



At the Council Chamber, Whitehall

THE 4th DAY OF FEBRUARY 2019

BY THE LORDS OF HER MAJESTY'S MOST HONOURABLE
PRIVY COUNCIL

The Privy Council has approved the revised Bye-Laws of The Chartered Institute of Legal Executives as set out in the Schedule to this Order.

Richard Tilbrook

SCHEDULE

REVISED BYE-LAWS OF THE CHARTERED INSTITUTE OF
LEGAL EXECUTIVES

Interpretation

1. In these Bye-Laws and the Standing Orders, the following words and expressions have the meanings shown beside them, subject to the context:

“The Act” The Legal Services Act 2007.

“AGM” The annual general meeting.

“Approved Regulator” An entity recognised as an “Approved Regulator” under Schedule 4 to the Act.

“Authorised person” the meaning given by Section 18(1)(a) of the Act.

“Chairman” The chairman of the general meeting concerned.

“The Charter” The Charter to which these Bye-Laws are scheduled, together with any Supplemental Charter that may be granted, as amended, added to or revoked from time to time.

“The Chartered Institute” The professional association for Chartered Legal Executive lawyers, paralegals and other legal professionals and the Approved Regulator under the Legal Services Act 2007.

“The Chief Executive” The head of staff of the Chartered Institute, including any deputy or person temporarily carrying out the duties of the post.

The Council” The Council of the Chartered Institute, referred to in these Bye-Laws as the Group Board.

“Delegated Regulatory Body” The subsidiary company of the Chartered Institute (CILEx Regulation or its successor body) to which the Group Board has delegated all regulatory functions in accordance with Article 13 of the Charter.

“Fellow” A Fellow of the Chartered Institute under the Charter and, in the context of any question of entitlement to vote or otherwise exercise rights under these Bye-Laws, means a Fellow in good standing.

“General Meeting” A general meeting, whether an AGM or SGM.

“Group Board” The Board of the Chartered Institute, referred to in the Charter as the “Council”.

“Group Board Member” A member of the Group Board.

“Journal” The official journal of the Chartered Institute as published in print or electronic format.

“member” A person who is registered with the Chartered Institute in accordance with Bye-Law 8 but who is not a Fellow.

“Professional Board” The board of directors of the subsidiary company of the Chartered Institute to which the Group Board may delegate delivery of agreed membership activity or services.

“Regulatory Rules” Rules made by the Delegated Regulatory Body relating to the performance of delegated regulatory functions.

“SGM” A special general meeting, being a general meeting other than an AGM.

“Standing Orders” The arrangements, made by the Chartered Institute relating solely to the administration of its affairs.

“Website” The website maintained by the Chartered Institute for public access through the internet.

2. The Interpretation Act 1978 (as amended) applies to these Bye-Laws as to an Act of Parliament.
3. Any reference to a numbered Bye-Law is to the correspondingly numbered Bye-Law in these Bye-Laws.

General conditions for membership

4. Any applicant to become a member must satisfy the requirements of these Bye-Laws and Standing Orders made by the Group Board and where applicable Regulatory Rules made by the Delegated Regulatory Body in respect of his or her fitness to be registered or admitted.
5. Any Fellow or member must satisfy the requirements of these Bye-Laws and Standing Orders made by the Group Board and where applicable Regulatory Rules made by the Delegated Regulatory Body.
6. Any person who applies for membership shall be taken to have agreed to be bound by the Charter, these Bye-Laws and Standing Orders, and where applicable the Regulatory Rules.

Admission as a Fellow

7. A member may be admitted as a Fellow if he or she:
 - (1) meets the requirements of the Delegated Regulatory Body; and
 - (2) has paid all subscriptions and other fees payable to the Chartered Institute, or has made arrangements for payment.

Grades for registration

8. (1) A person may register with the Chartered Institute as:
 - (a) a Fellow
 - (b) a member in their respective grade (currently Student, Affiliate, Associate, Graduate, Ordinary Member and Associate Prosecutor members)
- (2) Any member who is not a Fellow is subject to:
 - (a) attaining the requisite level of qualifications;
 - (b) paying the relevant membership fee; and
 - (c) complying with the applicable registration requirements.
- (3) The Group Board may create additional grades into which persons may be registered, subject to the requirements contained within Standing Orders.

Certificates and designatory letters

9. (1) Subject to such conditions specified by the Delegated Regulatory Body, a Fellow shall be entitled to:

- (a) receive a certificate showing that he or she is a Fellow of the Chartered Institute;
- (b) describe himself or herself as a Fellow of the Chartered Institute;
- (c) use the designatory letters "FCILEx";
- (d) use the title or description "Chartered Legal Executive".

(2) A Graduate Member shall be entitled to:

- (a) receive a certificate showing that he or she is a Graduate Member of the Chartered Institute;
- (b) describe himself or herself as a Graduate Member of the Chartered Institute; and
- (c) use the designatory letters "GCILEx".

(3) An Associate Member shall be entitled to:

- (a) receive a certificate showing that he or she is an Associate Member of the Chartered Institute;
- (b) describe himself or herself as an Associate Member of the Chartered Institute; and
- (c) use the designatory letters "ACILEx".

(4) An Ordinary Member shall be entitled to:

- (a) receive a certificate showing that he or she is an Ordinary Member of the Chartered Institute;
- (b) describe himself or herself as a Member of the Chartered Institute; and
- (c) use the designatory letters "MCILEx".

(5) The Group Board, on the advice of the Professional Board, may request further designatory letters that may be used by members. Where this creates such a scheme which relates to designatory letters connected with the term "chartered", no such change shall become operative until it shall have been approved at a General Meeting and only where this shall have been expressly approved by the Lords of Our Most Honourable Privy Council.

Fees and subscriptions

10. Each Fellow and member shall pay a membership subscription set by the Group Board. The Group Board may set fees for registration with the Chartered Institute for those who are not Fellows or members.

Cessation

11. A Fellow shall cease to be such if he or she:

- (1) Resigns in writing, effective on the date of receipt by the Chartered Institute, except where the Fellow is under investigation by the Delegated Regulatory Body; or

- (2) Fails, within three months of the date on which it has become due, to pay any subscription or other sum payable by him or her, and the Group Board so resolves, except where the Fellow is under investigation by the Delegated Regulatory Body; or
 - (3) Is adjudged by the Delegated Regulatory Body to be guilty of conduct which makes him or her unfit to be a Fellow of the Chartered Institute and the Delegated Regulatory Body makes an order terminating his or her membership.
12. A member shall cease to be such if he or she:
- (1) Resigns in writing, effective on the date of receipt by the Chartered Institute, except where the member is under investigation by the Delegated Regulatory Body; or
 - (2) Fails, within three months of the date on which it has become due, to pay any subscription or other sum payable by him or her, and the Group Board so resolves, except where the member is under investigation by the Delegated Regulatory Body; or
 - (3) Is adjudged by the Delegated Regulatory Body to be guilty of conduct which makes him or her unfit to be a member of the Chartered Institute and the Delegated Regulatory Body makes an order terminating his or her membership.
13. A person who ceases to be registered with the Chartered Institute shall forthwith cease to use any description or designatory letters to which he or she was entitled under the preceding paragraphs.
14. Cessation of Fellowship or membership does not affect the liability of the any person registered with the Chartered Institute to pay any outstanding fees or other sums due to the Chartered Institute.

Suspension

15. A Fellow or member registered with the Chartered Institute may have their membership suspended if subject to suspension or enforcement action by the Delegated Regulatory Body.

Reinstatement

16. A person who has previously been a Fellow or registered as a member or registered in another capacity, and whose registration has lapsed due to the non-payment of any subscription due, may apply to re-register if he or she:
- (1) Pays any fees outstanding at the time his or her registration lapsed;
 - (2) Continues to satisfy the requirements of the Chartered Institute in respect of his or her eligibility for membership; and

- (3) Continues to satisfy the requirements of the Delegated Regulatory Body in respect of his or her fitness to be so registered, where relevant.

Exercise of regulatory functions

17. The Chartered Institute shall as an approved regulator under Schedule 4 to the Act and otherwise, and in accordance with internal governance rules made by the Legal Services Board, delegate responsibility for performing all of its regulatory functions (as defined in Section 27(1) of the Act) to the Delegated Regulatory Body, independent of its representative functions, pursuant to Sections 29 and 30 of the Act.

Qualification arrangements

18. The Group Board, where Bye-Law 17 does not apply, may make arrangements governing qualifications.

Delegation to the Professional Board

19. With the exception of those regulatory functions delegated under Bye-Law 17, the Group Board may delegate any of its functions under these Bye-Laws to the Professional Board.

General meetings

20. The Chartered Institute shall in each year hold an AGM at such time and place as it may decide. Not more than 15 months shall elapse between any two successive annual general meetings.
21. Subject to Bye-Law 24, not less than 21 clear days' notice of every AGM shall be given to all Fellows.
22. Not less than 21 clear days' notice of every SGM shall be given to all Fellows if the meeting is for the purpose of considering a special resolution, but not less than 14 clear days' notice shall suffice in the case of any other meeting.
23. Every notice of a general meeting shall specify the time and place of the meeting and the general nature of the business to be transacted.
24. Accidental omission to give notice of a general meeting to a Fellow entitled to attend shall not invalidate the meeting and in any event, any Fellow present at a meeting shall be deemed to have received notice of that meeting.
25. Further provisions for the calling and conduct of general meetings shall be contained in the Standing Orders.

Special General Meetings

26. The Chartered Institute may convene a SGM at any time.
27. Any 50 Fellows may by notice require a special general meeting to be convened for the purpose of considering any resolution set out in the notice, and the Group Board shall, on receipt of such a requisition, convene the meeting accordingly not more than 42 clear days after the receipt of the requisition.

The Group Board

28. Subject to the provisions of the Charter and the Bye-Laws, the Group Board shall be appointed and removed in accordance with the provisions of the Standing Orders

Standing Orders

29. Subject to the provisions of the Charter and the Bye-Laws, the Group Board shall have the power from time to time to make Standing Orders for the administration of affairs of the Chartered Institute and may from time to time revoke, amend or add to such Standing Orders.

Notices

30. Notices shall be given in accordance with provisions set out in the Standing Orders.

Indemnity

31. Subject to the Charter, every Group Board member, officer (including an auditor) and employee shall be entitled to be indemnified by the Chartered Institute against any financial loss or liability incurred in carrying out his or her duties as such.

Accounts

32. The Group Board shall ensure that proper books of account are kept in compliance with relevant accounting standards, and lay before each annual general meeting accounts for the previous financial year containing an income and expenditure account, and a balance sheet, with the auditors' report on those accounts.
33. The accounts circulated to Fellows before the AGM may be in a summary form approved by the auditors, provided the full accounts are available on request by any Fellow before the meeting and are available at the meeting itself.
34. A Group Board member shall be entitled to inspect the accounting records of the Chartered Institute at any time. Any Fellow shall be entitled to inspect the accounting records of the Chartered Institute, subject to any reasonable restrictions that may be imposed by the Chartered Institute.

Auditors

35. The auditors, who must be a firm of registered auditors under the Companies Act 2006 (or any successor to that Act), shall be appointed annually, and the Group Board shall fix the remuneration of the auditors.
36. The auditors shall be entitled to receive notice of every general meeting, to attend such meetings and to speak on any item of business which concerns them as auditors.

Chief Executive

37. The Group Board may appoint a Chief Executive (not being a Group Board member) and such other staff of the Chartered Institute as it may decide, with such duties as it may decide, and may decide their terms and conditions of employment.
38. The Chief Executive shall be entitled to attend and speak at all Group Board meetings, unless the Group Board resolves otherwise.

Common seal

39. The common seal of the Chartered Institute shall be used only by the authority of the Group Board or of any committee to which authority has been delegated. Every document to which the seal is affixed shall be signed by two Group Board members or the Chief Executive and one Group Board member.