

MEMBERSHIP REQUIREMENT BYE-LAWS

1. Implementation

These bye-laws are to take effect from 2 January 2011. Where any of them conflicts with a pre-existing bye-law or decision of the Council, the new bye-law will take precedence. Subject to this, these bye-laws will be read in conjunction with any bye-laws or regulations agreed previously by the Council of ILEX and existing at 2 January 2011.

2. Definitions

In these bye-laws the following definitions apply:

“Associate Prosecutor” means a person who is designated by the Director of Public Prosecutions under Section 7A of the Prosecution of Offences Act 1985.

“The Act” means the Companies Act 2006 and every statutory modification or re-enactment thereof for the time being in force.

“The Admissions and Licensing Committee” means the Committee established by IPS to deal with matters relating to these Membership Requirement Byelaws.

“Graduate” means a person who holds a qualifying law degree.

“ILEX” means the Institute of Legal Executives.

“IPS” means ILEX Professional Standards Ltd

“Licensed Conveyancer” means a person authorised to provide conveyancing services by the Council for Licensed Conveyancers.

“Qualifying Law Degree” means a degree recognised by the Solicitors’ Regulation Authority (SRA).

“Registered Person” means a person who is not a Fellow but is registered with ILEX in accordance with its Articles of Association.

“Relevant Level 2 Legal Qualification” means a legal qualification which is listed on the Qualifications Credit Framework and is recognised by ILEX and which may be subject to change from time to time.

References to the male gender shall include the female gender.

3. Obligations

3.1 Everyone who is registered with ILEX, in whatever grade, will be bound

by the provisions of the Articles and by the bye-laws and regulations made under the Articles.

- 3.2 Everyone who is registered with ILEX, in whatever grade, must satisfy any requirements in respect of fitness to be registered as a member.

4. Membership

- 4.1 A person wishing to register with ILEX may be registered in any of the following grades, subject to complying with the registration criteria for that grade:

- Student
- Affiliate
- Associate
- Graduate Member
- Hong Kong Member
- Legal Accounts Member
- Legal Accounts Executive
- Associate Prosecutor
- Fellow

- 4.2 A person may be registered as a Student provided he has no relevant legal qualification.

- 4.3 A person may be registered as an Affiliate if:

4.3.1 He has a relevant Level 2 legal qualification; or

4.3.2 He has gained at least three year's work experience in a legal environment; or

4.3.3 He has passed at least one ILEX Level 3 unit.

- 4.4 Without prejudice to the position of an Associate who qualified and was registered as such before 1 January 1986 a person may be registered as an Associate if:

4.4.1 He has passed the ILEX Level 3 Professional Diploma in Law and Practice; or

4.4.2 He is a Graduate with a qualifying law degree.

- 4.5 A person may be registered as a Graduate Member if:

4.5.1 He has passed the ILEX Level 3 Professional Diploma in Law and Practice and the ILEX Level 6 Professional Higher Diploma

in Law (or equivalent); or

4.5.2 He has completed a Legal Practice Course (LPC); or

4.5.3 He has completed a Bar Professional Training Course (BPTC).

4.6 A person may be registered as a Hong Kong Member if he is enrolled on the Professional Diploma in Legal Executive Studies (Hong Kong) or any other Hong Kong course recognised by the Council.

4.7 A Legal Accounts Member may be registered as a Legal Accounts Executive if he has passed the qualification in legal and financial matters as are required by ILEX from time to time.

4.8 A person may be registered as an Associate Prosecutor member of ILEX if:

4.8.1 He has been designated as an Associate Prosecutor by the Director of Public Prosecutions;

4.8.2 He is employed by the Crown Prosecution Service as an Associate Prosecutor; and

4.8.3 His application for registration is endorsed by a Crown Prosecutor who is responsible for his work.

4.9 A person who ceases to be designated as an Associate Prosecutor for any reason, shall continue to be a Registered Person and shall be enrolled as a Student, Affiliate or Associate subject to meeting the registration criteria for that membership grade.

4.10 A person who has been registered as an Associate, a Graduate Member, a Legal Accounts Member or a Legal Accounts Executive, but whose registration has lapsed, can apply to re-register if:

4.10.1 He pays any fees owing to ILEX at the time his membership ended; and

4.10.2 He satisfies the requirements of the Council in respect of fitness to be registered with ILEX.

5. Admission as a Fellow

5.1 Subject to Bye-Law 6.4 a Graduate Member may be admitted as a Fellow if he is in qualifying employment and;

5.1.1 He has been in qualifying employment for an aggregate of 5 years or more;

- 5.1.2 He has been in qualifying employment as a Graduate Member for at least 2 consecutive years immediately prior to making application to become a Fellow or has been granted a waiver by IPS in respect of this requirement;
 - 5.1.3 He has paid all subscriptions and other fees payable by him to ILEX, or has made arrangements for payment;
 - 5.1.4 He provides a Certificate signed by the Fellow, Solicitor, Barrister or Licensed Conveyancer, or at the discretion of IPS any other person, who supervises his work or by whom he is employed, which confirms the nature of his duties and that he is competent to be a Fellow;
 - 5.1.5 He agrees to become a member of the Institute for the purposes of the Act; and
 - 5.1.6 He accepts any obligations imposed on him by the Articles and Bye-laws of the Institute or by the Act.
- 5.2 A person who has been admitted as a Fellow previously, but whose membership has lapsed, may be re-admitted as a Fellow if he pays any fees owing to the Institute at the time his membership ended.

6. Qualifying Employment

- 6.1 A person is in qualifying employment if he is employed either:
- 6.1.1 by a solicitor or a firm of solicitors in private practice;
 - 6.1.2 by a Licensed Conveyancer or a firm of Licensed Conveyancers; or
 - 6.1.3 by any firm, corporation, undertaking, department or office where the employment is subject to supervision by a Fellow, Solicitor, Barrister or Licensed Conveyancer employed in duties of a legal nature by that firm, corporation, undertaking, department or office; and
- in each case, his duties under the terms of his employment are wholly or principally of a legal nature rather than of an administrative nature.
- 6.2 For the purposes of Bye Law 6, an applicant for Fellowship will be regarded as being employed if:
- 6.2.1 He is employed under a contract of service and is engaged on his employer's business for specified hours; or
 - 6.2.2 He is a partner in any firm or is an owner of any company; or

- 6.2.3 at the discretion of IPS, he is employed under a contract for services, whether he works as an independent contractor or provides services through an intervening agent.
- 6.3 A period of up to 43 weeks spent in attendance on a Legal Practice Course recognised by the Law Society of England and Wales in connection with qualification as a Solicitor will be treated as qualifying employment.
- 6.4. Part-time employment may be accepted as qualifying employment, if the work undertaken provides the opportunity for practical expertise to be developed. However the two years required to be served in the Graduate Membership grade before admission as a Fellow may be extended by up to one further year where a Graduate Member is employed part-time during that period.
 - 6.4.1 For the purpose of this bye-law, part-time employment is employment for less than 30 hours per week. Employment for less than 20 hours per week will not normally be accepted as qualifying employment, but IPS shall have power to determine that employment for less than 20 hours per week shall be regarded as part-time qualifying employment, where it decides it is appropriate to do so.
 - 6.4.2 Decisions whether part-time employment may be counted as qualifying employment and whether any additional periods are required to be served in the Graduate Membership grade before admission as a Fellow may be made by the IPS Officer responsible for checking applications for admission to Fellowship.
- 6.5 Unpaid work may be regarded as “employment” for the purpose of these bye-laws.
- 6.6 Time spent on maternity leave will not count as qualifying employment. However maternity leave taken whilst registered as a Graduate Member will not break the continuity of the employment for the purpose of paragraph 5.1.2 of these bye-laws.
- 6.7 Periods out of employment owing to redundancy will not count as qualifying employment but, if they occur during the period of Graduate Membership they will not break the continuity of employment for the purpose of paragraph 5.1.2 of these bye-laws.
- 6.8 Breaks in qualifying employment caused by illness or change of employment will be disregarded in determining periods of qualifying employment provided they do not exceed six consecutive weeks.

- 6.8.1 Where such breaks occur during the period of Graduate Membership they will not break the continuity of employment for the purpose of paragraph 5.1.2 of these bye-laws, unless they exceed three consecutive months.
- 6.8.2 Where a break of more than six weeks occurs, caused by illness or change of employment, none of that period will count for the purpose of calculating the qualifying employment.
- 6.9 A Committee of IPS, to be known as "The Admissions and Licensing Committee" will consider applications or requests relating to these Membership Requirement Bye laws on behalf of IPS.

Its terms of reference will be as follows:

- 6.9.1 To make decisions on behalf of IPS on cases referred to the Committee by the Officer where a member of the Institute seeks guidance or a decision on whether or not their employment constitutes 'qualifying employment', and where no earlier precedent has been set.
- 6.9.2 To determine whether a registered person may be deemed to be in 'qualifying employment' in cases where the work he undertakes is similar to 'qualifying employment', but there is no Solicitor, Barrister, Licensed Conveyancer or Fellow employed to supervise his work.
- 6.9.3 To consider applications by Members for waiver of the requirement to serve two consecutive years in the Graduate Membership grade before admission to Fellowship.
- 6.9.4 To consider appeals from decisions of the Officer whether part time employment may be counted as qualifying employment and whether any additional periods are required to be served in the Graduate Membership grade before admission as a Fellow.
- 6.9.5 To develop a body of precedent relating to quality of experience and demonstrable competency, to enable the waiver process to be transparent to Members.
- 6.9.6 To make recommendations to the IPS Board from time to time on all matters within the remit of the Committee.

7. Designatory Letters

- 7.1.1 A Graduate Member is entitled to receive a certificate showing that he is a Graduate Member of the Institute of Legal Executives, to describe himself as a Graduate Member of the Institute of Legal Executives, and to use the designatory letters

G.Inst.L.Ex.

- 7.1.2 An Associate Member is entitled to receive a certificate showing that he is an Associate Member of the Institute of Legal Executives, to describe himself as an Associate Member and to use the designatory letters A.Inst.L.Ex.