



The Faculty of Advocates

CONTINUING PROFESSIONAL DEVELOPMENT REGULATIONS 2010

Application

1. (1) These Regulations apply to:
 - (a) all practising members of Faculty from 1st January 2010;
 - (b) a non-practising member of Faculty who returns to practice on or after 1st January 2010.
- (2) For the avoidance of doubt the Faculty of Advocates Continuing Professional Development Regulations 2003 continue to apply in respect of the calendar years 1st January 2004 to 31st December 2009.

The Mandatory Continuing Professional Development Requirements

2. (1) For the purpose of these Regulations the “mandatory requirements” are those set out in sub-paragraphs (2) and (3).
- (2) Subject to sub-paragraph (3), any member of Faculty to whom these Regulations apply must complete a minimum of 10 hours of accredited continuing professional development during each calendar year.
- (3) A member of Faculty who commences or returns to practice between 1st July in any calendar year and the November Admissions Day, as defined in the Regulations as to Intrans, must complete a minimum of 5 hours of accredited continuing professional development during that calendar year. Any member who returns to practice or is admitted to the Faculty after the November Admissions Day, will not be required to complete any continuing professional development during that calendar year.

- (4) For the purpose of these Regulations, a failure to comply with the “mandatory requirements” shall be a breach of the Regulations.
3. Members of Faculty to whom these regulations apply shall complete the mandatory requirements by attendance at courses, conferences, symposia and similar events organised by training providers accredited for the purpose by the Director of Training and Education, and “continuing professional development” shall be construed accordingly.
 4. The Faculty Council, on the advice of the Training and Admission Committee, may if it thinks fit specify the nature, content and format of particular courses and other activities which may be undertaken by members of Faculty in order to satisfy the mandatory requirements.
 5. Every member of Faculty to whom these regulations apply shall:
 - (1) keep a record of his or her performance of the mandatory requirements and,
 - (2) forward a record of his or her performance to the Director of Training and Education no later than 1st March of the year following that to which it relates.
 6. The Faculty Council, on the advice of the Training and Admission Committee, may alter the minimum number of hours of continuing professional development which must be completed in order to satisfy any of the mandatory requirements.

Waivers/Extension of time

7. (1) A member may apply to the Director of Training and Education for an extension of time or waiver in relation to:
 - (a) the mandatory requirements; and/or
 - (b) the time limit for forwarding a record of performance in regulation 5(2); and/or
 - (c) any extension of time previously granted.
- (2) The Director of Training and Education may in exceptional circumstances grant an extension of time in respect of any application under sub paragraph (1) of this regulation.

- (3) The Director of Training and Education may in exceptional circumstances grant a waiver in respect of any application under sub paragraph (1) of this regulation.
8. Any application under regulation 7 shall be made to the Director of Training and Education on the form prescribed by him from time to time and must be accompanied by an administration fee of £125 or such other sum as the Faculty Council may from time to time determine. The Director of Training and Education shall have a discretion to waive the administration fee.
9. In the event of the Director of Training and Education refusing to grant an extension of time or waiver in terms of Regulation 7 or to waive the administration fee in terms of Regulation 8 a member may request in writing, within seven days of the receipt of written intimation of said refusal, that said refusal be reviewed by the Training and Admissions Committee at its next meeting. The Training and Admissions Committee shall have the power to direct that the Director of Training and Education grant an extension of time or waiver in terms of Regulation 7 or to waive the administration fee in terms of Regulation 8 as it may think fit.

Failure to comply

10. If it appears to the Director of Training and Education by 15 March in any year that a member of Faculty has not complied with:
- (1) the mandatory requirements for the previous calendar year; and/or
 - (2) regulation 5 (2) applicable to the previous calendar year
- the Director of Training and Education shall write to the member in the name of the Dean requiring that member to submit an application under regulation 7 within 28 days.
11. Where a member of Faculty:
- (1) fails to comply with the mandatory requirement and thereafter fails to submit an application within 28 days further to a letter from the Director of Training and Education under Regulation 10; and/or
 - (2) has been granted an extension of time under regulation 7(2) and fails to complete the mandatory requirement within the extended time period granted by the Director of Training and Education, and/or

(3) has been granted an extension of time under regulation 7(2) and fails to forward a record of performance of the mandatory requirement within the extended time period granted by the Director of Training and Education,

the member shall be deemed to be in breach of these regulations and the Director of Training and Education shall report the matter to the Dean as soon as reasonably practicable.

12. On receipt of a report under Regulation 11 the Dean shall, as soon as practicable invite the member to make written or oral representations, within 14 days or such other period that the Dean may on cause shown allow, on the matter of his or her breach of the regulations.
13. Once the Dean has considered the written and/or oral representations of the member the Dean may:
 - (1) suspend the member from practice; and/or
 - (2) initiate disciplinary proceedings against the member in terms of Rule 1 (1) of the Faculty of Advocates Disciplinary Rules
14. In the event of the Dean suspending a member from practice:
 - (1) the Dean shall, on the application of the member further review the position at intervals of not less than six months and shall report to the member the result of any such review;
 - (2) the member may appeal the matter of his suspension to the Disciplinary Tribunal within one month of the date of the initial suspension and within one month of any review under paragraph (a) above, and the Faculty of Advocates Disciplinary rules shall apply *mutatis mutandis* to any such appeal.

Citation and commencement

15. (1) These regulations may be cited as the Faculty of Advocates Continuing Professional Development Regulations 2010.
 - (2) These regulations shall come into force on 12 February 2010.
 - (3) For the avoidance of doubt these regulations apply in respect of the 2010 Continuing Professional Education year.