

Resolution Specialist Accreditation International Portfolio Competence Unit - Lawyers

This portfolio unit focusses on the specialist knowledge, understanding and practice performance skills required to advise and/or represent client in cases where European and International laws may be relevant.

Competency Code	Knowledge and Understanding Candidates must know and understand:
SAPEI01	The Resolution Code of Practice and other relevant protocols (e.g. The Law Society Family Law Protocol, the Remote Access Family Court and any associated protocols), the SRA Competence Statement and over-arching Standards Framework, Family and Civil Procedure Rules. Resolution’s Guides to Good Practice and Precedents.
SAPEI02	Jurisdictional bases in England and Wales for all forms of family law proceedings and the limitations on such jurisdiction.
SAPEI03	Law and procedure for the recognition of foreign marriages in England and Wales and for the registration, recognition and enforcement in England and Wales of orders, decrees, declarations and agreements made in all forms of family law proceedings in foreign jurisdictions.
SAPEI04	Law and procedure for registering and enforcing in foreign jurisdictions orders, decrees, declarations and agreements made in all forms of family law proceedings in England and Wales.
SAPEI05	Law and procedure for obtaining stays of all forms of English and Welsh family law proceedings.
SAPEI06	Law and procedure for obtaining anti-suit injunctions in England and Wales against all forms of family law proceedings in foreign jurisdictions.
SAPEI07	Extent of jurisdiction, including inherent jurisdiction, of courts in England and Wales to make effective orders, decrees, declarations and agreements in relation to foreign residents and foreign assets and entities, including foreign companies and trusts.
SAPEI08	Legal effect in England and Wales of financial obligations and rights arising from domestic relationships formed in foreign jurisdictions, particularly in relation to foreign marriage and cohabitation, marital property regimes and extended family maintenance provision, including the effect of “applicable law” rules.
SAPEI09	Extent of jurisdiction, including inherent jurisdiction, of courts in England and Wales to make effective orders, decrees, declarations and agreements relating to the protection children and vulnerable adults against domestic abuse in an international context, including protection against abduction and forced marriage with the assistance of government services (e.g. International Child Abduction and Contact Unit and Forced Marriage Unit) and NGOs (e.g. Reunite and International Social Services).
SAPEI10	Law and procedure for making claims in England and Wales for financial relief following a foreign divorce.
SAPEI11	Law and procedure for service of foreign process in England and Wales and for service of English and Welsh process in foreign jurisdictions.
SAPEI12	Law and procedure for transmitting evidence from England and Wales to foreign jurisdictions and for receiving foreign evidence in England and Wales.
SAPEI13	Dispute resolution providers in England and Wales which have expertise in international family law matters and how they may assist in cross-border disputes.

SAPEI14	The limits on the solicitor's ability to advise about matters when not qualified or competent to do so and the regulatory and professional indemnity insurance implications of doing so.
SAPEI15	How and where to obtain expert advice about foreign family law and procedures.
SAPEI16	The extent of the solicitor's obligation and ability to advise clients about how the UK decision to leave the EU may affect family law matters.

Competency Code	Performance Candidates must be able to:
SAPEI17	Demonstrate appropriate application of the Resolution Code of Practice and any/all other relevant practice protocols in all cases (including relevant foreign jurisdiction protocols).
SAPEI18	Identify, assess and explain the law and procedure relating to the recognition of foreign marriages in England and Wales and for the registration, recognition and enforcement in England and Wales of orders, decrees, declarations and agreements made in all forms of family law proceedings in foreign jurisdictions in individual cases.
SAPEI19	Identify, assess and explain the law and procedure for registering and enforcing in foreign jurisdictions orders, decrees, declarations and agreements made in all forms of family law proceedings in England and Wales.
SAPEI20	Identify, assess and explain the law and procedure for obtaining stays of all forms of English and Welsh family law proceedings.
SAPEI21	Identify, assess and explain the law and procedure for obtaining anti-suit injunctions in England and Wales against all forms of family law proceedings in foreign jurisdictions.
SAPEI22	Identify, assess and explain the extent of jurisdiction, including inherent jurisdiction, of courts in England and Wales to make effective orders, decrees, declarations and agreements in relation to foreign residents and foreign assets and entities, including foreign companies and trusts.
SAPEI23	Identify, assess and explain the legal effect in England and Wales of financial obligations and rights arising from domestic relationships formed in foreign jurisdictions, particularly in relation to foreign marriage and cohabitation, marital property regimes and extended family maintenance provision, including the effect of "applicable law" rules.
SAPEI24	Identify, assess and explain the extent of jurisdiction, including inherent jurisdiction, of courts in England and Wales to make effective orders, decrees, declarations and agreements relating to the protection children and vulnerable adults against domestic abuse in an international context, including protection against abduction and forced marriage with the assistance of government services (e.g. International Child Abduction and Contact Unit and Forced Marriage Unit) and NGOs (e.g. Reunite and International Social Services).
SAPEI25	Identify, assess and explain the law and procedure for making claims in England and Wales for financial relief following a foreign divorce.
SAPEI26	Identify, assess and explain the law and procedure for service of foreign process in England and Wales and for service of English and Welsh process in foreign jurisdictions.
SAPEI27	Identify, assess and explain the law and procedure for transmitting evidence from England and Wales to foreign jurisdictions and for receiving foreign evidence in England and Wales.

SAPEI28	Identify and assess dispute resolution providers in England and Wales who/which have expertise in international family law matters and explain how they may assist in cross-border disputes.
SAPEI29	Demonstrate awareness that the solicitor must not give advice about foreign law, awareness of the limits on the solicitor's ability to advise about matters when not qualified or competent to do so and the professional indemnity insurance implications of purporting to advise about such matters.
SAPEI30	Demonstrate awareness of how and where to obtain expert advice about foreign family law and procedure.
SAPEI31	Demonstrate awareness of and sensitivity to the different values, beliefs and traditions of people from different countries and cultures and how these may impact on family law clients and their families.
SAPI32	Demonstrate awareness of the extent of the solicitor's obligation and ability to advise clients about how the UK's decision to leave the EU may affect family law matters.

Guidance Notes to Unit:

Candidates should be aware that not all competencies will feature in case studies but must be prepared and able to answer all that are listed in the unit. Assessment is adjusted to match competencies tested.