



**Professional  
Paralegal  
Register**

## **Paralegal Practising Certificate Rules**

### **Citation, Commencement and Interpretation**

These Rules may be cited as the Paralegal Practising Certificate Rules 2015 and come into force on 20th April 2015. These Rules govern and regulate Paralegals who are members of the PPR which exists to help provide confidence to the general public, Solicitors, Barristers and other employers in using the services of a professional, ethical and competent Paralegal. These Rules must be read in conjunction with the 'Code of Conduct' and the Complaints Procedure.

In these Rules:-

Unless the contrary intention appears, words importing the masculine gender include the feminine, words in the singular include the plural and words in the plural include the singular;

“Applicant” any person who is applying or has applied for registration as a Paralegal;

“Brokers” the insurance brokers responsible for organising an Indemnity Insurance Policy for a Paralegal;

“Claim” a claim or circumstance whereby something has occurred or been omitted which may lead to a claim in respect of an Indemnity Insurance Policy;

“Client” a person, group or company that uses or seeks the professional advice or services of a Paralegal or Professional Paralegal;

“Continuing Professional Development” the minimum requirements of continuing education and training prescribed by these Rules;

“CPD Code” the requirements for continual professional development authorised by these Rules;

“Disciplinary Rules & Procedures”

The rules and procedures that apply to a Paralegal or Professional Paralegal

Practitioner where a complaint necessitates a disciplinary action to be taken by the Register Regulatory Committee.

“Evidence of Insurance” evidence that the Insured is acting under suitable professional indemnity insurance cover in accordance with these Rules;

“Indemnity Insurance Policy” the professional indemnity insurance policy authorised by these Rules;

“Member” an Applicant who has been accepted as a member of the PPR;

“Membership Year” such 12 month period as the PPR may determine in relation to each Member;

“Membership Tier Certificate” a certificate issued by the PPR to provide evidence of tier status on the PPR which may be tier 1 to tier 4;

“Paralegal” any person holding a Membership Tier Certificate in force granted by the PPR;

“Paralegal Services” services limited to the scope of the certificate held by the Paralegal;

“PPR” the Professional Paralegal Register and includes any of its committees;

“Practice” a Professional Paralegal Practitioner who is a sole practitioner; two or more Professional Paralegals and/or Paralegal Practitioners in partnership; a Recognised Body, each providing Paralegal Services;

“Practising Certificate Rules” the Rules governing Paralegal Practising Certificates;

“Paralegal Practising Certificate” this may be “specified” or “general” and is issued by the PPR to a paralegal to provide certain Paralegal Services to the general public;

“Professional Paralegal Practitioner” any person holding a Paralegal Practising Certificate in force granted by the PPR;

“Recognised Body” a body corporate recognised by the PPR to provide Paralegal services to the public;

“Register” the official list of registered members;

“Register Regulatory Committee (RRC)” a panel of persons appointed for the purpose of hearing and deciding issues of complaint and misconduct made against Professional Paralegal Practitioners;

“Register Regulatory Committee Rules” the Rules adopted from time to time by the RRC.

## “Tier Structure”

<b>Tier 1</b>	Undertaking study; not yet gained Level 3 qualification; no or very little experience (this would be ideal for legal secretaries)
<b>Tier 2</b>	Minimum Level 3 Certificate or equivalent or 2 years ‘qualifying’ experience or Associate Member of NALP or Equivalent Member of IoP (this might include members of other Recognised Bodies.)
<b>Tier 3</b>	Minimum Level 6 + 2 years qualifying experience* or Graduate Member of NALP or Equivalent Member IoP
<b>Tier 4</b>	Level 6 or above to include Paralegal Practice Skills OR LPC/BPTCC + 4 years qualifying experience**

**\*Qualifying experience needs to be defined.**

**\*\* List of qualifications need to be agreed.**

### **1. Who can practise as a Paralegal under the PPR?**

No person shall be entitled to practice as a Paralegal under this Register unless:

- (a) they have met the requisite qualification and/or experience as a Professional Paralegal; and
- (b) they have a current Paralegal Practising Certificate issued in accordance with the provisions of these Rules and the Paralegal Practitioners’ Rules; and
- (c) they have and continue to comply with CPD requirements set out in the Paralegal Practitioners’ Rules and the CPD Rules, and
- (d) they have professional indemnity insurance in accordance with the Paralegal Practitioners’ Rules, and
- (e) they are deemed to be a fit and proper person having met the requirements of these Rules and the Paralegal Practitioner’s Rules.

## 2. Who is able to obtain a Paralegal Practising Certificate?

Subject to the powers set out herein to refuse a Paralegal Practising Certificate a PPR Member at Tier 2 or above is entitled to a Paralegal Practising Certificate provided:

- (a) they return their application for a Paralegal Practising Certificate by the deadline stipulated; and
- (b) they have paid the Paralegal Practising Certificate Fee in full within the deadline stipulated; and
- (c) they have provided evidence that they fulfil the requirements of the Certificate

PPR will notify its reasons in writing to the Applicant in the event PPR:

- (d) refuses an application;
- (e) makes a Paralegal Practising Certificate subject to a condition or conditions;
- (f) refuses to remove a condition imposed on a Paralegal Practising Certificate.

## 3. Contents of the Register of Paralegals

The Register will contain the name of all PPR Members upon:

- (a) Compliance with Rule 1 above.
- (b) Production of an order lifting any suspension of their name from the Register.
- (c) Upon restoration of their name to the Register.

The Register will contain the following additional information in respect of each Paralegal Member, Tier 2 and above, who holds a Paralegal Practising Certificate:

- (d) The name of the membership body they are a member of.
- (e) Their full name.
- (f) Their date of birth.
- (g) Their registration number.
- (h) Their date of admission as a Professional Paralegal.
- (i) Details of the type of Certificate and what it covers.
- (j) Details of their practising address (name and address of firm).
- (k) Other contact details including telephone number, email address and website address.
- (l) Any condition on their Paralegal Practising Certificate.
- (m) Any other information required by law or deemed appropriate to be held.

A short version of the Register which shows the full names of all Paralegals, the date they were admitted as a Professional Paralegal, the renewal date, the firm in which they work (if applicable) and any conditions on their

Paralegal Practising Certificate will be made available in an electronic format for public inspection through the PPR website. No other information will appear on this public access Register e.g. works address, works telephone numbers unless the Paralegal gives permission that it may so appear.

#### **4. Applications for a Paralegal Practising Certificate**

An application for a Paralegal Practising Certificate must comprise the following:

- (a) a fully and correctly completed application form as issued by PPR;
- (b) payment of the Specified or General current Paralegal Practising Certificate Fee; and
- (c) any additional documentation or information reasonably required by the PPR e.g. details of first-tier complaints handling procedures, number of complaints received.

The Applicant must ensure that all the information given by them is correct and complete.

Every Application form must be signed and dated by the Applicant.

The following must be disclosed by the Applicant to the PPR on any application for a Paralegal Practising Certificate. The Applicant:

- (d) Is an un-discharged or discharged bankrupt.
- (e) Has entered into an individual Voluntary Arrangement under the Insolvency Act 1986 as amended.
- (f) Has entered into a partnership Voluntary Arrangement under the Insolvency Act 1986.
- (g) Has been a director of a company or a member of an LLP which has been wound up or the subject of an administration order, administrative receivership or a voluntary arrangement under the Insolvency Act 1986.
- (h) Has been disqualified from being a company director.
- (i) Has been committed to prison in civil or criminal proceedings or has been convicted of an indictable offence (subject to the Rehabilitation of Offenders Act).
- (j) Has been charged with an indictable offence.
- (k) Lacks capacity within the meaning of the Mental Capacity Act 2005.
- (l) Has been removed from the office of charity trustee or trustee for a charity by an order within the terms of section 72(1) (d) of the Charities Act 1993.
- (m) Is or has been the subject of a money judgement which has been outstanding for more than 28 days.

- (n) Has been made the subject of an order under section 43 of the Solicitors Act 1974.
- (o) Any other matter that might reasonably be expected to be disclosed as affecting the Applicant's fitness to act as a Paralegal.

If any of the matters in (d) - (o) above apply the PPR may:

- (p) Refuse the application for a Paralegal Practising Certificate.
- (q) Impose a condition or conditions upon the Paralegal Practising Certificate.

## **5. Issuing of Paralegal Practising Certificates**

The Paralegal Practising Certificate will be delivered to the address notified to PPR as the Applicant's practising address or to such other address as the Applicant shall advise the PPR in writing and may be delivered either by post or electronically at their own risk. If the Paralegal Practising Certificate is delivered electronically this will be a 'read only' document. A hard copy certificate may be required in practice as photocopies or scanned documents may not be relied upon by third parties.

The commencement date for the Paralegal Practising Certificate will be the date on which it is entered on the Register and will also appear on the Paralegal Practising Certificate.

The Paralegal Practising Certificate will contain the following details:

- (a) The full name of the Paralegal.
- (b) The commencement date.
- (c) The date of expiry.
- (d) Whether it is a Specified or General Certificate.
- (e) Any condition to which the Paralegal Practising Certificate is subject.

In the event a condition is imposed on a Paralegal Practising Certificate a new one will be issued stating the condition and the date it was imposed.

A new Paralegal Practising Certificate will be issued in the event a condition expires; is varied; is successfully appealed or revoked.

In the event that a Paralegal Practising Certificate is lost by the Paralegal to whom it was issued, the Paralegal may apply for a new certificate paying the appropriate fee as outlined on the PPR website.

## **6. Expiration of a Paralegal Practising Certificate**

A Paralegal Practising Certificate will expire:

- (a) On the expiry date stated thereon.
- (b) When a replacement Paralegal Practising Certificate is issued.

- (c) On the death of the Paralegal.

## **7. Revocation of a Paralegal Practising Certificate**

A Paralegal Practising Certificate may be revoked:

- (a) If the Paralegal's name is suspended from the Register.
- (b) If the Paralegal's name is removed from the Register.
- (c) Upon the bankruptcy of a Paralegal.
- (d) Upon the Paralegal entering into an Individual Voluntary Arrangement.
- (e) Upon conviction of a criminal offence which constitutes a breach of the Practise Rules.
- (f) Incapacity, as deemed by the Professional Paralegal Register to prevent the Paralegal member from being able to comply with the Practising Certificate Rules or the Code of Conduct.

## **8. Conditions on Professional Paralegal Practising Certificates**

PPR may impose on a Professional Paralegal Practising Certificate any condition it thinks fit including conditions imposed as a result of any disclosure or as a result of any findings under the Disciplinary Rules & Procedures.

PPR may remove a condition on a Professional Paralegal Practising Certificate should it consider it appropriate to do so, on written application of the Paralegal e.g. change of circumstances.

If PPR decides to impose a condition during the currency of a Professional Paralegal Practising Certificate it must, unless it is satisfied on reasonable grounds that it is not in the public interest to do so, give 21 calendar days written notice with reasons to the Paralegal in question.

CPD requirements as outlined in the CPD policy must have been complied with, failure to do so may result in a condition being applied to an individual Paralegal Practising Certificate. PPR may undertake spot checks of members' CPD records.

## **9. Lapsed Professional Paralegal Practising Certificate / Retired Paralegals**

A Paralegal is encouraged, during a career break for whatever reason, to retain their Professional Paralegal Practising Certificate therefore keeping up to date with CPD requirements. However, in the event a Paralegal has not done so, then they may re-apply by completing the required reinstatement form and paying an administrative fee, as defined from time to time, together with the Professional Paralegal Practising Certificate Fee on a pro-rata basis.

On re-issue of a Professional Paralegal Practising Certificate, the Paralegal will be required to undertake CPD on a pro-rata basis for what remains of the practising year.

## 10. Notification requirements

A Paralegal is required to notify PPR, or cause to be notified, within 14 calendar days of any of the following events:

- (a) Their committal to prison in either civil or criminal proceedings.
- (b) Their being charged with or convicted of an indictable offence.
- (c) Their being made the subject of disciplinary proceedings as a Lawyer of England and Wales other than as a Paralegal.
- (d) Their being made subject to a bankruptcy order.
- (e) Their entering into an individual voluntary arrangement under the Insolvency Act 1986.
- (f) Any change of practising address.
- (g) Their ceasing to practice (in which event the Paralegal is required to supply the PPR with a new contact address).
- (h) Any other matter that might reasonably be expected to be disclosed as affecting their fitness to act as a Paralegal.
- (i) Incapacity.

## 11. Indemnity insurance

With the exception of those who are employees of a Solicitors firm, Paralegal firm, Insurance firm or other alternative business structure (as recognised by the SRA) on a PAYE basis, a Paralegal shall ensure that:

- (a) professional indemnity insurance is in place at all times with minimum cover of £1 million together with loss of documents cover sufficient to replace all client documents held;
- (b) there are no gaps between policies;
- (c) policy fees are paid in accordance with payment terms set out by the insurer to ensure cover is in place.

A Paralegal will provide a copy of their professional indemnity insurance policy or declaration from the insurer or broker upon request from a client or the PPR within 14 calendar days of the request being made.

## 12. Appeals

There is a right of appeal in respect of:

- (a) Refusal of PPR to issue a Paralegal Practising Certificate.
- (b) Imposition of a condition or conditions upon a Paralegal Practising Certificate.
- (c) Refusal of PPR to remove a condition or conditions imposed on a Paralegal Practising Certificate.
- (d) Revocation of a Paralegal Practising Certificate.



An appeal must be made within 21 calendar days of the date of the letter notifying the decision which the Paralegal intends to appeal. The appeal must be in writing to the PPR and must set out the grounds on which the appeal is being made.

The only grounds for making an appeal are that the decision was flawed because:

- (e) There was a material error in law.
- (f) There was a failure to take into account material information.
- (g) The decision was irrational.
- (h) The decision was one which could not be made.
- (i) New evidence has been obtained which could not have been made available when the decision was made.

An appeal shall be by way of review by the Register Regulatory Committee and the decision on the appeal shall be made on paper alone.

The Register Regulatory Committee may not impose any decision or condition that is harsher than the original, it may only uphold the decision or lessen it. There is no right of appeal beyond the Register Regulatory Committee.

### **13. Notification of decisions**

If it is considered in the public interest the PPR may in addition to publishing the decision on the PPR website, notify the following of decisions made under these Rules to:

- (a) an approved regulator; and/or,
- (b) the Legal Services Board.