



## **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**
  - a. must deliver to the **CLC's** offices:
    - i. a correctly completed application in the form prescribed by the **CLC**; and ii. the fee payable; and
  - b. the application must identify the **authorisations** and **permissions** sought (see item 5); and
  - c. 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 d. must:
    - i. either have passed the **CLC's** Qualifying Examination, 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 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 a **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.