

# Higher Rights of Audience

## Introduction to gaining higher rights of audience

Education and Training Unit  
Version 1

### The Higher Courts Qualification Regulations 2000

The topics covered in this document are:

- **Introduction to acquiring higher rights**
- **Exemption route**
- **Accreditation route**
- **Development route**
- **Former barrister route**
- **Barristers transferring to become solicitors**
- **Procedure for considering applications including dates for committee meetings**
- **What you can do to help speed up the processing of your application**
- **Further information**

### Introduction to acquiring higher rights

The award of a higher court qualification is made under the Higher Courts Qualification Regulations 2000. There are a number of different and varying routes by which a solicitor may acquire rights of audience in the higher courts. To understand these in more detail you should read through the 'Guidance notes and regulations' document which covers all the awards.

In attempt to save you from reading through the whole of the documentation, of which there is a considerable amount, a very brief summary of what experience each route requires an applicant to have is shown below. Please read the brief summary and then go to the 'Guidance notes and regulations' document to view the requirements in more detail and establish if the route you initially think is the most appropriate, really is the most appropriate. You are strongly advised to read through the 'Frequently asked questions' document.

### Exemption route

This route is primarily for solicitors who have practised as a lawyer (either as a barrister or a solicitor for at least three years) and can demonstrate experience of advocacy in the higher courts of England and Wales or of a comparable jurisdiction relevant to the award for which they intend to apply. For example therefore, someone applying for a criminal award should show relevant experience in the Crown Court and in higher courts generally in criminal matters. (Courts Martial experience is also considered appropriate for the criminal award.)

**Relevant forms:** Guidance notes and regulations, Frequently asked questions, Exemption route application form.

## **Accreditation route**

This route is primarily for solicitors who have practised as a lawyer (either as a barrister or a solicitor for at least three years) and can demonstrate that by reason of their experience (which must be at least three years) of litigation in the higher courts of England and Wales or of a comparable jurisdiction or of a jurisdiction listed in Article 1 of the EC Parliament and Council Directive 98/5/EC, they have acquired a sound understanding of the procedure, evidence and ethics applicable in those proceedings for which they seek to exercise rights of audience. Applicants will receive a certificate of eligibility from the Solicitors Regulation Authority (SRA) to attempt an advocacy assessment, success at which will ultimately allow them to apply for an award.

**Relevant forms:** Guidance notes and regulations, Frequently asked questions, Accreditation route application form, Accreditation route civil questionnaire, Accreditation route criminal questionnaire, HRA course providers.

## **Development route**

Essentially this is the route for applicants who feel they cannot satisfy the experience requirements of the other two routes detailed above or have not been practising as a solicitor or barrister for three years. Therefore this route particularly applies to trainee solicitors and newly admitted solicitors or perhaps solicitors who have been admitted for longer than three years who wish to undertake the training for personal development reasons. Applicants must undertake training and assessment in procedure, evidence and ethics and training and assessment in advocacy. They must also prepare a portfolio of cases undertaken over a 12 month period whilst working in conjunction with a nominated mentor.

**Relevant forms:** Guidance notes and regulations, Frequently asked questions, Development route application form, Guidance on the portfolio and mentor, HRA course providers.

## **Former Barrister route**

This route is for any solicitor who prior to 31 July 2000 was formerly a barrister who held higher rights of audience at the time of transferring to the solicitors' profession and who has recent advocacy experience. Applicants must acquire a certificate from the General Council of the Bar confirming that they held higher rights of audience prior to their transfer and that they were not subject to disciplinary proceedings.

**Relevant forms:** Guidance notes and regulations, Frequently asked questions, Former Barrister route application form.

## **Barristers transferring to become solicitors**

Under Section 39 of the Access to Justice Act, barristers who transfer to become solicitors after 31 July 2000 and who hold higher rights of audience at the time of their transfer will retain those higher rights. The award of higher rights as a solicitor will be dealt with automatically when they apply for admission as a solicitor.

**Relevant forms:** none of the forms issued under the Higher Courts Qualification Regulations 2000 are applicable.

## **Procedure for considering applications including dates for committee meetings**

Applications are considered by the Higher Courts Qualification Casework Committee (the Committee). Generally, the Committee meets about once every two to three months. Please see the document which lists provisional dates for meetings of the Committee.

Given that all the committee members are solicitors in private practice, their availability to meet can alter at short notice. Therefore, the SRA reserves the right to alter the dates of the meetings at short notice when necessary.

In any event, any person wishing to gain a qualification should not wait until the date of the next meeting is publicised. They should apply immediately.

Applications **and references** must be received by the Redditch office at least 10 working days before the planned meeting to allow time to prepare the agenda and give time for committee members to view it. Therefore, if you are sending in your application with references close to the cut-off date, you should send it direct to the HRA Administrator in the Redditch office rather than to the Law Society's Finance department as instructed in the forms.

## **What you can do to help to speed up the processing of your application.**

1. If at all possible submit your application single-sided. Close to the deadline to producing an agenda, a single-sided application allows the office to quickly include it in the draft agenda for printing.
2. Obtain your references in advance and submit them with the application. This will allow you to submit your application right up to the submission deadline (12 working days before the committee meeting if application delivered to the Finance department). A copy of the standard reference letter issued to referees by the Society can be obtained from the HRA administrator if necessary.
3. Provide your application in type written form (the application can be emailed to you to achieve this).
4. Whilst it is appreciated that applicants wish to present their application in the best possible light, do not go overboard and submit a huge application containing numerous pages about your experience supported with case reports, articles and references from all and sundry etc. A few pages of succinct information on your advocacy experience will serve you and the committee far better. If the committee needs more information it will ask for it once it has considered your application. **N.B.** This advice does not necessarily apply to the construction of the portfolio if you are applying via the development route. Clearly, in this instance you are required to

provide sufficient detail to demonstrate what you have learned from your advocacy experiences and observations.

5. Do not telephone the office for the outcome of your application after the meeting as this slows the notification process down. Agendas for meetings usually contain 50-60 applications and thousands of pages of information. The minutes need to be written by the office and approved by the chairman. Appropriate acceptance and refusal letters must be drafted. The more telephone calls which are received the greater the delay and until the minutes are approved there is always the likelihood of a caller being mis-advised as to the outcome of their application.

### **Further information**

Please ensure you read the 'Frequently asked questions' document which has been carefully prepared to cover the most common queries which have been received since the inception of the new regulations. If after reading through the material, however, you remain uncertain on any aspect of applying for an award you may contact the Higher Rights of Audience administrator by email: [Paul.Harrison@sra.org.uk](mailto:Paul.Harrison@sra.org.uk) or by post to The Professional Competence Team, Education and Training Unit, The Solicitors Regulation Authority, Ipsley Court, Berrington Close, Redditch B98 0TD. Tel: 0870 606 2555.