guidance is for individuals intending to apply for:

- a. A CLC Conveyancing Licence
- b. A CLC Probate Licence
- c. A CLC Conveyancing and Probate Licence
- d. To change the scope of a current CLC Licence (add Conveyancing or Probate to an existing licence)
- e. To applying for a licence following an expired or suspended licence.
- f. Head of Legal Practice (HoLP) Authorisation
- g. Head of Finance and Administration (HoFA) Authorisation
- h. Money Laundering Reporting Officer (MLRO) Authorisation
- i. Registered Manager Authorisation

### B OUTCOMES-FOCUSED LICENSING DECISIONS

The Licensing 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:

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

### C WHEN APPLYING FOR A LICENCE OR AUTHORISATION

CLC Licence applications include all first qualifying licence, and dual/cross licence applications (Solicitors and CILEX Practitioners only) to become a Licensed Conveyancer and/or Licensed Probate Practitioner. CLC Authorisations include applications to become a HoLP, HoFA and Registered Manager of a CLC regulated practice. More about how the CLC applies its regulatory frameworks can be found in the CLC Lawyer Licensing Framework. Separate requirements apply for CLC lawyers applying after a licence has expired or following a period of suspension or disqualification.

# UNIVERSAL GUIDANCE FOR APPLICATIONS

## Individual Licences and Other Authorisations

### Item 1: Demonstrating Eligibility to make an Application

In accordance with the CLC Lawyer Licensing Framework ('the Framework') under Point 1(c) applicants must, if they have not held a licence before, satisfy the CLC they are:

(c) 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 considered when applying the fit and proper test); and

(d) must:

(i) either have passed the CLC's Qualifying Examination, (or CLC approved equivalent Exemptions) 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 reserved legal activity or activities the subject of the application.

The CLC's qualifying exams are the SQA L4 and L6 Diplomas in Conveyancing and/or Probate Law and Practice.

The CLC's practical training requirement is captured in the Statement of Practical Experience (SoPE) in either Conveyancing or Probate. The practical training requirement directs prospective licence applicants to obtain 1200 hours qualifying work experience, which must be undertaken whilst in full or part time employment of a qualifying employer and under legal supervision by an Authorised Person. These requirements are published on the CLC website under Practical Work Experience.

Absence of satisfactory evidence (point 1(c) and/or 1(d)) is a material omission to an application and the CLC will treat the application as incomplete.

Prospective applicants that have not held a CLC licence before, must satisfy the CLC that they are:

- 1 (C) 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); comprising identity, financial, sanctions and criminality screening checks. and regulatory and disciplinary checks. More information about the types of checks carried out is in the CLC Guidance for Applicants.

The CLC uses the screening agent Giant to carry out the checks in category 1(C).

Prospective applicants will be invoiced by the CLC for the fees charged by Giant to complete the checks. Fees must be paid within 10 working days. Applicants should also be on notice to receive and promptly respond to any information requests received from Giant. Not responding within 10 working days will invalidate the eligibility tests.

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Where adverse information is reported in a Giant report the CLC will request from the prospective applicant additional documents such as, DBS Certificates, IVA and CVA and Bankruptcy Supervisor reports, Court findings, and employment tribunal records. The CLC reserves the right to make enquiries to any bodies and agencies that it considers appropriate to validate a prospective applicant is Fit and Proper.

Adverse findings that have not been declared to the CLC in 1(C ) will be treated as a material omission to an application and will render the prospective application incomplete. The application will not progress to Application Acceptance and Determination.

Unless there are exceptional circumstances the CLC will not be satisfied that the individual is a fit and proper person and will refuse the candidate if they have:

1. convictions for offences involving dishonesty; or deceived or sought to deceive others, e.g. academic authorities, employers or members of the public; or
2. repeatedly failed in their Duty to the Court and have unsettled County Court Judgements (CCJs), or other Court Judgements against them,
3. failed to disclose to the CLC where they have been the subject of:
  - a. criminal, employment and regulatory investigations, allegations, and findings; or
  - b. financial sanctions such as CCJs, IVs, CVS and bankruptcy.

*The CLC will treat a Licence application as having been made on the day on which the applicant has complied fully and finally with Items 1(c) and 1(d).*

*The CLC will email applicant confirming its acceptance of the application and will then invoice applicants for the application administration fee. Fees should be paid in 14 days of receipt of the invoice.*

D

### COMPLETING THE CLC QUALIFYING EXAMINATION WHILST LIVING OUTSIDE OF ENGLAND AND WALES

With agreement from an SQA/CLC approved training centre CLC trainees can study and complete their Diplomas and assessments (assignments and examinations) whilst living outside of England and Wales.

[Read our Requirements](#)

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<b>E</b>	<b>COMPLETING THE CLC PRACTICAL TRAINING REQUIREMENTS WHILST LIVING OUTSIDE OF ENGLAND AND WALES</b>
<p>CLC Trainees can complete the Practical Training requirements whilst living outside of England and Wales when they are employed by business that is <u>a body</u>:</p> <ol style="list-style-type: none"> <li>a. licenced by a Regulator in England and Wales to provide conveyancing and or probate legal services in England and Wales; and</li> <li>b. registered with a primary trading address in England or Wales; and</li> <li>c. indemnified under a regulatory Professional Indemnity Insurance scheme approved by a regulator of legal services in England and Wales.</li> </ol> <p><b>Additional Requirements</b></p> <ol style="list-style-type: none"> <li>d. Licence applicants will be asked to provide a letter (on headed paper or from an organisational email address) from their employer to verify the supervision arrangements.</li> <li>e. licence applicants living outside England and Wales will be required to complete criminality checks based in the jurisdiction of their residing country. These checks will incur additional fees charged by the screening agency, Giant Group, and are payable by the applicant and may take longer than UK based checks to complete.</li> <li>f. The validity of a CLC licence held whilst living outside of England and Wales is dependent on verified current employment by a body that meets points 1, 2 and 3 above.</li> <li>g. CLC lawyers are required under the Notifications Code to ensure the CLC has always up to date employment contact details.</li> </ol>	
<b>F</b>	<b>APPLYING AFTER A PERIOD OF DISQUALIFICATION OR SUSPENSION</b>
<p>The CLC’s overriding principle when approving applications to apply for a licence is that the applicant must intend to work in a supervised and not supervisory capacity for the licence duration. When a lawyer has been subject to regulatory action and/or a disciplinary sanction they will be asked to provide details of what action they have taken to improve their legal and regulatory knowledge and steps to de-risk their practise.</p> <p>Read our specific requirements for applying after:</p> <ol style="list-style-type: none"> <li>a. an Expired Licence</li> <li>b. a period of suspension or disqualification</li> <li>c. CPD rules and CPD Record Template</li> </ol>	

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<b>G</b>	<b>DUAL AND CROSS QUALIFYING PROFESSIONALS</b>
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The CLC encourages qualified lawyers with relevant specialist experience to consider converting to CLC regulation. The following qualified lawyers can apply to transfer to CLC regulation with no further training or occupational requirement:

- a. **FCILEx lawyers including those with CILEx practitioner rights in Conveyancing and or Probate and/or approved as COLP or HoLP, (with valid practising certificates free from conditions); that have completed appropriate conveyancing and probate electives.**
- b. **Solicitors: (with valid practising certificates free from conditions); that have completed appropriate conveyancing and probate electives, and/or approved as COLP or HoLP.**  
Solicitors are required to provide an employer declaration of 1,200 hours of relevant practical experience completed within the last two years.

Transferring lawyers will need to provide information about their most recent year’s CPD To evidence (at the point of applying) that they have met the **CLC’s standard annual CPD requirements**. This enables cross qualifying professionals and lawyers to:

- a. demonstrate their legal knowledge is up to date and comparable to CLC lawyers.
- b. provide a copy of their most recent training record detailing the types of activities that that have completed in order to keep their legal, occupational and professional skills up to date.

<b>H</b>	<b>APPLYING TO BE A CLC REGISTERED MANAGER</b>
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Individuals should apply to be a CLC ‘Registered Manager’ when they are an individual at a CLC regulated practice when they have been appointed in a:

- a. limited company, as a director (shareholding and no-shareholding) registered at Companies House; or
- b. Limited Liability Partnership, as an LLP member registered at Companies House; or
- c. partnership, as a person held out as a partner either equity or salaried when listed as a partner on the Practice’s headed paper or website; or
- d. Sole Proprietor, and is by default a Sole Practitioner under CLC rules; or
- e. Private or Corporate Investor of a CLC practice or parent company, is a Beneficial Owner or registered officer at Companies House)

*Except for ‘e’, the above appointees must, as a result of their care and control accountabilities in the business, be listed on the CLC Public Register as a Registered Manager. Applicants in category ‘e’ will*

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*be authorised as a Registered Manager but will not be listed on the CLC Public Register. The details will be held on the CLC's internal system.*

### I ADVERSE INFORMATION

Licence applicants, unless there are exceptional circumstances the CLC will not be satisfied that an individual is a fit and proper person and will refuse the licence application if they have:

- a. convictions for offences involving dishonesty; or
- b. deceived or sought to deceive the CLC in the information provided in their application, or in respect of their dealings with others, e.g. academic authorities, employers or members of the public.

It is also unlikely that the CLC will consider Fit and Proper any individuals that are subject to an ongoing criminal investigation/action, regulatory investigations, allegations, proceedings, including unclouded appeal processes, by any enforcement or regulatory body are not able to pursue a licensing application until the outcome of the adverse event is known. This extends to:

1. Solicitors, FCILEx lawyers, Legal Professionals or FCA regulated Financial Controllers:
  - a. with unspent suspensions/disqualifications; or
  - b. that have been removed from the Solicitors roll/CILEx or FCA register as a result of disciplinary findings.
2. Owners, Directors, Members, Partners, HoLP and HoFA of CLC regulated practices that have been formally notified that the practice is in continued non-compliance and or subject to disciplinary allegations, investigations or proceedings.

HoLP and HoFA applicants, unless there are exceptional circumstances the CLC will not have full confidence and will refuse an applicant if they:

- have been convicted of a criminal offence; or
- have failed to disclose information to a regulatory body when required to do so or has provided false or misleading information; or
- have been formally disciplined, sanctioned, or barred by a regulatory body; or
- have failed to comply with the reasonable requests of a regulatory body.

Please also refer to CLC website for clarification on the HoLP, HoFA and MLRO Applicant Criteria.



# UNIVERSAL GUIDANCE FOR APPLICATIONS

## Individual Licences and Other Authorisations

Section 2: The Application Process	
<b>A</b>	<b>CHECK MANDATORY INFORMATION IS VALID</b>
<p>Please ensure ALL certificate and transcript pages uploaded have been certified following the guidelines outlined <a href="#">here</a>.</p> <p>The CLC uses the online platform DocuSign to send and process individual applications. Individuals should request a digital application form through the CLC website. Once application requests have been processed by the CLC Licensing Team, DocuSign will email applicants from <a href="mailto:dse@eumail.docusign.net">dse@eumail.docusign.net</a> with a unique link to access the digital application form and helpful instructions about how to complete it.</p>	
<b>B</b>	<b>APPLICANTS HAVE 28 DAYS</b>
<p>Applicants have 28 days to submit the digital application on either a smartphone, tablet or computer. Applicants should contact <a href="mailto:licensing@clc-uk.org">licensing@clc-uk.org</a> if any assistance is required when completing the digital form.</p> <p><b>After 28 days the link to the digital application will expire and the application will be closed.</b></p>	
<b>C</b>	<b>APPLICATION FEES</b>
<p>All licence applications are subject to a non-refundable administration and screening fee. Invoices are payable by debit or credit card held in ANY name. Fees must be paid before an application can be processed.</p> <p><a href="#">FEES Table</a></p>	
<b>D</b>	<b>ADDITIONAL FEES WHEN THERE ARE ADVERSE FINDINGS</b>
<p>The CLC reserves the right to charge additional fees, (up to 4 days (14 hours) charged at £80.00 p/h) on applications containing adverse findings.</p>	
<b>E</b>	<b>SCREENING CHECKS</b>
<p>Screening checks include check on the following areas, identity, regulatory, employment, sanctions, financial, and criminal, including a standard Criminal Records Check and Disclosure and Barring Service Check: The CLC uses Giant Group to carry out this screening. The Giant Group will contact applicants separately. Applicants must upload ONE <u>certified</u> proof of photo ID and TWO proofs of residency. Giant Group will also ask for a consent form to be completed in order to activate the DBS</p>	

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checks. Not completing this process will at a minimum delay, but likely invalidate an application. The below checks are carried out as part of the CLC DBS checks:

- Spent and unspent convictions
- Cautions, reprimands and warnings received in England and Wales that are held on the Police National Computer
- Identity
- Adverse Financial, CCJ and bankruptcy
- Sanctions
- Directors
- FCA
- Standard DBS

When adverse information is resulted in a DBS check, the CLC will request a copy of the DBS certificate results from the applicant. The DBS will issue a paper copy of the certificate, and applicants must provide an electronic copy of ALL pages of the certificate within 3 working days of the CLC requesting a copy.

When an applicant is not on the electoral roll Giant Group may request further documentation as proof of residency. Queries relating to the documents needed to complete the standard screening checks should be made directly to Giant Group.

<b>F</b>	<b>MANDATORY ID&amp;V DOCUMENTATION</b>
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When applying to become a CLC Lawyer, one of the ID documents must be a current and valid certified copy of a Passport. This is a mandatory requirement because CLC will only issue a licence in an individual's legal name as stated on their Passport.

<b>G</b>	<b>PROCESSING TIME</b>
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The CLC endeavours to process most applications within 42 days. 42 days is calculated from the date the application fee is received. The CLC does not provide routine updates. Please do not email the licensing team requesting a progress update as we will not be able to respond to your request. Please be assured that applicants not contacted should consider that their application is progressing satisfactorily.

Applications subject to adverse findings (section 3.1 to 3.4), may receive a 42-day extension to the original 42 days required to process a standard application (total 84 days). Applicants will be emailed to notify them whether the 42-day adverse findings extension applies to them.

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Individual applications submitted as part of a practice application (to be licensed as a CLC Recognised Body or as an ABS) will be considered and processed with the practice application and may take longer.

## H YOUR PERSONAL DATA

The CLC is required by statute to keep a register of Licensed Conveyancers and Licensed Probate Practitioners in England and Wales which is open for public viewing, free of charge during office hours.

The CLC makes available a register of CLC lawyer and CLC registered managers (Including HoLPs (Head of Legal Practice) and HoFAs (Head of Finance and Administration)) for lending institutions, panel managers and other key regulatory stakeholders. For Key Personnel of CLC Practices, such as registered managers, HoLPs and HoFAs, this information will include a primary email address provided by registrants for the purposes of creating their CLC record. Please ensure where possible that the primary email address given is a business email address, or an email address used for business purposes, as by submitting an application to us and providing this information you are expressly consenting for this information to be used by the CLC for regulatory purposes. Your name, CLC ID number, practice address, practice telephone number, and where appropriate, practice fax number, practice email address and practice web site address appear on the CLC web site.

### Using your Personal Data

Your details will be held by the CLC in accordance with the General Data Protection Regulations (GDPR). For the purposes of GDPR, if you provide any information to us, we will be the data controller.

For further information about how your information is used, how we maintain the security of your information, and your rights to access information we hold about you, please see our [privacy policy](#) which is kept under regular review.

You can contact our Data Protection Officer via email at [privacy@clc-uk.org](mailto:privacy@clc-uk.org) or in writing to:  
*Council for Licensed Conveyancers,  
We Work, 120 Moorgate,  
London, EC2M 6UR  
Main Line: 020 3859 0904*

# UNIVERSAL GUIDANCE FOR APPLICATIONS Individual Licences and Other Authorisations

## Section 3: Licensing Decision

### A FIT AND PROPER TEST

Applicants must satisfy the CLC that 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 considered when applying the fit and proper test). Licensed individuals must be 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
- Promote equality of access and service.

### B LICENSING DECISIONS

Include (i) **refusal to grant** (ii) **minded to refuse** (iii) **minded to approve**, and (iv) **approved**, i.e. granted. For more information view the **CLC Lawyer Licensing Framework**

- a. When minded to refuse the granting of a licence, the CLC will notify the applicant of the grounds of its concerns and invite the applicant to make representations to address the concerns or to resubmit improved documentation within one month of the date of the notification.

*Applicants may be required to take specific steps the CLC deems conducive to safeguarding the interests of consumers or other regulatory objectives. This may include completing specific educational requirements, or arranging for independent verification of their work, such as an external audit and file reviews. Requirement must be met at the applicant’s own time and cost. Refusal to undertake any specified activity will lead to the CLC’s refusal to Grant the licence.*

- b. When refusing to grant a licence, the CLC will notify the applicant of the grounds on which the rejection was made and the applicants right for the determination to be reviewed.

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<b>C</b>	<b>MAKING AN APPEAL</b>
<p>Under Section 29(1)(a) of the Adjudication Act 1985 when the CLC refuses an application for a licence an individual may appeal that decision to the Adjudication Panel within one month of being notified of that refusal. That time runs from the date of receiving the CLC licensing refusal letter. The <b>respondent</b> must submit an appeal to the CLC within 28 days of being notified of the determination by email.</p> <p>The <b>Adjudication Panel</b> (with a quorum of 3) will determine when it is appropriate to impose sanctions – such as disqualification of the Body or a <b>Manager</b>, licence revocation or imposition of a penalty.</p> <p>No member of the <b>Adjudication Panel</b> is a member of the <b>CLC</b> Council or an <b>employee</b> of the <b>CLC</b>. Wherever possible the <b>applicant</b> making the appeal will be provided with the decision of the <b>Adjudication Panel</b> within 42 days of receipt of the request for the appeal. The CLC reserves the right to extend this to 90 days where needed.</p> <p>View the <a href="#">Adjudication Panel Procedure Rules 2015</a> and the <a href="#">Adjudication Panel Rules 2015</a> . The Adjudication Panel decision is final. There is no further stage of appeal open to applicants.</p>	
<b>D</b>	<b>APPOINTING REPRESENTATION</b>
<p>Rule 10(1) and (2) of the <a href="#">Adjudication Panel Procedure Rules 2015</a> provide:</p> <p style="padding-left: 40px;"><i>(1) A party may appoint a representative (whether legally qualified or not) to represent that party in the proceedings. (2) If a party appoints a representative, that party must send or deliver to the Adjudication Panel and to each other party written notice of the representative’s name and address.</i></p>	
<b>E</b>	<b>HOW TO SUBMIT AN APPEAL</b>
<p>Appellants should complete and submit a Notice of Appeal to <a href="mailto:licensing@clc-uk.org">licensing@clc-uk.org</a> . Please ensure that the Appellants name and licence application type is clearly stated in the subject heading of the email.</p> <p>Download the <a href="#">Notice of Appeal</a></p>	
<b>F</b>	<b>POST APPROVAL PROCESS</b>
<p>When a CLC licence is approved, i.e. granted, it will not be issued to the licensee until the Finance Team confirm to the Licensing Team receipt of payment for the appropriate annual licence fees.</p> <p><a href="#">Annual Fees Table</a></p>	

## UNIVERSAL GUIDANCE FOR APPLICATIONS Individual Licences and Other Authorisations

### Important Information:

If you are applying to become a CLC Lawyer (Licensed Conveyancer, Licensed Probate Practitioner) or making any changes to an existing CLC licence, the new licence will be issued in your legal name as it appears in your Passport. This applies to any newly issued licences.

- a. Any request to defer the issue of an approved (new and reapplying) licence must be made when the licence application is submitted, as this will change the way we calculate the cost of the annual licence fee.
- b. The CLC calculates the annual licence fee from the 1st day of the calendar month in which an application is approved. This fee will be the pro-rata annual licence fee payment and will be automatically invoiced. Once invoiced, this fee is not changeable and is non-refundable.
- c. The annual licence fee must be paid by 31 October in the current licensing year.
- d. The licence will incept from the date that the licence is generated and issued.

### G | REVOCATION OF LICENCES ISSUED BY FRAUD OR ERROR

Should the CLC consider that it has issued a licence that was obtain by Fraud or Error. Under [Administration of Justice Act 1985 S28](#) and by [APR 2015](#), Revocation of licences and recognitions obtained through fraud or error 18.—(1) Where—

- (a) it is considered that a licence was issued to any person as a result of error or of fraud on his part, and
- (b) the CLC decide that there is any question of the Adjudication Panel exercising their powers under section 28(1) of the 1985 Act, the CLC must refer the matter to the Adjudication Panel.

18 (2) Where—

- (a) it is considered that recognition was granted to any Recognised Body as a result of error or of fraud on its part, and
- (b) the CLC decide that there is any question of the *Adjudication Panel exercising their powers under paragraph 7(1) of Schedule 6 to the 1985 Act*, **the CLC must refer the matter to the Adjudication Panel.**

18 (3) A reference under this rule must—

- (a) be made in writing,
- (b) state that it is made under this rule, and
- (c) set out the allegation and a summary of the facts relied on to support it.

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18 (4) A copy of such a reference must be served on the respondent, together with a copy of these Rules.

18 (5) On such a reference, the Adjudication Panel must hold a hearing to determine the allegation. *In the case of a Panel's decision to revoke a licence on the basis of fraud or error under section 28, the AJA does not provide for a right of appeal to the First-Tier Tribunal.*

## H | OUR PUBLICATION POLICY

Read the [CLC's publication policy](#).

## I | YOUR RIGHT TO COMPLAIN

We work to high standards when it comes to processing your personal information. If you have any queries or concerns, you can contact us at [privacy@clc-uk.org](mailto:privacy@clc-uk.org). If you remain dissatisfied, you can make a complaint about the way we process your personal information to the [Information Commissioner's Office](#).

## Annex 1: Useful Links

1. [Request an Application Form](#)
2. [Licensing Application Fees](#)
3. [Training Providers](#)
4. [Diplomas](#)
5. [Exemptions Guidance](#)
6. [Correctly Certifying your Documents](#)
7. [Practical Experience](#)
8. [Ongoing Competence](#)
9. [CLC Licensing Framework](#)
10. [CLC Lawyers seeking to reapply following an expired licence](#)
11. [CLC Lawyers seeking to reapply for a licence after a period of suspension or disqualification](#)
12. [HoLP, HoFA and MLRO Applicant Criteria](#)

**END OF DOCUMENT**