

By Email

Vicky Purtil
COO
CILEx Regulation (CRL)

22 December 2022

Dear Vicky,

Subject: Consultation response: CRL's consultation to consider whether to make an application to be able to authorise CILEx Practitioners with litigation and advocacy rights for Higher Rights of Audience

Thank you for giving us the opportunity to comment on your consultation on whether CRL should make an application to the Legal Services Board (LSB) to be able to authorise CILEx Practitioners with litigation and advocacy rights for Higher Rights of Audience.

In our response to the consultation, we would like to highlight three key points:

1. The Bar Standards Board (BSB) fully supports CRL's rationale for opening the market for legal services professionals with Higher Rights of Audience for CILEx practitioners to improve diversity within the legal profession and, potentially, the judiciary with additional benefits to consumers such as increasing competition in the supply of legal service and improving access to justice.
2. Whilst we understand the intentions behind the changes, we want to emphasise that standards for those intending to gain Higher Rights qualifications must be equivalent to those currently practising in the higher courts. We understand from the consultation that a lot of work has already been undertaken to develop training which is appropriately calibrated to ensure the requisite competencies are both set and met by those delivering the training. If CRL would like to discuss with us how advocacy training is delivered for barristers or if you would like a recommendation for a colleague experienced in advocacy training to act as a critical friend, we would be happy to help in this respect. CRL might find it useful, if you haven't already, to look at our Professional Statement and Threshold Standards which set our expectations for competency at the point of entry to the profession. The Advocates Gateway website, which is maintained by the Inns of Court (who deliver a large amount of advocacy training for barristers) is also a valuable reference point for the standards expected of barristers.
3. As part of your considerations, we welcome discussions with you to ensure how we could work together to provide clarity among potential clients and members of the public on the regulatory status of those who can act in the higher courts and the circumstances in which clients have a choice on provider to use to represent them in the higher courts.

We would be happy to discuss any of these points further. Please do not hesitate to contact me if you have any questions.

Best wishes,

A handwritten signature in black ink, appearing to be 'OH' with a stylized flourish.

Oliver Hanmer
Director of Regulatory Operations