**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 must deliver to the CLC’s offices:
   a. a correctly completed application in the form prescribed by the CLC; and
   b. the fee payable; and
   c. the application must identify the authorisations and permissions sought (see item 5); and
   d. 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
   e. either have passed the CLC’s Qualifying Examination, and completed the CLC’s Practical Training requirements; or

   **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 an 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.

19A. We will notify all applicants of our licence determination within 42 days of receiving a complete application. If, because of the complex nature of the application or because we require additional information, additional time is needed to make the determination we will
notify you of this before the end of the original 42 day determination period. We will inform you of the reasons for the extension and its additional period, which will not exceed a further 42 days.

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.