

NATIONAL SPECIALISATION REGIMES IN THE CCBE MEMBER COUNTRIES

National Rules: United Kingdom (Solicitors Regulation Authority)

Background

There are a few specialist accreditations that Solicitors of England and Wales must obtain if they are to carry out certain types of work. These are governed by legislation or regulations as explained below. These mandatory accreditations required for certain areas of practice should be distinguished from the voluntary, quality mark schemes run by the Law Society of England and Wales (The Conveyancing Quality Scheme (CQS) and Wills and Inheritance Quality Scheme (WIQS)), see <http://cpdcentre.lawsociety.org.uk> or from other voluntary schemes run by other legal sector specialist practice area membership bodies.

Accreditation Schemes

Higher Courts Rights of Audience

Solicitors are granted rights of audience in all English courts when they are admitted but cannot exercise those rights in the higher courts without complying with further assessment requirements. The Solicitors Regulation Authority (SRA) sets the competence standards that Solicitor Higher Court Advocates must meet. It also authorises assessment organisations to test individuals against those standards, and sets the regulations under which this scheme operates which are part of the SRA Handbook (set out in the SRA Higher Rights of Audience Regulations 2011).

The scheme operates separate tracks for Higher Court rights of audience for criminal and civil advocacy and requires all applicants to pass an advocacy assessment based on the SRA's higher rights of audience competence standards.

There are separate assessments for criminal and civil procedures run by assessment organisations authorised by the SRA. There is no prior mandatory training or experience requirement. For further details see: <http://www.sra.org.uk/solicitors/accreditation/higher-rights-of-audience.page>

QASA (Quality Assurance for Advocates)

QASA is a joint scheme run by the Bar Standards Board, the Solicitors Regulation Authority and ILEX Professional Standards which is designed to regulate the quality of all advocates appearing in the criminal courts in England and Wales, whether they are barristers, solicitors, or legal executives. The SRA Quality Assurance for Advocates (Crime) regulations (2013) state that any advocate intending to undertake criminal advocacy once the Scheme is launched requires QASA accreditation. Criminal advocacy means:

"advocacy in all hearings arising out of a police-led or Serious Fraud Office-led investigation and prosecuted in the criminal courts by the Crown Prosecution Service or the Serious Fraud Office, not including hearings arising out of Parts 2, 5 or 8 of the Proceeds of Crime Act 2002."

The accreditation regime requires registration and completion of a required number of criminal trials at designated levels together with judicial assessment. The introduction of the scheme was challenged but on 24 June 2015, the Supreme Court handed down its judgment upholding QASA as lawful and proportionate. Registration for advocates is currently suspended whilst a new timetable for implementation is being considered.

Insolvency Practitioners

The Insolvency Act 1986 requires anyone acting as a receiver, liquidator, administrator, supervisor or trustee of a company or of an individual to be a licensed insolvency practitioner. The Law Society was one of several professional bodies, forming the Joint Insolvency Committee, permitted to license its members as insolvency practitioners, but it delegated this

NATIONAL SPECIALISATION REGIMES IN THE CCBE MEMBER COUNTRIES

regulatory function to the SRA in 2009. The SRA has decided that it will no longer regulate insolvency practice and from 1 November 2015 practitioners will need to be authorised by one of the other Recognised Professional Bodies (RPBs) .
(<https://www.gov.uk/government/publications/insolvency-practitioners-recognised-professional-bodies/recognised-professional-bodies>). It is a criminal offence for any unauthorised person to act as an insolvency practitioner.