

# **IPReg's Core Regulatory Framework**

## Chapter 1 - Overarching Principles

These *Principles* set out the ethical behaviours that *IPReg* expects all *regulated persons* to uphold. This includes not only in their professional life but also their private life where it is relevant to their practice as a *regulated person*. Should any of these *Principles* come into conflict with one another, those which safeguard the wider public interest (such as upholding the rule of law and upholding public confidence) will take precedence.

You must:

1. act in a way that upholds the constitutional principle of the rule of law and the proper administration of justice.
2. act in a way that upholds public confidence in the regulated profession.
3. act with independence.
4. be honest.
5. act with integrity.
6. act in a way that encourages equality, diversity and inclusion in and by the profession.
7. act in the best interests of each *client*.
8. maintain proper standards of work.

## Chapter 2 – Code of Conduct

The provisions set out in this Code of Conduct are the standards of professionalism that *IPReg* expects of all *regulated persons*. This will include where working on a pro bono basis. These provisions should be applied to the context in which you are working as not all will apply in all circumstances. This Code of Conduct applies to *registered patent attorneys* and *registered trade mark attorneys*, *IPReg registered and licensed bodies*, authorised role holders such as a body's *HoLP*, *HoFA*, *managers* and *owners* and – where the context applies - *employees*.

### 1 - Client care

- 1.1 *Clients* receive the best available information about your work and *costs*, both at the time of engagement and, when the context applies, as work progresses.
- 1.2 *Clients* receive an appropriate explanation of any financial benefits, including but not limited to any commission, foreign exchange uplifts, discount or rebate received as a result of their instructions.
- 1.3 *Publicity* in relation to your work is accurate, fair and not misleading.
- 1.4 Information about any referral arrangements in place, including the payment of a referral fee and fee sharing arrangements is provided to the *client*.
- 1.5 You do not undertake work for a *client* where your duty to act in the best interests of that *client* conflicts, or there is a significant risk it may conflict, with your own interest in respect of that work or related work.
- 1.6 You do not act for two or more *clients* in relation to the same work or related work when there is a significant risk that their interests are or will be in conflict.
- 1.7 You do not act for a *client* where your duty to act in their best interests will conflict with your duty to keep another *client's* affairs confidential unless there is no risk of such disclosure or the other *client* in respect of whom you hold confidential information has given informed consent.
- 1.8 You keep your *client's* affairs confidential unless permitted by law or your *client* consents.
- 1.9 You exercise a lien over *client* papers and other materials belonging to a *client* only when, and to the extent that, the lien is available in law or the lien is an express term of business to which the *client* has agreed.

### 2 - Competence

- 2.1 You only undertake work that is within your expertise and competence.
- 2.2 You maintain your continuing competence in accordance with *IPReg's* requirements and guidance.

- 2.3 Those with management responsibility ensure that appropriate training and supervision arrangements are in place for those working at all levels.

### **3 – Managing your practice**

#### *Accountability, cooperation and provision of information*

- 3.1 You are accountable for your work and the work delivered by those you supervise. You are also accountable for the selection of sub-contractors.
- 3.2 Effective governance arrangements are in place so that you and those you contract with can comply with *IPReg's regulatory arrangements*.
- 3.3 You cooperate with *IPReg*, other regulatory, supervisory and enforcement bodies and the *Legal Ombudsman*.
- 3.4 Any information which suggests a breach of any of *IPReg's* or another *approved regulator's regulatory arrangements* is reported promptly to *IPReg* or another *approved regulator*, as appropriate.
- 3.5 You do not inhibit anyone from providing information to *IPReg* or any of the types of body set out at 3.3 above or subject anyone to detrimental treatment who provides or proposes to provide information in this way.
- 3.6 *IPReg's* requests for information, documentation and payment of fees are complied with within *prescribed* timeframes.
- 3.7 *IPReg* has up-to-date details for you and the practice and is promptly notified of any material changes to this information or circumstances, including matters which may impact upon your suitability and entitlement to remain a *regulated person*.
- 3.8 Workforce diversity data is monitored, reported and published, as *prescribed*.

#### *Risk management*

- 3.9 Material risks to the practice are identified, monitored and managed.
- 3.10 Where you provide services to the public, professional indemnity insurance (PII) is in place that is commensurate with the risks presented by your business and which meets *IPReg's* current Minimum Terms and Conditions (MTCs).
- 3.11 When you cease to operate, you take out run off cover unless there is a *successor practice*.
- 3.12 Once it becomes clear that a practice will cease to operate, those with management responsibilities effect the orderly wind-down of the business and promptly notify *IPReg* in accordance with 3.7 above.

#### 4 - Client money

- 4.1 *Client money* is kept safe in the following ways:
  - 4.1.1 it is always identifiable and is kept separate from money belonging to the firm; and
  - 4.1.2 it is returned promptly to the *client* as soon as it can be;
  - 4.1.3 it is held in a bank account in the *UK*.
- 4.2 *Clients* are aware of where their money is being held – including where this is held on trust – the reasons for this and the regulatory protections afforded to them.
- 4.3 You may use the services of a *third party managed account* provider, in respect of money that would otherwise be held by you as *client money* provided that you comply with guidance issued by *IPReg*.
- 4.4 *IPReg* is notified if you hold *client money*.
- 4.5 *IPReg* is notified when *client money* above the *prescribed* amount cannot be returned to the *client*. Any residual balances below the amount *prescribed* which relate to that *client* must be donated by you to a charity of your choice.

#### 5 – Complaints handling

- 5.1 *Clients* are informed, in writing, at the time of engagement about:
  - 5.1.1 their right to complain about your work and associated *fees*;
  - 5.1.2 how a complaint can be made and to whom; and
  - 5.1.3 any right they have to make a complaint to the *Legal Ombudsman* and when they can make any such complaint.
- 5.2 If a *client* has made a complaint about your work or *fees*, this should be resolved to the *client's* satisfaction within eight weeks.
- 5.3 If a complaint cannot be resolved and your complaints procedure has been exhausted, you must:
  - 5.3.1 explain to the *client* why you cannot settle the complaint; and
  - 5.3.2 inform the *client* of any right they have to complain to the *Legal Ombudsman*, the time frame for doing so and provide full contact details to do so.
- 5.4 Complaints are dealt with promptly, fairly, and free of charge.

## 6 - Requirements for licensed bodies

These provisions are the requirements which relate specifically to *licensed bodies* and must be read in conjunction with the standards of professionalism that *IPReg* and the public expect of all *regulated persons* set out at 1 to 5 above.

- 6.1 At all times, there is an individual designated as *HoLP* and an individual designated as *HoFA*, whose designation *IPReg* has approved.
- 6.2 *Compliance officers* comply with their legislative and regulatory obligations and duties as *prescribed* and as set out in Schedule 11 to the *LSA*.
- 6.3 Effective governance arrangements are in place to ensure that your *compliance officers* are able to discharge their duties.
- 6.4 *Licensed bodies* have a practising address in England or Wales.
- 6.5 No one is employed who is disqualified under section 99 of the *LSA* from being an *employee* or a *manager* of a *licensed body*.
- 6.6 Non-authorized *owners* are approved in accordance with *IPReg's* requirements relating to authorisation [see 6.3 of Chapter 3] and any accompanying guidance and in accordance with Schedule 13 to the *LSA*.

## Chapter 3 – Admission and authorisation requirements

### 1. Admission to the register - requirements for individuals

- 1.1 An individual will qualify for admission to the *patent attorney register* if *IPReg* is satisfied :
  - 1.1.1 that they possess the necessary *academic qualifications*;
  - 1.1.2 that they have passed the *qualifying examinations*;
  - 1.1.3 that they have completed the *prescribed* work experience;
  - 1.1.4 as to their character and suitability to be a *registered patent attorney*; and
  - 1.1.5 that they are able to comply with any other requirements *prescribed*.
- 1.2 An individual will qualify for admission to the *trade mark attorney register* if *IPReg* is satisfied:
  - 1.2.1 that they possess the necessary *academic qualifications*;
  - 1.2.2 that they have passed the *qualifying examinations*;
  - 1.2.3 that they have completed the *prescribed* work experience;
  - 1.2.4 as to their character and suitability to be a *registered trade mark attorney*; and
  - 1.2.5 that they are able to comply with any other requirements *prescribed*.
- 1.3 In accordance with its standard operating procedure, *IPReg* will authorise entry to the relevant *register*, with or without conditions, where it is satisfied an applicant meets the *prescribed* admission and eligibility requirements.
- 1.4 In accordance with its standard operating procedure, in order to authorise entry to the relevant *register*, *IPReg*:
  - 1.4.1 will recognise an applicant's *overseas* qualification; or
  - 1.4.2 may direct that an applicant undertakes additional steps where there are substantial differences between the skills, knowledge and training of an applicant with an *overseas* qualification and that of an applicant who possesses the necessary *academic qualifications* or has passed the *qualifying examinations* within the *UK*.
- 1.5 In accordance with its standard operating procedure, *IPReg* may set out the circumstances in which it can refuse an application for registration and how an applicant can appeal such a refusal.
- 1.6 An individual entered onto the relevant *register* will be authorised to practise within the scope of *IPReg's* *regulatory arrangements*.

## **2 Admission to the register - requirements for bodies**

- 2.1 In accordance with its standard operating procedure, *IPReg* will register a body, with or without conditions, if it is satisfied that:
- 2.1.1 other than for a *licensable body* seeking entry onto the relevant *register*, all *managers* or *partners* of that body are *authorised persons*, with at least one being a *UK-registered patent attorney* or *UK-registered trade mark attorney*, as appropriate;
  - 2.1.2 a *licensable body* has a practising address and is domiciled, or has a real and effective industrial or commercial establishment in England or Wales;
  - 2.1.3 a body other than a *licensable body* has a practising address and is domiciled, or has a real and effective industrial or commercial establishment, in the *UK*;
  - 2.1.4 all non-*authorised managers* of that body are approved in accordance with 3.3 below;
  - 2.1.5 in the case of a *licensable body*, all non-*authorised owners* of that body are approved in accordance with 6.3 below and Schedule 13 to the *LSA*; and
  - 2.1.6 a body will comply with *IPReg's regulatory arrangements* and with the terms and conditions of its registration.
- 2.2 *IPReg* may refuse a body's application for registration and will specify how an applicant body can appeal such a refusal.
- 2.3 A body entered onto the relevant *register* will be authorised to practise within the scope of *IPReg's regulatory arrangements*. If that body is a *licensed body*, its entry to the relevant *register* constitutes the grant of a licence under the *LSA*.

## **3 Scope of Practice**

- 3.1 *Registered persons* are authorised to carry on the *reserved legal activities* in respect of which *CIPA* and *CITMA* are designated as an *approved regulator*.
- 3.2 A *licensed body* may carry on a licensed activity through a person who is entitled to carry on that activity.
- 3.3 *IPReg* will register *persons*, with or without conditions, if it is satisfied that it has suitable *regulatory arrangements* in place to regulate them in accordance with *IPReg's* statutory duties and the *LSA regulatory objectives*.
- 3.4 *Registered persons* must not provide (to whatever extent) legal services in any of the following areas:
- 3.4.1 criminal law;
  - 3.4.2 family or matrimonial law;
  - 3.4.3 conveyancing other than conveyancing of intellectual property rights;



- 3.4.4 real estate;
- 3.4.5 probate and the drafting of wills;
- 3.4.6 immigration law;
- 3.4.7 personal injury litigation, including medical negligence;
- 3.4.8 administrative law, except in so far as it relates to intellectual property; or
- 3.4.9 any other related services.

3.5 In the case of a body applying to be entered in the *patent attorney register*, it must undertake as one of its main activities, legal services relating to any of the development and protection, and management and exploitation of patents and registered designs (alone or in combination with the legal services described in 3.6 below), including but not limited to the business of acting as an agent for others for the purpose of:

- 3.5.1 applying for or obtaining patents and registered designs, in the *UK* or elsewhere; and/or
- 3.5.2 conducting proceedings before the Comptroller General of Patents, Designs and Trade Marks relating to applications for, or otherwise in connection with, patents and registered designs;

together with the provision of any other legal or non-legal services concerning or relating to the creation, development, maintenance, exploitation or otherwise of intellectual property and activities ancillary to it.

3.6 In the case of a body applying to be entered in the *trade mark attorney register*, it must undertake as one of its main activities, legal services relating to any of the development and protection, and management and exploitation of trade marks and registered designs (alone or in combination with the legal services described in 3.5 above), including but not limited to the business of acting as agent for others for the purpose of:

- 3.6.1 applying for or obtaining the registration of trade marks and registered designs, in the *UK* or elsewhere; and/or
- 3.6.2 conducting proceedings before the Comptroller General of Patents, Designs and Trade Marks relating to applications for, or otherwise in connection with, the registration of trade marks and registered designs;

together with the provision of any other legal or non-legal services concerning or relating to the creation, development, maintenance, exploitation or otherwise of intellectual property and activities ancillary to it.

#### **4. Annual renewal of registration for registered persons**

4.1 By the *prescribed* date each year, a *registered person* must renew their registration in accordance with *IPReg's* standard operating procedure.

4.2 If a *registered person* fails to renew their registration within two calendar months of the renewal date, they may be suspended from the relevant *register* in accordance with *IPReg's* standard operating procedure.

4.3 If a *registered person* is suspended from the relevant *register* under 4.2 above, they may be removed from the *register* at *IPReg's* discretion, in accordance with *IPReg's* standard operating procedure.

**5. Additional provisions relating to registration, remaining on the register and re-entry to the register**

5.1 A *registered body* or *licensed body* which is a body corporate will be registered under its corporate name.

5.2 A *registered body* or *licensed body* which is unincorporated must choose a name under which it will be registered with *IPReg*.

5.3 *IPReg* will, in accordance with its standard operating procedure, set out:

5.3.1 any ongoing requirements with which a *registered person* must comply to remain on the relevant *register*;

5.3.2 the circumstances in which it may make amendments to or impose further conditions on a *registered person's* registration;

5.3.3 the circumstances it will consider and the procedures it will follow in determining whether to suspend a *registered person* from the relevant *register*, or to end such a suspension, and any associated rights of appeal;

5.3.4 the circumstances it will consider and the procedures it will follow in determining whether to remove a *registered person* from the relevant *register* and any associated rights of appeal;

5.3.5 the circumstances in which registration is deemed to remain effective in unforeseen circumstances;

5.3.6 the circumstances in which the *CEO* may, suspend or remove, or withhold certain information about, a *registered person* from the relevant *register*;

5.3.7 the requirements as to how a *registered person* obtains re-entry to the relevant *register*.

**6. Authorisation requirements for role holders**

6.1 A person who is not a *registered attorney* may be a *manager* of a *licensed body* if they have been approved by *IPReg*.

- 6.2 Any person already on the *patent attorney register* and/or the *trade mark attorney register* will be deemed approved by *IPReg* as a *manager*.
- 6.3 A non-authorised person may be an *owner* of a *licensed body* if that person has been approved by *IPReg* to be an *owner* in accordance with Paragraph 6 of Schedule 13 to the *LSA* and in accordance with any other *prescribed* requirements.
- 6.4 *IPReg* may withdraw a role holder's approval in accordance with *IPReg's* standard operating procedure.
- 7. Approval of compliance officers**
- 7.1 In accordance with *IPReg's* standard operating procedure, *IPReg* may approve an individual's designation as *HoLP* or *HoFA* of a *licensed body* if satisfied that they meet the *prescribed* requirements relating to the *compliance officer* roles and that they are in a position of sufficient responsibility to fulfil the duties of *HoLP* or *HoFA* (as applicable) in relation to the *licensed body*.
- 7.2 The *licensed body* must cooperate with, and demonstrate to, *IPReg* that the prospective role holder meets the criteria for approval.
- 7.3 An application seeking approval as a role holder must be completed and the outcome notified to the relevant individuals in accordance with *IPReg's* standard operating procedure.
- 7.4 *IPReg* may withdraw a *compliance officer's* approval in accordance with *IPReg's* standard operating procedure.

Temporary approval of compliance officers

- 7.5 Within seven days of an unforeseen event resulting in the *licensed body* ceasing to have an approved *HoLP* or *HoFA*, the *licensed body* must:
- 7.5.1 inform *IPReg* that this has occurred;
  - 7.5.2 designate a suitable person to act as a replacement; and
  - 7.5.3 make an application for the temporary approval of that person.
- 7.6 In accordance with *IPReg's* standard operating procedure, *IPReg* will provide for the manner and form in which a *licensed body* should make an application to *IPReg* for temporary approval of a *HoLP* or *HoFA*.
- 7.7 *IPReg* may withdraw a temporary approval in accordance with its standard operating procedure.
- 7.8 A *licensed body* may appeal *IPReg's* decision to withdraw temporary approval in which case the withdrawal is suspended pending determination or discontinuance of the appeal unless *IPReg* considers the circumstances warrant the withdrawal to take immediate effect.

**8. Exiting the registers or removal from the registers**

- 8.1 *IPReg* may suspend or revoke a *registered person's* registration and must follow the notification processes in accordance with *IPReg's* standard operating procedure.
- 8.2 *Registered persons* can, unless subject to disciplinary proceedings, apply to *IPReg* for voluntary removal from the *register*, in accordance with *IPReg's* standard operating procedure.
- 8.3 A *registered person* will have no right of appeal in respect of *IPReg's* decision to refuse to grant an application for voluntary removal from the *register*.

**9. Additional practising rights – litigation and advocacy certificates**

- 9.1 A *registered attorney* may apply to *IPReg* for an *advocacy or litigation certificate*.
- 9.2 In accordance with *IPReg's* standard operating procedure, *IPReg* will:
  - 9.2.1 set out the conditions and requirements a *registered attorney* will need to meet for additional practising rights to be granted;
  - 9.2.2 provide for the manner and form in which a *registered attorney* should make an application to obtain these additional practising rights, including any associated application fees to be paid;
  - 9.2.3 set out the additional practising rights that holders of an *advocacy or litigation certificate* will have;
  - 9.2.4 set out the renewal process for holders of an *advocacy or litigation certificate*;
  - 9.2.5 set out the circumstances in which an *advocacy or litigation certificate* might lapse or can be revoked.
- 9.3 In accordance with its standard operating procedure, *IPReg* may refuse a *registered attorney's* application for additional practising rights and will specify how an applicant can appeal such a refusal.

**10. Requirements relating to education and training providers**

- 10.1 In accordance with its standard operating procedure, *IPReg* may:
  - 10.1.1 accredit;
  - 10.1.2 reaccredit; or
  - 10.1.3 withdraw accreditationof an education and training provider for the delivery of examinations and awarding of qualifications.

## Chapter 4 - Investigation and disciplinary requirements

### 1 Complaints

- 1.1 Where *IPReg* has or receives information which suggests a *regulated person* may have breached any of its *regulatory arrangements*, it may, in accordance with its standard operating procedure, investigate to whatever extent it considers necessary.
- 1.2 *IPReg* will appoint individuals to the following roles and panels to help it consider *cases*:
  - 1.2.1 *Case Examiners*;
  - 1.2.2 *Interim Orders Panels*;
  - 1.2.3 *Disciplinary Panels*; and
  - 1.2.4 *Independent Adjudicators*.
- 1.3 Whether or not an investigation takes place, *IPReg* may, in accordance with its standard operating procedure:
  - 1.3.1 close the *case* with or without advice being given to the subject of the complaint;
  - 1.3.2 refer the *case* to the *Disciplinary and Interim Orders Tribunal* to consider whether an *interim order* needs to be imposed; or
  - 1.3.3 refer the *case* to the *Case Examiners* for further consideration.
- 1.4 Where a *case* is referred to the *Case Examiners*, *IPReg* will, in accordance with its standard operating procedure:
  - 1.4.1 serve a notice on the respondent, together with a summary of the complaint and any evidence obtained which supports the complaint;
  - 1.4.2 invite the respondent to make submissions and/or provide any material they wish the *Case Examiners* to consider; and
  - 1.4.3 carry out any further investigation it considers necessary as a result of any submissions made and/or material provided by the respondent.
- 1.5 The *Case Examiners* will, in accordance with *IPReg's* standard operating procedure, consider whether there is a *case to answer*.
- 1.6 After consideration of the *case*, the *Case Examiners* may determine that:
  - 1.6.1 the *case* be closed with or without advice being given to the respondent;
  - 1.6.2 further investigation needs to take place and provide such advice or direction to *IPReg* as they consider appropriate;
  - 1.6.3 the *case* be resolved by mutual agreement between the parties, by way of one or any combination of:

- 1.6.3.1 a warning;
- 1.6.3.2 a reprimand;
- 1.6.3.3 the signing of an *undertaking*;
- 1.6.3.4 a financial penalty;
- 1.6.3.5 suspension from the *register*;
- 1.6.4 the *case* be referred to the *Disciplinary and Interim Orders Tribunal*.
- 1.7 The *Case Examiners* must reach a mutual decision and where the *Case Examiners* cannot agree, the *case* should be referred to the *Disciplinary and Interim Orders Tribunal*.
- 1.8 The *Case Examiners'* decision will be recorded in writing and *IPReg* will provide a copy to the respondent and any complainant in accordance with its standard operating procedure.
- 1.9 There is no right to appeal any decision of the *Case Examiners*.

## **2 Interim Orders**

- 2.1 An *Interim Orders Panel* drawn from a pool of individuals from the *Disciplinary and Interim Orders Tribunal*, and supported by a *legal adviser* and, where necessary, a *technical adviser*, will consider and determine applications for *interim orders*.
- 2.2 When determining whether an *interim order* needs to be imposed, the *Interim Orders Panel* will need to be satisfied that imposing such an order:
  - 2.2.1 is necessary for the protection of the public; is otherwise in the public interest; or is in the *registered attorney's* own interests; and
  - 2.2.2 is a proportionate response to the risks identified.
- 2.3 *IPReg* will *prescribe*:
  - 2.3.1 the factors to be taken into account when determining whether an *interim order* should be imposed;
  - 2.3.2 any maximum duration for which an *interim order* can be imposed;
  - 2.3.3 the frequency and manner in which an *interim order* will be reviewed;
  - 2.3.4 the procedures in place through which a party can apply for the terms and conditions of an *interim order* to be varied;
  - 2.3.5 the circumstances in which an *interim order* may be withdrawn and the procedures in place for doing so.
- 2.4 A *regulated person* may appeal the imposition of an *interim order* or the variation of an existing order.

**3 Disciplinary stage**

- 3.1 A *Disciplinary Panel* drawn from a pool of individuals from the *Disciplinary and Interim Orders Tribunal* will consider and determine referrals made by the *Case Examiners*.
- 3.2 In accordance with its standard operating procedure, *IPReg*:
- 3.2.1 will serve on the respondent, details of the allegation against them and any evidence upon which it seeks to rely;
  - 3.2.2 will appoint a *legal adviser* to assist the *Disciplinary Panel*;
  - 3.2.3 may, where necessary, appoint a *technical adviser* to assist the *Disciplinary Panel*; and
  - 3.2.4 may at any time before the commencement of the *Disciplinary Panel* hearing, request a *case management* hearing be scheduled either on its request or that of the respondent where it considers it appropriate to do so.
- 3.3 In accordance with *IPReg's* standard operating procedure, the *Disciplinary Panel* will:
- 3.3.1 appoint from its number, a Chair;
  - 3.3.2 delegate to the Chair, the authority to agree and conduct *case management* hearings;
  - 3.3.3 consider *cases* referred to it by the *Case Examiners*, applying the civil standard of proof to any questions of fact;
  - 3.3.4 conduct the hearing in whatever manner it considers appropriate to ensure the fair and expedient hearing of the *case*;
  - 3.3.5 record its decision in writing and provide reasons;
  - 3.3.6 specify when a sanction imposed under 3.4 below takes effect.
- 3.4 Taking account of any Sanctions Guidance prepared and published by *IPReg*, the *Disciplinary Panel* may order that no further action is taken, or do any one or more of the following:
- 3.4.1 issue a warning;
  - 3.4.2 issue a reprimand;
  - 3.4.3 confirm that the respondent must agree to give an *undertaking*;
  - 3.4.4 impose a financial penalty;
  - 3.4.5 impose conditions on the *regulated person's* registration and/or authorisation;
  - 3.4.6 suspend registration, authorisation and/or a litigation certificate;
  - 3.4.7 revoke a litigation certificate;

- 3.4.8 disqualify a *person* from being an *employee, manager* or approved role holder of a *registered body*;
- 3.4.9 remove a *registered person* from the relevant *register*.
- 3.5 In respect of 3.4.8 above:
  - 3.5.1 *IPReg* must notify the *LSB* of:
    - 3.5.1.1 any decision taken by *IPReg* to disqualify a *person*;
    - 3.5.1.2 the outcome of any review by *IPReg* of that disqualification; and
    - 3.5.1.3 any decision by *IPReg* that a person's disqualification should cease to be in force.
  - 3.5.2 A disqualification:
    - 3.5.2.1 can be imposed for a definite or an indefinite period, with an optional non-review period; and
    - 3.5.2.2 following any applicable non-review period, must be subject to a review, either at the request of the *person* upon whom the disqualification has been imposed or earlier by *IPReg* if *IPReg* is satisfied there is sufficient evidence to demonstrate it is no longer necessary, proportionate or in the public interest to maintain the disqualification order.
  - 3.5.3 In accordance with *IPReg's* standard operating procedure, *IPReg* will set out the procedural requirements for reviews of disqualification orders which may only be sought once any non-review period has passed or if *IPReg* is satisfied there is sufficient evidence to demonstrate the disqualification order is no longer required, or it is no longer necessary, proportionate or in the public interest to maintain the disqualification order.

#### **4 Appeals**

- 4.1 The respondent who is subject to a sanction imposed by the *Disciplinary Panel* under 3.4 may seek to appeal that decision by way of a review by an *Independent Adjudicator*.
- 4.2 Appeals under 4.1 may be sought on one or more of the following grounds:
  - 4.2.1 an error of law;
  - 4.2.2 a procedural flaw;
  - 4.2.3 a mistake of fact;
  - 4.2.4 the discovery of new evidence which was not available at the time the decision which is now the subject of appeal was first made.
- 4.3 In accordance with *IPReg's* standard operating procedure, *IPReg* will specify:



- 4.3.1 the manner in which an appeal must be lodged, including the form of an appeal, associated costs and any time limitations;
  - 4.3.2 the standard timeframe for the hearing and determination of an appeal, unless there is a reasonable need to deviate from that timeline.
- 4.4 In the event that an *Independent Adjudicator* dismisses an appeal sought under 4.1, in whole or in part, the applicant may further appeal to the First Tier Tribunal of the General Regulatory Chamber.
- 5 Costs**
- 5.1 In accordance with *IPReg's* standard operating procedure, the *Case Examiners*, a *Disciplinary Panel* and an *Independent Adjudicator* may make an award of costs.
- 6 Publication**
- 6.1 In accordance with *IPReg's* standard operating procedure, it may publish decisions made by *Case Examiners*, an *Interim Orders Panel*, a *Disciplinary Panel* and an *Independent Adjudicator*.

## Chapter 5 – Appeals provisions

### 1 Appeals

#### 1.1 *IPReg* may:

- 1.1.1 correct any administrative errors in relation to any decision made under this Core Regulatory Framework; and
- 1.1.2 review any decision made under this Core Regulatory Framework.

#### 1.2 The following decisions may be appealed in accordance with *IPReg's* standard operating procedure:

- 1.2.1 refusing an application for registration or a licence;
- 1.2.2 imposing conditions on a licence;
- 1.2.3 modifying a licence by imposing or removing conditions;
- 1.2.4 refusing an application for or revoking additional practising rights;
- 1.2.5 refusing to approve a *person* as a *HoLP* or *HoFA* or a *licensed body*;
- 1.2.6 withdrawing the approval or temporary approval, as applicable, of a role holder, a *HoLP* or a *HoFA*;
- 1.2.7 disqualifying a *person* from any role within a *licensed body*;
- 1.2.8 suspending or revoking a licence;
- 1.2.9 imposing an *interim order* on a *registered person*;
- 1.2.10 withdrawing the accreditation of an education and training provider.

#### 1.3 An application for an appeal cannot be made in respect of a decision made by mutual agreement.

#### 1.4 The *PRB* or *TRB*, as applicable, may on request and subject to 1.6 below, consider an appeal of a decision made in:

- 1.4.1 1.2.1, 1.2.4, 1.2.5, 1.2.6, and 1.2.8 in respect of administrative revocations only; and
- 1.4.2 1.2.2 and 1.2.3 in respect of *licensed body* applications only.

#### 1.5 An *Independent Adjudicator* may on request and subject to 1.6 below, consider an appeal of a decision at 3.4 of Chapter 4 and 1.2.2, 1.2.3, 1.2.4, 1.2.6, 1.2.7, 1.2.8, and 1.2.9 above, where made by a *Disciplinary Panel*.

#### 1.6 Appeals under 1.4 and 1.5 may be sought on one or more of the following grounds:

- 1.6.1 an error of law;

- 1.6.2 a procedural flaw;
  - 1.6.3 a mistake of fact;
  - 1.6.4 the discovery of new evidence which was not available at the time the decision, which is now the subject of review, was first made.
- 1.7 An *Independent Adjudicator*, the *PRB*, or the *TRB* may make any of the following decisions:
- 1.7.1 to uphold the original decision;
  - 1.7.2 to overturn the decision in whole or in part;
  - 1.7.3 to substitute their decision for that of the original decision-maker;
  - 1.7.4 to remit the decision for reconsideration.
- 1.8 In the event that an *Independent Adjudicator*, the *PRB*, or the *TRB* dismisses an appeal, in whole or in part, the applicant may further appeal to the First Tier Tribunal of the General Regulatory Chamber.

Costs associated with appeals

- 1.9 In accordance with *IPReg's* standard operating procedure, an *Independent Adjudicator* and the *PRB* or *TRB*, may make an award of costs.

## **Chapter 6 – Miscellaneous requirements**

### **1 Service of documents and notifications**

- 1.1 Any notice or document can be provided to or served upon a *regulated person* or *IPReg* in accordance with *IPReg's* standard operating procedure.

### **2 Waivers**

- 2.1 In accordance with *IPReg's* standard operating procedure, *IPReg* will provide for:
- 2.1.1 the manner and form in which a *regulated person* should make an application for a waiver under this Core Regulatory Framework;
  - 2.1.2 the factors it will take into account when considering and determining any such application.

### **3 Registers**

- 3.1 *IPReg* must keep, in electronic form, *registers* for *registered persons*.
- 3.2 *IPReg's registers* will be available via its website.
- 3.3 *IPReg* may correct a *register* to remedy entries made in error or as a result of fraud.

#### *Registered attorneys*

- 3.3 In accordance with 3.1, *IPReg's register* for *registered attorneys* will contain the following:
- 3.3.1 the name of the *registered attorney*;
  - 3.3.2 whether the *registered attorney's* registration is suspended, and the date the suspension took place;
  - 3.3.3 any enforcement action taken against or any sanction imposed upon the *registered attorney*, excluding administrative fines;
  - 3.3.4 the date they were entered onto the *register*;
  - 3.3.5 the *registered attorney's* practising address(es);
  - 3.3.6 the *reserved legal activities* the *registered attorney* is authorised by *IPReg* to undertake.

#### *Licensed bodies*

- 3.4 In accordance with 3.1, *IPReg's register* for *licensed bodies* will contain the following:
- 3.4.1 the name of the *licensed body*;
  - 3.4.2 whether the *licensed body's* licence is suspended, and the date the suspension took place;

- 3.4.3 any enforcement action taken against or any sanction imposed upon the *licensed body*, its *owner(s)* or any *employee(s)*, excluding administrative fines;
- 3.4.4 any trading name for the *licensed body*;
- 3.4.5 any previous names for the *licensed body*;
- 3.4.6 all company registration numbers, charity numbers or equivalent;
- 3.4.7 the date the licence was issued;
- 3.4.8 the registered address of the *licensed body*;
- 3.4.9 the practising address(es) of the *licensed body*;
- 3.4.10 the name of the *HoLP* and *HoFA*;
- 3.4.11 the authorising body of the *HoLP*;
- 3.4.12 the services the *licensed body* is authorised by *IPReg* to undertake.

#### **Registered bodies**

- 3.5 In accordance with 3.1, *IPReg's register for registered bodies* will contain the following:
  - 3.5.1 the name of the *registered body*;
  - 3.5.2 whether the *registered body's* registration is suspended, and the date the suspension took place;
  - 3.5.3 any enforcement action taken against or any sanction imposed upon the *registered body*, its *owner(s)* or any *employee(s)*, excluding administrative fines;
  - 3.5.4 any trading name of the *registered body*;
  - 3.5.5 any previous names of the *registered body*;
  - 3.5.6 all company registration numbers, charity numbers or equivalent;
  - 3.5.7 the date of the body's registration;
  - 3.5.8 the registered address of the *registered body*;
  - 3.5.9 the practising address(es) of the *registered body*;
  - 3.5.10 the names of the *owners* and *managers*;
  - 3.5.11 the *reserved legal activities* the *registered body* is authorised by *IPReg* to undertake.

#### **4 Avoidance of regulatory conflict**

- 4.1 To avoid regulatory conflict as defined in Sections 52 and 54 of the *LSA*, the *PRB* or *TRB*, as applicable, may waive in writing the provisions of this Core Regulatory Framework in any

particular case or cases where the professional practice of a *registered person* is fully regulated by another professional regulator.