

Draft SRA Practising Regulations 2009 (Annex F2)

Regulations and rules about:

- applications for practising certificates by *solicitors* and for registration by European *lawyers* and *foreign lawyers*;
- applications for authorisation to *practise as sole practitioners* ([until superseded by provisions in the SRA Authorisation Rules](#)), by *solicitors* and *registered European lawyers*;
- applications for renewal of practising certificates and registration;
- the issue of practising certificates to *solicitors* and the issue of certificates of registration to European *lawyers* and *foreign lawyers*; and
- the keeping of the register of *solicitors* who hold practising certificates, the register of European *lawyers* and the register of *foreign lawyers*,

dated 1 July 2009 ~~and~~ commencing 1 July 2009 ([and then amended 14 July 2010 and further amended on 6 October 2011](#))

made by the Master of the Rolls under section 28 of the Solicitors Act 1974 and article 3 of the Legal Services Act 2007 (Commencement No. 5, Transitory and Transitional Provisions) Order 2009

with the concurrence of the Secretary of State and the Lord Chief Justice under article 3 of the Legal Services Act 2007 (Commencement No. 5, Transitory and Transitional Provisions) Order 2009, and

made by the Solicitors Regulation Authority Board under sections 13, 13ZA, 31, 79 and 80 of the Solicitors Act 1974 and paragraphs 2 and 3 of Schedule 14 to the Courts and Legal Services Act 1990

with the concurrence of the Master of the Rolls under section 31 of the Solicitors Act 1974 and paragraph 2 of Schedule 14 to the Courts and Legal Services Act 1990 and article 3 of the Legal Services Act 2007 (Commencement No. 5, Transitory and Transitional Provisions) Order 2009

and the concurrence of the Secretary of State under article 3 of the Legal Services Act 2007 (Commencement No. 5, Transitory and Transitional Provisions) Order 2009

[and with the approval of the Legal Services Board under paragraph 19 of Schedule 4 to the Legal Services Act 2007.](#)

Part 1 — Applications, conditions and appeals

Regulation 1 — General requirements for applications under these regulations

- 1.1 An application under these regulations must comprise:
- (a) the *prescribed form*, correctly completed;
 - (b) the *prescribed fee* or *fees*;
 - (c) if the application is for a practising certificate, for replacement of a practising certificate, for registration or for renewal of registration, any prescribed contribution to the [Solicitors' SRA Compensation Fund](#);
 - (d) such additional information, documents and references as may be specified by the *SRA*; and
 - (e) any additional information and documentation which the *SRA* may reasonably require.

It is not necessary to submit all documents, information and payments simultaneously, but an application will only have been made once the *SRA* has received all of the documentation, information and payments comprising that application.

- 1.2 Every applicant must:

- (a) ensure that all details relating to him or her given on any form prescribed under these regulations are correct and complete;
- (b) notify the *SRA* as soon as he or she becomes aware that any information provided in an application under these regulations has changed.

- 1.3 Every form submitted under these regulations must be personally signed by the applicant unless:

- (a) a ~~solicitor~~[solicitor](#) or *registered European lawyer* has been given written permission by the *SRA*, in exceptional circumstances, to sign on the applicant's behalf; or
- (b) the application is made wholly or partly on a *prescribed form* which is designed to be completed and signed on behalf of a number of applicants in one *firm* or organisation. In that case, the form must be signed by a ~~solicitor~~[solicitor](#) or *registered European lawyer* who:
 - (i) is authorised to sign the form by the *firm* or organisation;
 - (ii) has the consent of all the persons named in the form to sign the form on their behalf; and
 - (iii) has taken reasonable steps to ensure that all details given on the form are correct and complete.

- 1.4 The *SRA* must notify its [decision and](#) reasons in writing to the applicant when it:

- (a) refuses an application;
- (b) grants an application subject to a condition; [or](#)
- (c) refuses a permission required under a condition on a practising certificate or registration; ~~or~~
- (d) ~~withdraws its approval of a compliance officer.~~

- 1.5 The SRA shall determine the amount of any fees required under these regulations and the SRA's decision shall be final.
- 1.6 The SRA may prescribe from time to time a fee moderation process under which a ~~recognised sole practitioner~~ [recognised sole practitioner](#) may make an application for the fee for renewal of authorisation as a recognised sole practitioner to be varied. A decision under this process shall be final.

Guidance notes

- (i) [Please refer to the forms and notes.](#)
- (ii) ["In writing" includes any form of written electronic communication normally used for business purposes, such as emails.](#)

Regulation 2 — Applications for practising certificates and registration

- 2.1 The following applications may be made under regulation 2:
- (a) unless regulation 3 applies, initial applications for practising certificates and applications for replacement of practising certificates under section 9 of the Solicitors Act 1974 [*link: <http://www.statutelaw.gov.uk/content.aspx?LegType=All+Primary&PageNumber=56&NavFrom=2&parentActiveTextDocId=2188768&ActiveTextDocId=2188822&filesize=1670>*];
 - (b) unless regulation 3 applies, initial applications for registration in the register of European *lawyers* and applications for renewal of registration in the register of European *lawyers* under regulation 17 of the European Communities (Lawyer's Practice) Regulations 2000 [*link: [http://www.statutelaw.gov.uk/content.aspx?LegType=All+Legislation&title=European+Communities+\(Lawyer%27s+Practice\)+Regulations&Year=2000&searchEnacted=0&extentMatchOnly=0&confersPower=0&blanketAmendment=0&sortAlpha=0&TYPE=QS&PageNumber=1&NavFrom=0&parentActiveTextDocId=2635271&ActiveTextDocId=2635293&filesize=748](http://www.statutelaw.gov.uk/content.aspx?LegType=All+Legislation&title=European+Communities+(Lawyer%27s+Practice)+Regulations&Year=2000&searchEnacted=0&extentMatchOnly=0&confersPower=0&blanketAmendment=0&sortAlpha=0&TYPE=QS&PageNumber=1&NavFrom=0&parentActiveTextDocId=2635271&ActiveTextDocId=2635293&filesize=748)*]; and
 - (c) initial applications for registration in the register of *foreign lawyers* and applications for renewal of registration in the register of *foreign lawyers* under section 89 of the Courts and Legal Services Act 1990 [*link: <http://www.statutelaw.gov.uk/content.aspx?LegType=All+Legislation&title=Courts+and+Legal+Services+Act&Year=1990&searchEnacted=0&extentMatchOnly=0&confersPower=0&blanketAmendment=0&>*]

2.2 Where application is made under regulation 2 for a practising certificate or for replacement of a practising certificate the SRA must grant the application if:

- (a) the applicant's name is on the roll of *solicitors*;
- (b) the applicant is not suspended from *practice* as a ~~solicitor~~[solicitor](#);
- (c) the applicant has supplied satisfactory evidence that he or she will comply with or be exempt from the ~~Solicitors'~~ [SRA](#) Indemnity Insurance Rules; and
- (d) the application is made in accordance with these ~~R~~[R](#)regulations,

and the SRA must not grant the application unless conditions (a) to (c) are met.

2.3

- (a) Where application is made under regulation 2 for initial registration or for renewal of registration in the register of European *lawyers* the SRA must grant the application if:
 - (i) the applicant is not (subject to (c) below) a solicitor, barrister or advocate of any of the *UK* jurisdictions, a barrister of the Irish Republic, or registered under the *Establishment Directive* with the Bar Standards Board, the Faculty of Advocates or the Bar Council of Northern Ireland;
 - (ii) the applicant is a member, and entitled to ~~practise~~[practise](#) as such, of an *Establishment Directive profession*;
 - (iii) the applicant is a national of an *Establishment Directive state*;
 - (iv) the applicant applies with the intention of *practising* on a permanent basis in the *UK* and is legally entitled to do so;
 - (v) the applicant is not struck off the register, suspended from the register, or subject to a direction of the Tribunal prohibiting his or her restoration to the register;
 - (vi) the applicant has supplied satisfactory evidence that he or she will comply with or be exempt from the ~~Solicitors' SRA Indemnity Insurance Rules~~[SRA Indemnity Insurance Rules](#); and

- (vii) the application is made in accordance with these regulations,

except that if the SRA has reasonable cause to believe that the applicant is not a fit and proper person to *practise* in the UK it may refuse an application for initial registration.

- (b) The SRA must not grant the application unless the conditions in (a)(i) to (vi) are met.
- (c) The provisions of (a)(i) above will not apply to prevent the renewal of the registration of a European *lawyer* who has become a solicitor of Scotland or Northern Ireland at a time when he or she was registered both with the SRA and with the Law Society of Scotland and/or the Law Society of Northern Ireland.

2.4 Where application is made under regulation 2 for initial registration or for renewal of registration in the register of *foreign lawyers*, the following provisions apply.

- (a) The SRA may grant the application (subject to such conditions as it may think fit) if:
 - (i) the applicant is not a ~~solicitor~~*solicitor*, registered *European lawyer* or barrister;
 - (ii) the applicant is a member, and entitled to ~~practise~~*practise* as such, of a legal profession which is regulated within a jurisdiction outside England and Wales and is approved by the SRA in accordance with paragraph 2(2) of Schedule 14 to the Courts and Legal Services Act 1990 [*link: <http://www.statutelaw.gov.uk/content.aspx?LegType=All+Legislation&title=Courts+and+Legal+Services+Act&Year=1990&searchEnacted=0&extentMatchOnly=0&confersPower=0&blanketAmendment=0&sortAlpha=0&TYPE=QS&PageNumber=1&NavFrom=0&parentActiveTextDocId=2065498&ActiveTextDocId=2066156&filesize=1351>*];
 - (iii) the applicant is not struck off the register, subject to an order of the Solicitors Disciplinary Tribunal [*link: <http://www.solicitorstribunal.org.uk/>*] suspending his or her registration or subject to a direction of the Tribunal prohibiting his or her restoration to the register; and
 - (iv) the application is made in accordance with these ~~R~~regulations.
- (b) The SRA may (without prejudice to its general discretion under paragraph 2 of Schedule 14 to the Courts and Legal Services Act 1990 [*link: <http://www.statutelaw.gov.uk/content.aspx?LegType=All+Legislation&title=Courts+and+Legal+Services+Act+&Year=1990&searchEnacted=0&extentMatchOnly=0&confersPower=0&blanketAmendment=0&>*]

sortAlpha=0&TYPE=QS&PageNumber=1&NavFrom=0&parentActiveTextDocId=2065498&ActiveTextDocId=2066156&filesize=1351]) reject the application if:

- (i) the SRA is not satisfied that the applicant is eligible for registration;
 - (ii) the applicant is prohibited by the rules of his or her profession from *practising* as a *manager* of a *recognised body*;
 - (iii) the SRA is not satisfied that the applicant will be in compliance with the [Solicitors' SRA](#) Indemnity Insurance Rules;
 - (iv) the SRA is not satisfied that the applicant intends to *practise* in the capacity of a *registered foreign lawyer* in accordance with Rule 3 of the Practice Framework Rules become a manager or employee of a recognised body; or
 - (v) the SRA is not satisfied that the applicant is a fit and proper person to *practise* as a *registered foreign lawyer*.
- (c) A person who has been reinstated to the register under paragraph 12 of Schedule 14 to the Courts and Legal Services Act 1990 [[link: http://www.statutelaw.gov.uk/content.aspx?LegType=All+Legislation&title=Courts+and+Legal+Services+Act+&Year=1990&searchEnacted=0&extentMatchOnly=0&confersPower=0&blanketAmendment=0&sortAlpha=0&TYPE=QS&PageNumber=1&NavFrom=0&parentActiveTextDocId=2065498&ActiveTextDocId=2066156&filesize=1351](http://www.statutelaw.gov.uk/content.aspx?LegType=All+Legislation&title=Courts+and+Legal+Services+Act+&Year=1990&searchEnacted=0&extentMatchOnly=0&confersPower=0&blanketAmendment=0&sortAlpha=0&TYPE=QS&PageNumber=1&NavFrom=0&parentActiveTextDocId=2065498&ActiveTextDocId=2066156&filesize=1351)] is to be treated as entitled to *practise* as a member of his or her home legal profession.

- 2.5 The granting of a practising certificate or registration free of conditions under regulation 2 does not prevent the SRA subsequently imposing a condition in accordance with regulation 6.

Regulation 3 — Application following certain events

- 3.1 Regulation 3 applies (subject to 3.3 below) to an initial application for a practising certificate, an application for replacement of a practising certificate, an initial application for registration in the register of European lawyers and an application for renewal of registration in the register of European lawyers, in any of the following circumstances.

- (a) The applicant has been:
 - (i) reprimanded, made the subject of disciplinary sanction or made the subject of an order under section 43 of the Solicitors Act 1974 [[link: http://www.statutelaw.gov.uk/content.aspx?LegType=All+Primary&PageNumber=56&NavFrom=2&parentActiveTextDocId=2188768&ActiveTextDocId=2189008&filesize=20489](http://www.statutelaw.gov.uk/content.aspx?LegType=All+Primary&PageNumber=56&NavFrom=2&parentActiveTextDocId=2188768&ActiveTextDocId=2189008&filesize=20489)], ordered to pay

costs or made the subject of a recommendation to the Law Society or the SRA to consider imposing a condition, by the Solicitors Disciplinary Tribunal [[link: http://www.solicitortribunal.org.uk/](http://www.solicitortribunal.org.uk/)], or struck off or suspended by the Court;

- (ii) made the subject of an order under section 43 of the Solicitors Act 1974 [[link: http://www.statutelaw.gov.uk/content.aspx?LegType=All+Primary&PageNumber=56&NavFrom=2&parentActiveTextDocId=2188768&ActiveTextDocId=2189008&filesize=20489](http://www.statutelaw.gov.uk/content.aspx?LegType=All+Primary&PageNumber=56&NavFrom=2&parentActiveTextDocId=2188768&ActiveTextDocId=2189008&filesize=20489)] by the Law Society or the SRA or rebuked or fined under section 44D of that Act [[link: http://www.statutelaw.gov.uk/content.aspx?LegType=All+Primary&PageNumber=3&NavFrom=2&parentActiveTextDocId=3423426&activetextdocid=3424380](http://www.statutelaw.gov.uk/content.aspx?LegType=All+Primary&PageNumber=3&NavFrom=2&parentActiveTextDocId=3423426&activetextdocid=3424380)] by the SRA;
 - (iii) made the subject of, or been a *manager*, *owner* or compliance officer of a *recognised body*, *licensed body* or an *authorised non-SRA firm* which has been the subject of, an intervention by the Law Society or the SRA or by any other *approved regulator*;
 - (iv) made the subject of a disciplinary sanction by, or refused registration with or authorisation by, another *approved regulator*, professional or regulatory tribunal, or regulatory authority, whether in England and Wales or elsewhere;
 - (v) disqualified under section 99 of the Legal Services Act 2007 by the SRA or any other *approved regulator* from acting as a compliance officer or from being a *manager* of, or being employed by, a *licensed body* or an *authorised non-SRA firm*;
 - (vi) refused authorisation as a *recognised sole practitioner* or had such authorisation revoked under regulation 9.2(b)(i), (iii), (iv) or (vi);
 - (vii) refused approval to be a *manager*, *owner* or compliance officer of an *authorised body* or of an *authorised non-SRA firm* or had such approval withdrawn; or
 - (viii) made subject to a revocation of his or her practising certificate or registration under regulation 9.2(a)(i) or (v).
- (b) The SRA (or previously the Law Society) has requested an explanation from the applicant in respect of a matter relating to the applicant's conduct and has notified the applicant in writing that it does not regard the applicant's response, or lack of response, as satisfactory.
- (c) The applicant has failed to deliver within the period allowed an accountant's report required by rules made under section 34 of

the Solicitors Act 1974 [[link: http://www.statutelaw.gov.uk/content.aspx?LegType=All+Legislation&title=the+Solicitors+Act+&Year=1974&searchEnacted=0&extentMatchOnly=0&confersPower=0&blanketAmendment=0&sortAlpha=0&TYPE=QS&PageNumber=1&NavFrom=0&parentActiveTextDocId=2188768&ActiveTextDocId=2188943&filesize=10476](http://www.statutelaw.gov.uk/content.aspx?LegType=All+Legislation&title=the+Solicitors+Act+&Year=1974&searchEnacted=0&extentMatchOnly=0&confersPower=0&blanketAmendment=0&sortAlpha=0&TYPE=QS&PageNumber=1&NavFrom=0&parentActiveTextDocId=2188768&ActiveTextDocId=2188943&filesize=10476)].

- (d) The applicant's practising certificate or registration has been suspended and the suspension:
 - (i) has come to an end;
 - (ii) was continuing when the applicant's last practising certificate or previous registration expired or was revoked; or
 - (iii) is continuing.
- (e) The applicant has been suspended from *practice* (or suspended from the register, if the applicant is a European *lawyer*), and the suspension has come to an end.
- (f) The applicant's last practising certificate or previous registration expired or was revoked whilst subject to a condition.
- (g) The applicant's practising certificate or registration is currently subject to a condition.
- (h) The applicant's right to practise as a *lawyer* of another jurisdiction or as a *lawyer of England and Wales* (other than as a ~~solicitor~~[solicitor](#)) is subject to a condition or restriction.
- (i) The applicant has been restored to the roll or register, having previously been struck off.
- (j) The applicant is an undischarged bankrupt.
- (k) The applicant:
 - (i) has been adjudged bankrupt and discharged;
 - (ii) has entered into an individual voluntary arrangement or a partnership voluntary arrangement under the Insolvency Act 1986 [[link: http://www.statutelaw.gov.uk/legResults.aspx?LegType=All+Legislation&title=Insolvency+Act+Year=1986&searchEnacted=0&extentMatchOnly=0&confersPower=0&blanketAmendment=0&TYPE=QS&NavFrom=0&activeTextDocId=2519933&PageNumber=1&SortAlpha=0](http://www.statutelaw.gov.uk/legResults.aspx?LegType=All+Legislation&title=Insolvency+Act+Year=1986&searchEnacted=0&extentMatchOnly=0&confersPower=0&blanketAmendment=0&TYPE=QS&NavFrom=0&activeTextDocId=2519933&PageNumber=1&SortAlpha=0)];
 - (iii) has been a *manager* of a *recognised body*, a *licensed body* or an *authorised non-SRA firm* which has entered into a voluntary arrangement under the Insolvency Act 1986 [[link: http://www.statutelaw.gov.uk/legResults.aspx?LegType=All+Legislation&title=Insolvency+Act+Year=1986&searchEnacted=0&extentMatchOnly=0&confersPower=0&blanketAmendment=0&TYPE=QS&NavFrom=0&activeTextDocId=2519933&PageNumber=1&SortAlpha=0](http://www.statutelaw.gov.uk/legResults.aspx?LegType=All+Legislation&title=Insolvency+Act+Year=1986&searchEnacted=0&extentMatchOnly=0&confersPower=0&blanketAmendment=0&TYPE=QS&NavFrom=0&activeTextDocId=2519933&PageNumber=1&SortAlpha=0)];

- (iv) has been a *director* of a *company* or a *member* of an *LLP* which has been the subject of a winding up order, an administration order or administrative receivership; or has entered into a voluntary arrangement under the Insolvency Act 1986 [*link: <http://www.statutelaw.gov.uk/legResults.aspx?LegType=All+Legislation&title=Insolvency+Act&Year=1986&searchEnacted=0&extentMatchOnly=0&confersPower=0&blanketAmendment=0&TYPE=QS&NavFrom=0&activeTextDocId=2519933&PageNumber=1&SortAlpha=0>*]; or has been voluntarily wound up in circumstances of insolvency.
- (l) The applicant lacks capacity (within the meaning of the Mental Capacity Act 2005 [*link: <http://www.statutelaw.gov.uk/legResults.aspx?LegType=All+Legislation&title=Mental+Capacity&Year=2005&searchEnacted=0&extentMatchOnly=0&confersPower=0&blanketAmendment=0&TYPE=QS&NavFrom=0&activeTextDocId=1414433&PageNumber=1&SortAlpha=0>*]) and powers under sections 15 to 20 [*link: <http://www.statutelaw.gov.uk/content.aspx?LegType=All+Legislation&title=Mental+Capacity&Year=2005&searchEnacted=0&extentMatchOnly=0&confersPower=0&blanketAmendment=0&sortAlpha=0&TYPE=QS&PageNumber=1&NavFrom=0&parentActiveTextDocId=1414433&ActiveTextDocId=1414468&filesize=21868>*] or section 48 [*link: <http://www.statutelaw.gov.uk/content.aspx?LegType=All+Legislation&title=Mental+Capacity&Year=2005&searchEnacted=0&extentMatchOnly=0&confersPower=0&blanketAmendment=0&sortAlpha=0&TYPE=QS&PageNumber=1&NavFrom=0&parentActiveTextDocId=1414433&ActiveTextDocId=1414511&filesize=1094>*]) of that Act are exercisable in relation to the applicant.
- (m) The applicant has been committed to prison in civil or criminal proceedings and:
- (i) has been released; or
- (ii) has not been released.
- (n) The applicant has been made subject to a judgment which involves the payment of money, other than one:
- (i) which is limited to the payment of costs; or
- (ii) in respect of which the applicant is entitled to indemnity or relief from another *person* as to the whole sum; or
- (iii) which the applicant has paid, and supplied evidence of payment to the *SRA* (or previously to the *Law Society*).
- (o) The applicant is currently charged with an indictable offence.
- (p) The applicant has been convicted of an indictable offence or any offence under the Solicitors Act 1974 [*link: <http://www.statutelaw.gov.uk/legResults.aspx?LegType=All+Legislation&title=Solicitors+Act&Year=1974&searchEnacted=0&>*]

extentMatchOnly=0&confersPower=0&blanketAmendment=0&TYPE=QS&NavFrom=0&activeTextDocId=2188768&PageNumber=1&SortAlpha=0], the Financial Services and Markets Act 2000 [*link: http://www.statutelaw.gov.uk/legResults.aspx?LegType=All+Legislation&title=Financial+Services+and+Markets+Act&Year=2000&searchEnacted=0&extentMatchOnly=0&confersPower=0&blanketAmendment=0&TYPE=QS&NavFrom=0&activeTextDocId=2927341&PageNumber=1&SortAlpha=0*], the Immigration and Asylum Act 1999 [*link: http://www.statutelaw.gov.uk/legResults.aspx?LegType=All+Legislation&title=Immigration+and+Asylum+Act&Year=1999&searchEnacted=0&extentMatchOnly=0&confersPower=0&blanketAmendment=0&TYPE=QS&NavFrom=0&activeTextDocId=1888846&PageNumber=1&SortAlpha=0*] or the Compensation Act 2006 [*link: http://www.statutelaw.gov.uk/legResults.aspx?LegType=All+Legislation&title=Compensation+Act&Year=2006&searchEnacted=0&extentMatchOnly=0&confersPower=0&blanketAmendment=0&TYPE=QS&NavFrom=0&activeTextDocId=2573759&PageNumber=1&SortAlpha=0*].

- (q) The applicant has been disqualified from being a *company director*.
- (r) The applicant 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 [*link: http://www.statutelaw.gov.uk/content.aspx?LegType=All+Legislation&title=Charities+Act&Year=1993&searchEnacted=0&extentMatchOnly=0&confersPower=0&blanketAmendment=0&sortAlpha=0&TYPE=QS&PageNumber=1&NavFrom=0&parentActiveTextDocId=1700197&ActiveTextDocId=1700291&filesize=19554*].
- (s) The applicant has been the subject in another jurisdiction of any circumstance equivalent to those listed in (j) to (r).

3.2 If regulation 3 applies:

- (a) an application for replacement of a practising certificate or for renewal of registration in the register of European *lawyers* must be commenced at least six weeks before the replacement or renewal date; and
- (b) the SRA:
 - (i) has no discretion under regulation 3 to grant the application if the applicant does not meet the conditions in regulation 2.2(a) to (c) or 2.3(a)(i) to (vi);
 - (ii) has discretion to impose a condition or conditions in accordance with regulation 6; and
 - (iii) has discretion to refuse the application.

3.3 The provisions of 3.1 and 3.2 above are subject to the following exceptions.

- (a) Regulation 3 does not apply by virtue of 3.1(a), (b), (c), (d)(i), (e), (j), (k), (m)(i), (n), (o), (p), (q), (r) or (s) if the applicant has previously applied for and obtained a practising certificate or registration, provided that:
- (i) the applicant's practising certificate or registration is not subject to a condition relating to any of those provisions;
 - (ii) the *SRA* (or previously the Law Society) was aware, when granting that application, of all the relevant facts; and
 - (iii) no new circumstances have arisen which would bring the application within any of those provisions.
- (b) If regulation 3 applies only by virtue of 3.1(j), (m), (n) or (p) and an appeal has been made to the appropriate *court* against the order or judgment in question, the following provisions apply.
- (i) The application must not be refused before the determination of that appeal, unless in the opinion of the *SRA* the proceedings on that appeal have been unduly protracted by the appellant or are unlikely to be successful.
 - (ii) The *SRA* may in the meantime postpone a decision on the application and may impose a condition on the applicant's practising certificate or registration.
- (c) If regulation 3 applies only by virtue of 3.1(o), the application may not be refused unless the applicant is convicted, but the *SRA* may postpone a decision on the application and may impose a condition on the applicant's practising certificate or registration.

Guidance note

["In writing" includes any form of written electronic communication normally used for business purposes, such as emails.](#)

Regulation 4 — Application to be a recognised sole practitioner

- 4.1 An application may be made under regulation 4 by a ~~solicitor~~[solicitor](#) or European *lawyer*:
- (a) for initial authorisation as a *recognised sole practitioner*; ~~including approval of the applicant as a fit and proper person (A) to be authorised and (B) to fulfil the roles of compliance officer for legal practice ("COLP") and compliance officer for finance and administration ("COFA") [whether or not the applicant will be designated as such under regulation 4.3A]:~~
 - (i) when making an initial application for a practising certificate or for registration in the register of European *lawyers*;

- (ii) when applying for replacement of a practising certificate or for renewal of registration in the register of European *lawyers*; or
 - (iii) at any time during the currency of a ~~solicitor~~*solicitor's* practising certificate or a *registered European lawyer's* registration; or
- (b) for renewal of an existing authorisation as a *recognised sole practitioner* when applying for replacement of a practising certificate or for renewal of registration in the register of European *lawyers*.

4.2

- (a) The SRA may grant an application under regulation 4 if the applicant:
- (i) will be *practising as a sole practitioner from an office* in England and Wales;
 - (ii) is not, and is not about to be made, subject to a condition on his or her practising certificate or registration which would prohibit *practice as a sole practitioner*;
 - (iii) has adopted a name under which his or her *firm* is to be recognised, and which will comply with chapter 8 of the Code of Conduct (Publicity); ~~and~~
 - (iv) will comply with (or has a waiver of) Rule 12 of the *Practice Framework Rules* (Persons who must be qualified to supervise); [and](#)
 - (v) will comply with the SRA Indemnity Insurance Rules in respect of his or her *firm*; ~~and~~
 - ~~(vi) is approved as part of the application as fit and proper to be a sole principal of a firm regulated by the SRA, and a solicitor or an REL is deemed to be approved provided that he or she is entitled to practise as such and satisfies (ii) above; and~~
 - ~~(vii) is approved as part of the application as a fit and proper person to fulfil the roles of COLP and COFA in accordance with regulation 4.3.~~
- (b) The SRA may refuse an application under regulation 4 if it is not satisfied that the applicant is suitable to run and manage a business providing regulated legal services or if for any other reason the SRA reasonably considers that it would be against the public interest to grant recognition.
- (c) In reaching a decision on an application under regulation 4 the SRA may take into account:

- (i) any event listed in regulation 3.1 applying to the applicant;
 - (ii) any other conduct on the part of the applicant which calls into question his or her honesty, integrity or respect for law;
 - (iii) failure or refusal to disclose, or an attempt to conceal, any matter within (i) or (ii) above in relation to the application; or
 - (iv) that the SRA is not satisfied that the applicant has sufficient skills or knowledge in relation to the running and management of a business which provides regulated legal services.
- (d) When granting an application under regulation 4 the SRA may impose a condition on the applicant's practising certificate or registration in accordance with regulation 6.
- (e) ~~The SRA may at any time require the production of information or documentation from a recognised sole practitioner [or a person approved as a compliance officer for the firm] in order to satisfy the SRA that he or she [the compliance officer] met, meets, or continues to meet the criteria for authorisation or for approval as fit and proper to be a sole principal or a compliance officer.~~
- (f) ~~A recognised sole practitioner must notify the SRA as soon as he or she:~~
- ~~(i) becomes aware of any changes to relevant information about himself or herself, the firm or any employees of the firm; or~~
 - ~~(ii) becomes aware of or has information that reasonably suggests that he or she has or may have provided the SRA with information which was or may have been false, misleading, incomplete or inaccurate, or has or may have changed in a materially significant way.~~

4.3

~~An application for initial authorisation of a solicitor or European lawyer who will not comply with 4.2(a)(iv) will be treated as including an application for a waiver of rule 5.02 of the Solicitors' Code of Conduct.~~

~~Compliance officers [Option 1 – sole practitioner only]~~

- (a) ~~When practising as a sole practitioner, a recognised sole practitioner must at all times:~~
- ~~(i) fulfil the roles of the firm's COLP and COFA; and~~
 - ~~(ii) be approved by the SRA to fulfil those roles in the firm.~~

- (b)** The *COLP* must:
- (i)** take all reasonable steps to ensure compliance with the *SRA's* regulatory arrangements except the *SRA* Accounts Rules and any statutory obligations of the *recognised sole practitioner* and any *employees* of the *firm*; and
 - (ii)** as soon as reasonably practicable, report to the *SRA* any failure to so comply.
- (c)** The *COFA* must:
- (i)** take all reasonable steps to ensure compliance with any obligations imposed upon the *recognised sole practitioner* or any *employees* of the *firm* under the *SRA* Accounts Rules; and
 - (ii)** as soon as reasonably practicable, report to the *SRA* any failure so to comply.
- (d)** As part of the application under regulation 4.1(a) the *SRA* will consider an individual's suitability to act as *COLP* and *COFA* and may approve the designations if it is satisfied that the applicant is a fit and proper person to carry out his or her duties.
- (e)** A *recognised sole practitioner's* approval to fulfil the role of *COLP* or *COFA* of the *firm* has effect only while the individual:
- (i)** is authorised as a *recognised sole practitioner*;
 - (ii)** is not disqualified under section 99 of the *LSA* from acting as Head of Legal Practice ("*HOLP*") or as Head of Finance and Administration ("*HOFA*") of a *licensed body* or of an *authorised non-SRA firm*.
- (f)** A *recognised sole practitioner's* approval to fulfil the role of *COLP* or *COFA* of the *firm* may be withdrawn if:

- (i) the *SRA* is not satisfied that he or she met the criteria for approval or continues to meet the criteria for approval;
- (ii) the *SRA* is satisfied that a condition imposed on his or her practising certificate or registration in connection with the approval has not been, or is not being, complied with;
- (iii) the *SRA* is satisfied that he or she has breached a duty or obligation imposed upon them in or under the *SRA*'s regulatory arrangements or any enactments; or
- (iv) information or documentation is not promptly supplied by the *recognised sole practitioner* in response to a request made by the *SRA* under its regulatory arrangements.

4.3A Compliance officers [**Option 2 – sole practitioner or employee**]

- (a) A *recognised sole practitioner's firm* must at all times have an individual who is the *sole practitioner* or an *employee* and who:
 - (i) is designated as its *COLP*; and
 - (ii) whose designation is approved by the *SRA*.
- (b) The *COLP* must:
 - (i) take all reasonable steps to ensure compliance with the *SRA*'s regulatory arrangements except the *SRA* Accounts Rules and any statutory obligations of the *recognised sole practitioner* and any *employees* of the *firm*; and
 - (ii) as soon as reasonably practicable, report to the *SRA* any failure to so comply.
- (c) A *recognised sole practitioner's firm* must at all times have an individual and who is the *sole practitioner* or an *employee* and who:
 - (i) is designated as its *COFA*; and
 - (ii) whose designation is approved by the *SRA*.
- (d) The *COFA* must:

- (i) take all reasonable steps to ensure compliance with any obligations imposed upon the *recognised sole practitioner* or any *employees* of the *firm* under the SRA Accounts Rules; and
 - (ii) as soon as reasonably practicable, report to the *SRA* any failure so to comply.
- (e)
- (i) As part of the application under regulation 4.1(a) the *SRA* will consider the proposed *recognised sole practitioner's* suitability to act as COLP and COFA and may approve the designations if it is satisfied that the applicant is a fit and proper person to carry out the duties in (b) and (d) above.
 - (ii) The *SRA* may approve an *employee's* designation as COLP or COFA if it is satisfied that the individual is a fit and proper person to carry out the duties in (b) and (d) above as appropriate.
- (f) A *recognised sole practitioner* must have suitable arrangements in place to ensure that compliance officers who are *employees* are able to discharge their duties in accordance with these rules.
- (g) A designation of an individual as COLP or COFA has effect only while the individual:
- (i) is authorised as a *recognised sole practitioner*, where the compliance officer is the *recognised sole practitioner*;
 - (ii) consents to the designation and continues to be an *employee* of the *firm*, where the compliance officer is an *employee*;
 - (iii) in the case of a COLP:
 - (A) is not disqualified under section 99 of the *LSA* from acting as a HOLP of a *licensed body* or *authorised non-SRA firm*;
 - (B) is an authorised person;
 - (iv) in the case of a COFA, is not disqualified under section 99 of the *LSA* from acting as a HOFA of a *licensed body* or *authorised non-SRA firm*.

4.3B Approval of compliance officers

- (a) An application for approval of a compliance officer may be made by a *recognised sole practitioner* or a proposed *recognised sole practitioner* and must include evidence to satisfy the *SRA* that

the candidate for approval is fit and proper to be a compliance officer of the *firm*.

- (b) The applicant must:
- (i) secure the co-operation of a candidate who is an *employee*, to assist the *SRA* to obtain all information and documentation the *SRA* requires in order to determine the application;
 - (ii) obtain all other information and documentation in relation to the candidate which the *prescribed form* requires the *recognised sole practitioner* to obtain and keep; and
 - (iii) keep all information and documentation under (b) above for a period of not less than 6 years after the person concerned has ceased to be a compliance officer of the *firm*.
- (c) Where the candidate is an *employee*, he or she must declare in writing on the face of the application that the information supplied about them is correct and complete.
- (d) The *SRA*'s decision to approve or refuse approval must be notified as soon as possible and in writing to the applicant and, where the candidate is an *employee*, separately to the candidate.
- (e) In accordance with regulation 6, the *SRA* may at the time of granting its approval or at any time subsequently, make its approval of a person to be a compliance officer subject to such conditions as it considers appropriate on the practising certificate or registration of:
- (i) the *recognised sole practitioner*; and
 - (ii) if applicable, the compliance officer.

4.3C Withdrawal of approval

- (a) Where the *SRA* has granted an approval under regulation 4.3B, it may subsequently withdraw its approval of a person to be a compliance officer if:
- (i) it is not satisfied that the person met the criteria for approval or continues to meet the criteria for approval;
 - (ii) it is satisfied that a condition imposed under regulation 4.3B(e) has not been, or is not being, complied with;
 - (iii) it is satisfied that the person has breached a duty or obligation imposed upon them in or under the *SRA*'s regulatory arrangements or any enactments; or
 - (iv) information or documentation is not promptly supplied

~~4.3D~~ Loss of ~~COLP~~ or ~~COFA~~

- ~~(a) Where an individual designated by a *recognised sole practitioner* as a compliance officer is an *employee* and:~~
- ~~(i) the individual ceases to be an *employee* of the *firm*;~~
 - ~~(ii) the individual's designation ceases to have effect under regulation 4.3A(g); or~~
 - ~~(iii) the individual's approval is withdrawn under regulation 4.3C;~~

~~the *recognised sole practitioner* must notify the *SRA* within 7 days and the obligation to fulfil the role of *COLP* and/or *COFA* as appropriate will automatically revert to the *recognised sole practitioner*.]~~

~~4.4~~

~~A solicitor or registered European lawyer who is practising as a sole practitioner from an office in England and Wales immediately before 1 July 2009 will be authorised as a *recognised sole practitioner* on 1 July 2009 provided that the sole practitioner concerned:~~

- ~~(a) has in place professional indemnity cover under the Solicitors' Indemnity Insurance Rules; and~~
- ~~(b) is not on that date practising as a sole practitioner in breach of a condition on his or her practising certificate or registration.~~

~~[Transitional/passporting provisions for existing *recognised sole practitioners* to satisfy the *COLP* and *COFA* requirements—these will be included in the October consultation.]~~

~~4.53~~ If a change to the composition of a *recognised body* or a *licensed body* which was a *partnership* results in a ~~solicitor~~solicitor or *REL* becoming its sole principal:

- ~~(a) the *SRA* must be notified within seven days; and~~
- ~~(b) temporary emergency recognition may be granted, subject to 4.64 below, so as to enable that sole principal to continue in *practice* without breach of Rule 1 or Rule 2, as appropriate, of the *Practice Framework Rules*.~~

~~4.64~~

- ~~(a) An application for temporary emergency recognition must be made on the *prescribed form* within 7 days of the change and accompanied by all information and documentation the *SRA* reasonably requires.:~~
- ~~(b) The *SRA* may grant an application for temporary emergency~~

recognition if the following conditions are met:

- (i) the *SRA* must be satisfied that the applicant could not reasonably have commenced an application for recognition as a ~~sole practitioner~~ *sole practitioner* in advance of the change; and
 - (ii) the *sole practitioner*
 - (A) must be *practising from an office* in England and Wales;
 - (B) is not, and is not about to be made, subject to a condition on his or her practising certificate or registration which would prohibit *practice* as a *sole practitioner*;
 - (C) must have adopted a name under which the *firm* is to be recognised, and which complies with chapter 8 of the Code of Conduct (Publicity);
 - (D) must comply with or have a waiver of ~~r~~Rule 12 of the Practice Framework Rules (Persons who must be qualified to supervise); and
 - (E) must comply with the SRA Indemnity Insurance Rules in respect of his or her *firm*.
- (c) Temporary emergency recognition:
- (i) may be granted initially for 28 days;
 - (ii) [may be granted to have effect from the date of the partnership split or any other appropriate subsequent date](#);
 - (iii) may be extended for a further specified period or periods in response to a reasonable request by the applicant;
 - (iiii) must be extended (subject to (viii) below) pending determination of a substantive application for initial recognition commenced during the currency of a temporary emergency recognition;
 - (iv) may be granted or extended subject to such conditions as the *SRA* thinks fit, in circumstances falling within regulation 6;
 - (v) is to be treated as initial recognition for the purpose of these regulations;
 - (vi) if granted, cannot prejudice the discretion of the *SRA* to refuse a substantive application for recognition under this regulation (which is also, for the purpose of these regulations, to be treated as initial recognition); and

- (viii) in exceptional circumstances, and for reasonable cause, may be revoked at any time.

4.75 If a *recognised sole practitioner* dies:

- (a) the SRA must be notified within 7 days;
- (b) within 28 days of the death an emergency application may be made, on the *prescribed form*, for recognition in the capacity of personal representative, practice manager or *employee* by a ~~solicitor~~[solicitor](#) or an *REL* who is:
 - (i) the *sole practitioner's* executor;
 - (ii) a practice manager appointed by the *sole practitioner's* personal representatives;
 - (ii) an *employee* of the *firm*.

4.86 If the application for recognition in the capacity of personal representative, practice manager or *employee* is granted:

- (a) recognition will be deemed to run from the date of death;
- (b) recognition will not be renewed for any period after the winding up of the estate or 12 months from the date of death, whichever is the earlier.

Guidance note

[The approval process for authorisation under regulation 4 will cease when recognised sole practitioners are passported to become recognised bodies and are transitioned to be regulated under the SRA Authorisation Rules. The SRA will establish a process for those practising as recognised sole practitioners at that time to be deemed approved as managers for the purpose of Rule 8.6 of the SRA Authorisation Rules.](#)

Regulation 4A – Fee determinations for acquisitions, mergers and splits

The turnover of a recognised sole practitioner for the purpose of determining the fee for renewal of authorisation as a recognised sole practitioner is based on a historic turnover figure submitted to the SRA. Where in the 12 months following the submission of that figure a recognised sole practitioner merges or splits, a notice of succession identifying all recognised bodies, [licensed bodies](#) and recognised sole practitioners affected by the merger or split and any resulting apportionment of historic turnover figures for those firms will enable the SRA to ensure that the turnover figure on which the fee is based reflects the impact of the merger or split.

4A.1 A recognised sole practitioner who has succeeded to the whole or a part of one or more ~~recognised bodies~~[recognised bodies, licensed bodies](#) or ~~recognised sole practitioners~~[recognised sole practitioners](#) must within 28 days of the change taking place deliver to the SRA a notice of succession in the ~~prescribed form~~[prescribed form](#).

4A.2 For the purposes of regulation 4A.1, "succeeded" includes any taking over of the whole or any part of a ~~recognised body~~*recognised body, licensed body* or ~~recognised sole practitioner~~*recognised sole practitioner*, for value or otherwise

4A.3 A ~~recognised sole practitioner~~*recognised sole practitioner* who:

- (a) has split or ceded part of the practice to a ~~recognised body~~*recognised body, licensed body* or ~~recognised sole practitioner~~*recognised sole practitioner*; and
- (b) wishes this change to be considered by the ~~SRA~~*SRA* when determining the ~~recognised sole practitioner~~*recognised sole practitioner's* next fee for renewal of authorisation as a *recognised sole practitioner*.

must within 28 days of the change taking place deliver to the ~~SRA~~*SRA* a notice of succession in the ~~prescribed form~~*prescribed form*.

4A.4 A notice of succession delivered under these regulations must;

- (a) identify all ~~recognised bodies~~*recognised bodies, licensed bodies* and ~~recognised sole practitioners~~*recognised sole practitioners* affected by the succession; and
- (b) provide details of any resulting apportionment of the ~~turnover figures~~*turnover figures* for those ~~recognised bodies~~*recognised bodies, licensed bodies* and ~~recognised sole practitioners~~*recognised sole practitioners*.

4A.5 A ~~recognised sole practitioner~~*recognised sole practitioner* delivering a notice of succession under these regulations must seek the agreement of all affected ~~recognised bodies~~*recognised bodies, licensed bodies* or ~~recognised sole practitioners~~*recognised sole practitioners* to the contents of the notice of succession.

4A.6 Where a notice of succession is delivered to the ~~SRA~~*SRA* which has not been agreed by all affected ~~recognised bodies~~*recognised bodies, licensed bodies* or ~~recognised sole practitioners~~*recognised sole practitioners*, the ~~recognised sole practitioner~~*recognised sole practitioner* delivering the notice of succession shall be treated as having made an application for the ~~SRA~~*SRA* to apportion the ~~turnover figures~~*turnover figures* of the affected ~~recognised bodies~~*recognised bodies, licensed bodies* or ~~recognised sole practitioners~~*recognised sole practitioners* for the purposes of determining the fee for renewal of recognition.

4A.7 Before apportioning the ~~turnover figures~~*turnover figures* under regulation 4A.6, the SRA will contact any affected ~~recognised body~~*recognised body, licensed body* or ~~recognised sole practitioner~~*recognised sole practitioner* identified in the notice of succession who has not agreed with the notice of

succession and may require the production of additional information.

Guidance note

[Regulation 4A will be repealed when Rule 8.3 of the SRA Authorisation Rules \(which contains equivalent provisions\) comes into force for sole practitioners.](#)

Regulation 5 — Applications for reinstatement

The following applications are to be treated as made under these regulations:

- (a) an application for reinstatement of a suspended practising certificate or suspended registration in the register of European *lawyers* under section 16(3) of the Solicitors Act 1974 [*link: <http://www.statutelaw.gov.uk/content.aspx?LegType=All+Primary&PageNumber=56&NavFrom=2&parentActiveTextDocId=2188768&ActiveTextDocId=2188858&filesize=7450>*]; and
- (b) an application for reinstatement of a suspended registration in the register of *foreign lawyers* under paragraph 12(2) of Schedule 14 to the Courts and Legal Services Act 1990 [*link: <http://www.statutelaw.gov.uk/content.aspx?LegType=All+Legislation&title=Courts+and+Legal+Services+Act+Year=1990&searchEnacted=0&extentMatchOnly=0&confersPower=0&blanketAmendment=0&sortAlpha=0&TYPE=QS&PageNumber=1&NavFrom=0&parentActiveTextDocId=2065498&activetextdocid=2066182&versionNumber=1>*] or under section 16(3)(b) of the Solicitors Act 1974 [*link: <http://www.statutelaw.gov.uk/content.aspx?LegType=All+Primary&PageNumber=56&NavFrom=2&parentActiveTextDocId=2188768&ActiveTextDocId=2188858&filesize=7450>*].

Regulation 6 — Conditions

- 6.1 The *SRA* may impose one or more conditions on a practising certificate or on the registration of a European *lawyer* when granting an application under regulation 3 to 5, or at any time during the practising year, for the following purposes.
 - (a) The *SRA* considers the individual concerned unsuitable to undertake certain activities in relation to a legal practice, either at all or save as specified in the condition, and that imposing the condition will, in the public interest, limit, restrict, halt or prevent the involvement of the individual concerned in those activities.
 - (b) The *SRA* considers that the individual concerned is putting or is likely to put at risk the interests of *clients*, third parties or the public by taking certain steps in relation to a legal practice, and that imposing the condition will, in the public interest, limit, restrict, halt or prevent the taking of such steps by the individual concerned.
 - (c) The *SRA* considers the individual concerned unsuitable to engage in certain business agreements, business associations or practising arrangements and that imposing a condition requiring the applicant to obtain the *SRA*'s written approval

before taking certain steps will, in the public interest, limit, halt or prevent a risk to *clients*, third parties or the public.

- (d) The *SRA* considers that imposing the condition will, in the public interest, require the individual concerned to take specified steps conducive to the carrying on of efficient *practice* by the individual concerned.
- (e) The *SRA* considers that imposing the condition will, in the public interest, facilitate closer monitoring by the *SRA* of compliance by the individual concerned with rules and regulations.
- (f) The *SRA* considers that it would be in the public interest to impose the condition in any other case during the currency of a practising certificate or registration.

6.2 Without prejudice to the powers of the *SRA* under paragraph 2A, 12 or 13 of Schedule 14 to the Courts and Legal Services Act 1990 [*link: <http://www.statutelaw.gov.uk/content.aspx?LegType=All+Legislation&title=Courts+and+Legal+Services+Act+&Year=1990&searchEnacted=0&extentMatchOnly=0&confersPower=0&blanketAmendment=0&sortAlpha=0&TYPE=QS&PageNumber=1&NavFrom=0&parentActiveTextDocId=2065498&ActiveTextDocId=2066156&filesize=1351>*], the *SRA* may when granting an application under regulation 2.1(c) or at any time during the currency of a registration, impose such conditions on a *foreign lawyer's* registration as it sees fit:

- (a) if any event listed in regulation 3.1 applies to the individual concerned;
- (b) for a purpose within regulation 6.1(a) to (f); or
- (c) where the *SRA* considers in any other case that imposing the condition would be in the public interest.

6.3 When the *SRA* decides, on an initial application for a practising certificate or registration or on an application for replacement of a practising certificate or renewal of registration, to grant the application subject to a condition:

- (a) the *SRA* may postpone the issue of the certificate or the registration pending determination or discontinuance of any appeal; but
- (b) the postponement may be rescinded if in the *SRA's* opinion proceedings on appeal have been unduly protracted by an appellant or are unlikely to be successful.

6.4

- (a) The *SRA* must, subject to (b) below, give 28 days written notice, with reasons, to the individual concerned, when the *SRA* decides to impose a condition on a practising certificate or registration, except when conditions are imposed in the following applications:

- (i) initial application for a practising certificate;
 - (ii) initial application for registration in the register of European *lawyers* or in the register of *foreign lawyers*;
 - (iii) application for replacement of a practising certificate;
 - (iv) application for renewal of registration in the register of European *lawyers* or in the register of *foreign lawyers*;
 - (v) application for reinstatement under regulation 5.
- (b) The SRA may shorten or dispense with the 28 day period under (a) if it is satisfied on reasonable grounds that it is in the public interest to do so.
- (c) A condition is effective from the date on which the condition is imposed unless a later date is specified in the condition.

Regulation 7— Appeals

- 7.1 The rights of appeal conferred by regulation 7 supplement the statutory rights of appeal referred to in 7.4.
- 7.2 A person who is the subject of any of the following decisions has a right of appeal to the High Court against:
- (a) revocation, under regulation 9.2(a)(i), (iii), (iv) or (v), of a ~~solicitor~~*solicitor*'s practising certificate;
 - (b) revocation, under regulation 9.2(b), of a ~~solicitor~~*solicitor*'s or European *lawyer's* authorisation as a *recognised sole practitioner*.
- 7.3 A ~~solicitor~~*solicitor*, *registered European lawyer* or *registered foreign lawyer* may appeal under the SRA's own appeals procedure against:
- (a) refusal to revoke a practising certificate or registration under regulation 9.2(c);
 - (b) refusal to withhold a ~~solicitor~~*solicitor*'s, European *lawyer's* or *foreign lawyer's* place of business from the relevant register under regulation 10, 11 or 12.
- ~~7.3A A person who is the subject of any of the following decisions may appeal under the SRA's own appeals procedure and has a right of appeal to the High Court:~~
- ~~(a) refusal to approve the person as fit and proper to be a compliance officer under regulation 4.3 [4.3B];~~
 - ~~(b) withdrawal of approval of the person as fit and proper to be a compliance officer under regulation 4.3(f) [4.3C].~~
- 7.4 A ~~solicitor~~*solicitor*, European *lawyer* or *foreign lawyer* may invoke the

SRA's own appeals procedure before exercising a right of appeal to the High Court:

- (a) under section 13(1) of the Solicitors Act 1974 [*link: <http://www.statutelaw.gov.uk/content.aspx?LegType=All+Primary&PageNumber=56&NavFrom=2&parentActiveTextDocId=2188768&ActiveTextDocId=2188839&filesize=5309>*], against refusal to issue or replace a practising certificate or refusal to renew registration in the register of European lawyers;
- (b) under Regulation 20 of the European Communities (Lawyer's Practice) Regulations 2000 (S.I. 2000 No. 1119) [*link: [http://www.statutelaw.gov.uk/content.aspx?LegType=All+Legislation&title=European+Communities+\(Lawyer%27s+Practice\)+Regulations&Year=2000&searchEnacted=0&extentMatchOnly=0&confersPower=0&blanketAmendment=0&sortAlpha=0&TYPE=QS&PageNumber=1&NavFrom=0&parentActiveTextDocId=2635271&ActiveTextDocId=2635296&filesize=1468](http://www.statutelaw.gov.uk/content.aspx?LegType=All+Legislation&title=European+Communities+(Lawyer%27s+Practice)+Regulations&Year=2000&searchEnacted=0&extentMatchOnly=0&confersPower=0&blanketAmendment=0&sortAlpha=0&TYPE=QS&PageNumber=1&NavFrom=0&parentActiveTextDocId=2635271&ActiveTextDocId=2635296&filesize=1468)*], against refusal to grant initial registration in the register of European lawyers;
- (c) under paragraph 14 of Schedule 14 to the Courts and Legal Services Act 1990 [*link: <http://www.statutelaw.gov.uk/content.aspx?LegType=All+Legislation&title=Courts+and+Legal+Services+Act&Year=1990&searchEnacted=0&extentMatchOnly=0&confersPower=0&blanketAmendment=0&sortAlpha=0&TYPE=QS&PageNumber=1&NavFrom=0&parentActiveTextDocId=2065498&activetextdocid=2066186&versionNumber=1>*], against refusal to grant or renew registration in the register of foreign lawyers, or against a decision of the SRA to revoke his or her registration;
- (d) under section 13(1) [*link: <http://www.statutelaw.gov.uk/content.aspx?LegType=All+Primary&PageNumber=56&NavFrom=2&parentActiveTextDocId=2188768&ActiveTextDocId=2188839&filesize=5309#attrib>*] or 13ZA(6) [*link: <http://www.statutelaw.gov.uk/content.aspx?LegType=All+Primary&PageNumber=2&NavFrom=2&parentActiveTextDocId=3423426&activetextdocid=3424349&versionNumber=1>*] of the Solicitors Act 1974 or regulation 20 of the European Communities (Lawyer's Practice) Regulations 2000 [*link: [http://www.statutelaw.gov.uk/content.aspx?LegType=All+Legislation&title=European+Communities+\(Lawyer%27s+Practice\)+Regulations&Year=2000&searchEnacted=0&extentMatchOnly=0&confersPower=0&blanketAmendment=0&sortAlpha=0&TYPE=QS&PageNumber=1&NavFrom=0&parentActiveTextDocId=2635271&ActiveTextDocId=2635296&filesize=1468](http://www.statutelaw.gov.uk/content.aspx?LegType=All+Legislation&title=European+Communities+(Lawyer%27s+Practice)+Regulations&Year=2000&searchEnacted=0&extentMatchOnly=0&confersPower=0&blanketAmendment=0&sortAlpha=0&TYPE=QS&PageNumber=1&NavFrom=0&parentActiveTextDocId=2635271&ActiveTextDocId=2635296&filesize=1468)*], against refusal to grant or renew authorisation of a ~~solicitor~~solicitor or registered European lawyer as a recognised sole practitioner;
- (e) under section 13(1) [*link: <http://www.statutelaw.gov.uk/content.aspx?LegType=All+Primary&PageNumber=56&NavFrom=2&parentActiveTextDocId=2188768&ActiveTextDocId=2188839&filesize=5309>*], 13ZA(6) [*link: <http://www.statutelaw.gov.uk/content.aspx?LegType=All+Primary&PageNumber=2&NavFrom=2&parentActiveTextDocId=3423426&activetextdocid=3424349&versionNumber=1>*], 13A(6) [*link: <http://www.statutelaw.gov.uk/content.aspx?LegType=All+Primary&PageNumber=56&NavFrom=2&>*

parentActiveTextDocId=2188768&ActiveTextDocId=2188842&filesize=15127] or 16(5) of the Solicitors Act 1974 [*link: http://www.statutelaw.gov.uk/content.aspx?LegType=All+Primary&PageNumber=56&NavFrom=2&parentActiveTextDocId=2188768&ActiveTextDocId=2188858&filesize=7450*], regulation 20 of the European Communities (Lawyer's Practice) Regulations 2000 [*link: http://www.statutelaw.gov.uk/content.aspx?LegType=All+Legislation&title=European+Communities+(Lawyer%27s+Practice)+Regulations&Year=2000&searchEnacted=0&extentMatchOnly=0&confersPower=0&blanketAmendment=0&sortAlpha=0&TYPE=QS&PageNumber=1&NavFrom=0&parentActiveTextDocId=2635271&ActiveTextDocId=2635296&filesize=1468*] or paragraph 14 of Schedule 14 to the Courts and Legal Services Act 1990 [*link: http://www.statutelaw.gov.uk/content.aspx?LegType=All+Legislation&title=Courts+and+Legal+Services+Act&Year=1990&searchEnacted=0&extentMatchOnly=0&confersPower=0&blanketAmendment=0&sortAlpha=0&TYPE=QS&PageNumber=1&NavFrom=0&parentActiveTextDocId=2065498&activetextdocid=2066186&versionNumber=1*], against the imposition of a condition on a practising certificate or the registration of a European *lawyer* or *foreign lawyer*;

- (f) under section 13(2) [*link: http://www.statutelaw.gov.uk/content.aspx?LegType=All+Primary&PageNumber=56&NavFrom=2&parentActiveTextDocId=2188768&ActiveTextDocId=2188839&filesize=5309*] or 13A(9) [*link: http://www.statutelaw.gov.uk/content.aspx?LegType=All+Primary&PageNumber=2&NavFrom=2&parentActiveTextDocId=3423426&activetextdocid=3424334&versionNumber=1*] of the Solicitors Act 1974, against refusal of permission to take a step for which the SRA's permission is required under a condition on a practising certificate or the registration of a European *lawyer* or *foreign lawyer*;
- (g) under section 13B(7) of the Solicitors Act 1974 [*link: http://www.statutelaw.gov.uk/content.aspx?LegType=All+Primary&PageNumber=56&NavFrom=2&parentActiveTextDocId=2188768&ActiveTextDocId=2188844&filesize=10892*], against suspension of a practising certificate or suspension of registration in the register of *foreign lawyers*;
- (h) under regulation 20 of the European Communities (Lawyer's Practice) Regulations 2000 [*link: http://www.statutelaw.gov.uk/content.aspx?LegType=All+Legislation&title=European+Communities+(Lawyer%27s+Practice)+Regulations&Year=2000&searchEnacted=0&extentMatchOnly=0&confersPower=0&blanketAmendment=0&sortAlpha=0&TYPE=QS&PageNumber=1&NavFrom=0&parentActiveTextDocId=2635271&ActiveTextDocId=2635296&filesize=1468*], against suspension of registration in the register of European *lawyers*;
- (i) under section 13B(7) of the Solicitors Act 1974 [*link: http://www.statutelaw.gov.uk/content.aspx?LegType=All+Primary&PageNumber=56&NavFrom=2&parentActiveTextDocId=2188768&ActiveTextDocId=2188844&filesize=10892*], against extension of suspension of a practising certificate or suspension of the registration of a European *lawyer* or *foreign lawyer*;

- (j) under section 13B(7) of the Solicitors Act 1974 [*link: <http://www.statutelaw.gov.uk/content.aspx?LegType=All+Primary&PageNumber=56&NavFrom=2&parentActiveTextDocId=2188768&ActiveTextDocId=2188844&filesize=10892>*], against suspension of authorisation of a ~~solliciter~~ *solicitor* or registered European lawyer as a recognised sole practitioner;
- (k) under section 16(5) of the Solicitors Act 1974 [*link: <http://www.statutelaw.gov.uk/content.aspx?LegType=All+Primary&PageNumber=56&NavFrom=2&parentActiveTextDocId=2188768&ActiveTextDocId=2188858&filesize=7450>*] or paragraph 14 of Schedule 14 to the Courts and Legal Services Act 1990 [*link: <http://www.statutelaw.gov.uk/content.aspx?LegType=All+Legislation&title=Courts+and+Legal+Services+Act&Year=1990&searchEnacted=0&extentMatchOnly=0&confersPower=0&blanketAmendment=0&sortAlpha=0&TYPE=QS&PageNumber=1&NavFrom=0&parentActiveTextDocId=2065498&activetextdocid=2066186&versionNumber=1>*], against refusal to reinstate a suspended practising certificate or the suspended registration of a European lawyer or foreign lawyer;
- (l) under section 16(5) of the Solicitors Act 1974 [*link: <http://www.statutelaw.gov.uk/content.aspx?LegType=All+Primary&PageNumber=56&NavFrom=2&parentActiveTextDocId=2188768&ActiveTextDocId=2188858&filesize=7450>*], against refusal to reinstate a suspended authorisation as a recognised sole practitioner;
- (m) under regulation 20 of the European Communities (Lawyer's Practice) Regulations 2000 [*link: [http://www.statutelaw.gov.uk/content.aspx?LegType=All+Legislation&title=European+Communities+\(Lawyer%27s+Practice\)+Regulations&Year=2000&searchEnacted=0&extentMatchOnly=0&confersPower=0&blanketAmendment=0&sortAlpha=0&TYPE=QS&PageNumber=1&NavFrom=0&parentActiveTextDocId=2635271&ActiveTextDocId=2635296&filesize=1468](http://www.statutelaw.gov.uk/content.aspx?LegType=All+Legislation&title=European+Communities+(Lawyer%27s+Practice)+Regulations&Year=2000&searchEnacted=0&extentMatchOnly=0&confersPower=0&blanketAmendment=0&sortAlpha=0&TYPE=QS&PageNumber=1&NavFrom=0&parentActiveTextDocId=2635271&ActiveTextDocId=2635296&filesize=1468)*] against revocation of registration in the register of European lawyers;
- (n) under regulation 19 [*link: [http://www.statutelaw.gov.uk/content.aspx?LegType=All+Legislation&title=European+Communities+\(Lawyer%27s+Practice\)+Regulations&Year=2000&searchEnacted=0&extentMatchOnly=0&confersPower=0&blanketAmendment=0&sortAlpha=0&TYPE=QS&PageNumber=1&NavFrom=0&parentActiveTextDocId=2635271&ActiveTextDocId=2635295&filesize=1444](http://www.statutelaw.gov.uk/content.aspx?LegType=All+Legislation&title=European+Communities+(Lawyer%27s+Practice)+Regulations&Year=2000&searchEnacted=0&extentMatchOnly=0&confersPower=0&blanketAmendment=0&sortAlpha=0&TYPE=QS&PageNumber=1&NavFrom=0&parentActiveTextDocId=2635271&ActiveTextDocId=2635295&filesize=1444)*] and 20 of the European Communities (Lawyer's Practice) Regulations 2000 [*link: [http://www.statutelaw.gov.uk/content.aspx?LegType=All+Legislation&title=European+Communities+\(Lawyer%27s+Practice\)+Regulations&Year=2000&searchEnacted=0&extentMatchOnly=0&confersPower=0&blanketAmendment=0&sortAlpha=0&TYPE=QS&PageNumber=1&NavFrom=0&parentActiveTextDocId=2635271&ActiveTextDocId=2635296&filesize=1468](http://www.statutelaw.gov.uk/content.aspx?LegType=All+Legislation&title=European+Communities+(Lawyer%27s+Practice)+Regulations&Year=2000&searchEnacted=0&extentMatchOnly=0&confersPower=0&blanketAmendment=0&sortAlpha=0&TYPE=QS&PageNumber=1&NavFrom=0&parentActiveTextDocId=2635271&ActiveTextDocId=2635296&filesize=1468)*] against failure to determine, within four months, an application for initial registration in the register of European lawyers;
- (o) under paragraph 14 of Schedule 14 to the Courts and Legal Services Act 1990 [*link: <http://www.statutelaw.gov.uk>*]

[/content.aspx?LegType=All+Legislation&title=Courts+and+Legal+Services+Act&Year=1990&searchEnacted=0&extentMatchOnly=0&confersPower=0&blanketAmendment=0&sortAlpha=0&TYPE=QS&PageNumber=1&NavFrom=0&parentActiveTextDocId=2065498&activetextdocid=2066186&versionNumber=1](#)], against failure to determine, within a reasonable time, an application for registration, renewal of registration or reinstatement of a suspended registration in the register of *foreign lawyers*;

- (p) against a decision mentioned in regulation 7.2(a) or (b).

7.5

- (a) If an application is made in accordance with regulation 1.1, and the SRA has not notified the applicant of its decision:
- (i) by the end of the 90th day, in the case of any application except an application for renewal of a practising certificate or registration which is made under regulation 3; or
- (ii) by the end of the 180th day, in the case of an application for renewal of a practising certificate or registration including, where applicable, the renewal of an existing authorisation as a *recognised sole practitioner* endorsed on the practising certificate or registration, which is made under regulation 3,

the application is to be treated as having been refused and the refusal having been duly notified to the applicant on that day for the purpose of an appeal. For the avoidance of doubt, the fact that an application is treated as refused under regulation 7.5 does not prevent the application being granted or refused with reasons after expiry of the time limits above.

- (b) The provisions of (a) above do not apply to an application from which an appeal lies under 7.4(n) or (o).

7.6

- (a) Appeals under the SRA's own appeals procedure must be commenced within 28 days of notification of the relevant decision.
- (b) Unless otherwise provided in the relevant statute, regulations or rules of Court, an appeal to the High Court must be commenced:
- (i) within ~~28~~21 days of notification of the relevant decision;
- (ii) within ~~28~~21 days of notification of refusal of an appeal under the SRA's own appeals procedure; or
- (iii) within ~~28~~21 days of notification of the imposition of a condition under the SRA's own appeals procedure,

as appropriate.

Guidance note

[Where an applicant pursues an appeal to the SRA under regulation 7, the time limit for commencing an appeal to an external body \(21 days\) will start to run from the date of notification of the decision in the internal appeal.](#)

Part 2 — Duration, expiry and revocation of practising certificates and registrations

Regulation 8 — Commencement, replacement and renewal dates

8.1

- (a) The commencement date for a practising certificate is the day on which it is entered in the register of holders of practising certificates as having commenced.
- (b) The commencement date for registration in the register of European *lawyers* is the day on which the *lawyer's* name is entered in the register as having commenced.
- (c) The commencement date for registration in the register of *foreign lawyers* is the day on which the *lawyer's* name is entered in the register as having commenced.
- (d) The commencement date for authorisation as a *recognised sole practitioner* is the day on which the authorisation is entered in the register of holders of practising certificates or the register of European *lawyers* as having commenced.

8.2

- (a) The replacement date for a practising certificate is the 31 October following the issue of the certificate.
- (b) The renewal date for registration in the register of European *lawyers* is the first 31 October following initial registration, and 31 October in each successive year.
- (c) The renewal date for registration in the register of *foreign lawyers* is the first 31 October following initial registration, and 31 October in each successive year.
- (d) The renewal date for authorisation as a *recognised sole practitioner* is the first 31 October following the initial authorisation, and 31 October in each successive year.

Guidance note

[When recognised sole practitioners are passported to become recognised bodies and transitioned to be regulated under the SRA Authorisation Rules their recognition will become a lifetime recognition and annual renewal of recognition will not be necessary. Other requirements will apply annually to the firm, including Rule 8.3 \(Payment of periodical fees\) and 8.7 \(Information requirements\) of the SRA Authorisation Rules.](#)

Regulation 9 — Expiry and revocation

9.1

- (a) A practising certificate expires:
- (i) when a replacement certificate is issued;
 - (ii) on the death of the ~~solicitor~~solicitor;
 - (iii) if the ~~solicitor~~solicitor is removed from or struck off the roll;
 - (iv) in the case of a practising certificate which is suspended, on its replacement date, or if its replacement date has passed, 14 days after the suspension took effect.
- (b) The registration of a *registered European lawyer* expires:
- (i) if the *lawyer* becomes a ~~solicitor~~solicitor, barrister or advocate of any of the *UK* jurisdictions or a barrister of the Irish Republic;
 - (ii) if the *lawyer* ceases to be a member, and entitled to ~~practise~~practise as such, of an *Establishment Directive profession*;
 - (iii) if the *lawyer* ceases to be a national of an *Establishment Directive state*;
 - (iv) on the death of the *lawyer*;
 - (v) if the *lawyer* is removed from or struck off the register; or
 - (vi) in the case of a registration which is suspended, on its renewal date, or if its renewal date has passed, 14 days after the suspension took effect,

except that the registration of a European *lawyer* will not expire by virtue of the *lawyer* becoming a solicitor of Scotland or Northern Ireland at a time when he or she is registered both with the *SRA* and with the Law Society of Scotland and/or the Law Society of Northern Ireland.

- (c) The registration of a *registered foreign lawyer* expires:
- (i) if the *lawyer* becomes a ~~solicitor~~solicitor, *registered European lawyer* or barrister;
 - (ii) if the *lawyer* ceases to be a member, and entitled to ~~practise~~practise as such, of a legal profession which is regulated within a jurisdiction outside England and Wales and is approved by the *SRA* in accordance with paragraph 2(2) of Schedule 14 to the Courts and Legal Services Act 1990 [*link: [30](http://www.statutelaw.gov.uk/content.aspx?LegType=All+Legislation&</i>]</div><div data-bbox=)*

title=Courts+and+Legal+Services+Act+Year=1990&
searchEnacted=0&extentMatchOnly=0&confersPower=0&
blanketAmendment=0&sortAlpha=0&TYPE=QS&
PageNumber=1&NavFrom=0&
parentActiveTextDocId=2065498&activetextdocid=2066186&
versionNumber=1];

- (iii) on the death of the *lawyer*;
 - (iv) if the *lawyer* is removed from or struck off the register;
or
 - (v) in the case of a registration which is suspended, on its
renewal date or if its renewal date has passed, 14 days
after the suspension took effect.
- (d) Authorisation as a *recognised sole practitioner* expires on:
- (i) the expiry or revocation of the ~~solicitor~~*solicitor's*
practising certificate or the European *lawyer's*
registration; ~~or~~
 - (ii) the imposition of a condition on the ~~solicitor~~*solicitor's*
practising certificate or the European *lawyer's*
registration which prohibits *practice* as a *sole*
practitioner, or
 - (iii) [the date on which *recognised sole practitioners* are
passported to become *recognised bodies* under Rule
28 of the *SRA Authorisation Rules*.](#)

9.2

- (a) The *SRA* may revoke a practising certificate, registration in the
register of European *lawyers* or registration in the register of
foreign lawyers:
- (i) at any time, if the *SRA* is satisfied that the practising
certificate or registration was granted as a result of
error or fraud;
 - (ii) on a date chosen by the *SRA*, if the replacement or
renewal date has passed and the *SRA* has not
received an application for replacement of the
practising certificate or renewal of the registration made
in accordance with regulation 1;
 - (iii) at any time, if the *SRA* is satisfied, in the case a
registered European lawyer, that the *lawyer* has no
intention of *practising* on a permanent basis in the
United Kingdom;
 - (iv) at any time, if the *SRA* is satisfied, in the case a
registered foreign lawyer, that the *lawyer* has no
intention of *practising* in the capacity of a registered
foreign lawyer in accordance with Rule 3 of the

Practice Framework Rules; or

- (v) on refusing, under regulation 2 or 3, to replace a practising certificate or to renew a registration.
- (b) The SRA may revoke authorisation as a *recognised sole practitioner* at any time if:
- (i) the authorisation as a *recognised sole practitioner* was granted as a result of error or fraud;
 - (ii) the ~~solicitor~~*solicitor* or *registered European lawyer* is not *practising from an office* in England and Wales;
 - (iii) the SRA is not satisfied that the *recognised sole practitioner* continues to meet the criteria for authorisation as a *recognised sole practitioner*;
 - (iv) the *recognised sole practitioner* or any *employee* of the *firm* fails to comply with the duties imposed under the SRA's *regulatory arrangements* or any enactments, including failure to pay any fine or other financial penalty imposed by the SRA, the Solicitors Disciplinary Tribunal or the High Court;
 - (v) the *recognised sole practitioner* has a temporary emergency recognition but has not within the initial 28 day period or any extension of that period commenced a substantive application for recognition; or
 - (vi) the SRA has decided under regulation 4 not to renew authorisation as a *recognised sole practitioner*.
- (c) The SRA may revoke a practising certificate, registration, or authorisation as a *recognised sole practitioner* on the application of the person concerned but:
- (i) there is no discretion to refund any part of the fee paid for that practising year; and
 - (ii) the SRA may refuse the application if there is an outstanding *complaint* against the applicant or for any other reason relating to the public interest.

9.3

- (a) When the SRA decides to revoke a practising certificate, registration, or authorisation as a *recognised sole practitioner* under 9.2(a)(i), (iii), (iv) or (v) or 9.2(b) it must give the person concerned 28 days notice, with reasons. The notice may be given together with notification of refusal of an application to replace a practising certificate, renew a registration or renew an authorisation.
- (b) Revocation takes effect on expiry of the notice under (a), or on

such later date as may be stated in the notice, except that if an appeal is made during the period of notice the revocation does not take effect until determination or discontinuance of any appeal, whether under the SRA's own procedure, or to the High Court under statutory provisions, or to the High Court under regulation 7.6(b).

[Guidance note](#)

[The authorisation of recognised sole practitioners will cease when they are passported to become recognised bodies with recognition under the SRA Authorisation Rules. See also the guidance note to Rule 8.](#)

Part 3 — The registers, practising certificates and certificates of registration

Regulation 10 — The register of holders of practising certificates

- 10.1 The SRA must keep a register of *solicitors* who hold practising certificates, which may be kept in electronic form.
- 10.2 The register must contain, in respect of each ~~solicitor~~*solicitor* who holds a practising certificate, the following information:
- (a) full name as shown on the roll;
 - (b) date of birth;
 - (c) registration number;
 - (d) any other legal profession of which the ~~solicitor~~*solicitor* is a member and whether the ~~solicitor~~*solicitor* is entitled to ~~practise~~*practise* as a member of that profession;
 - (e) date of admission as a ~~solicitor~~*solicitor*;
 - (f) the commencement and replacement dates for the ~~solicitor~~*solicitor's* current practising certificate;
 - (g) whether the ~~solicitor~~*solicitor* is a *recognised sole practitioner*, and if so:
 - (i) the registered name of the ~~solicitor~~*solicitor's* sole *practice*; and
 - (ii) any other practising styles used by the ~~solicitor~~*solicitor* as a *sole practitioner*;
 - (h) the ~~solicitor~~*solicitor's* place or places of business, except in the case of a non-practising ~~solicitor~~*solicitor*;
 - (i) an address for correspondence in the case of a non-practising ~~solicitor~~*solicitor*;
 - (j) any condition to which the ~~solicitor~~*solicitor's* practising certificate is subject;

- (k) a note about any suspension of the ~~solicitor~~*solicitor* from *practice*, or suspension of the ~~solicitor~~*solicitor's* practising certificate, or suspension of the ~~solicitor~~*solicitor* from *practice* as a *sole practitioner*, or suspension or revocation of the ~~solicitor~~*solicitor's* authorisation to practise as a ~~recognised~~*sole practitioner*, or the termination of any such suspension;
- (l) a note of any order of the Solicitors Disciplinary Tribunal under section 47 of the Solicitors Act 1974 in respect of the ~~solicitor~~*solicitor* (or former ~~solicitor~~*solicitor*), and a note of any order of the High Court or the Court of Appeal striking the ~~solicitor~~*solicitor* off the roll; and
- (m) any other reasonable information, necessary for carrying out the SRA's statutory objectives, from time to time prescribed by the SRA.

10.3

- (a) Entries in the register under 10.2(a), (c) to (h) and (j) to (m) must be available for inspection by any member of the public, except that the SRA may in exceptional circumstances and if it considers that to do so would be in the public interest, withhold:
 - (i) the address of any or all a ~~solicitor~~*solicitor's* places of business; or
 - (ii) all information about a condition to which a ~~solicitor~~*solicitor's* practising certificate is subject, or details of the condition.
- (b) The date on which a ~~solicitor~~*solicitor's* practising certificate or authorisation as a *recognised sole practitioner* expired or was revoked must be made available to a member of the public on request.

Regulation 11 — the register of European lawyers

- 11.1 The SRA must keep a register of European *lawyers*, which may be kept in electronic form.
- 11.2 The register must contain, in respect of each *registered European lawyer*, the following information:
 - (a) full name;
 - (b) date of birth;
 - (c) registration number;
 - (d) in relation to each *Establishment Directive profession* of which the *lawyer* is a member:
 - (i) the professional title;
 - (ii) the professional body; and

- (iii) whether the *lawyer* is entitled to practise as a member of that profession;
- (e) any other legal profession of which the *lawyer* is a member and whether the *lawyer* is entitled to practise as a member of that profession;
- (f) the date of initial registration;
- (g) the commencement and renewal dates for the current period of registration;
- (h) whether the *lawyer* is a *recognised sole practitioner*, and if so:
 - (i) the registered name of the *lawyer's sole practice*; and
 - (ii) any other practising styles used by the *lawyer* as a *sole practitioner* in the United Kingdom;
- (i) the *lawyer's* place or places of business in the United Kingdom;
- (j) any condition to which the *lawyer's* registration is subject;
- (k) a note about any suspension of the *lawyer's* registration, [or suspension of the lawyer from practice as a sole practitioner](#), or suspension [or revocation](#) of the *lawyer's* authorisation [to practise](#) as a *recognised sole practitioner*, or the termination of any such suspension;
- (l) a note of any order of the Solicitors Disciplinary Tribunal under section 47 of the Solicitors Act 1974 in respect of the *lawyer*, and a note of any order of the High Court or the Court of Appeal striking the *lawyer* off the register; and
- (m) any other reasonable information, necessary for carrying out the SRA's statutory objectives, from time to time prescribed by the SRA.

11.3

- (a) Entries in the register under 11.2(a) and (c) to (m) must be available for inspection by any member of the public, except that the SRA may in exceptional circumstances and if it considers that to do so would be in the public interest, withhold:
 - (i) the address of any or all an *REL's* places of business; or
 - (ii) all information about a condition to which an *REL's* registration is subject or details of the condition.
- (b) The date on which a *registered European lawyer's* registration or authorisation as a *recognised sole practitioner* expired or was revoked must be made available to a member of the public on request.

- 11.4 A *registered European lawyer* whose name has changed may apply to the SRA to change his or her name on the register.

Regulation 12 — the register of foreign lawyers

- 12.1 The SRA must keep a register of *foreign lawyers*, which may be kept in electronic form.
- 12.2 The register must contain, in respect of each *registered foreign lawyer*, the following information:
- (a) full name;
 - (b) date of birth;
 - (c) registration number;
 - (d) in relation to each legal profession of which the *lawyer* is a member:
 - (i) the professional title;
 - (ii) the professional body; and
 - (iii) whether the *lawyer* is entitled to **practise***practise* as a member of that profession;
 - (e) the date of initial registration;
 - (f) the commencement and renewal dates for the current period of registration;
 - (g) the registered name and place or places of business of
 - (i) any *recognised body* of which the *lawyer* is a *manager* or in which the *lawyer* holds any *ownership* interest, or
 - (ii) any *licensed body* or *authorised non-SRA firm* of which the *lawyer* is a *manager* or *owner*;
 - (h) the registered name of any *recognised sole practitioner*, *recognised body*, *licensed body* or *authorised non-SRA firm* who or which is the *lawyer's employer*, and the address of the *lawyer's* place of employment;
 - (i) any condition to which the *lawyer's* registration is subject;
 - (j) a note about any suspension of the *lawyer's* registration, or the termination of such suspension;
 - (k) a note of any order of the Solicitors Disciplinary Tribunal in respect of the *lawyer*; and
 - (l) any other reasonable information, necessary for carrying out the SRA's statutory objectives, from time to time prescribed by the SRA.

- (a) Entries in the register under 12.2(a) and (c) to (l) must be available for inspection by any member of the public, except that the SRA may in exceptional circumstances and if it considers that to do so would be in the public interest, withhold:
 - (i) the address of any or all an *RFL's* places of business; or
 - (ii) all information about a condition to which an *RFL's* registration is subject or details of the condition.
- (b) The date on which a *registered foreign lawyer's* registration expired or was revoked must be made available to a member of the public on request.

12.4 A *registered foreign lawyer* whose name has changed may apply to the SRA to change his or her name on the register.

Regulation 13 — Practising certificates and certificates of registration

13.1 Each practising certificate and each certificate of registration must specify:

- (a) the individual's full name;
- (b) its commencement date;
- (c) its replacement date;
- (d) in the case of a ~~solicitor~~*solicitor* or *registered European lawyer* who is authorised as a *recognised sole practitioner*, a statement to that effect; and
- (e) any condition to which the practising certificate or registration is subject, to the extent that it is public information under regulation 10, 11 or 12.

13.2 Every practising certificate or certificate of registration must be delivered to the applicant at the applicant's principal place of business or to such other address as may be specified by or on behalf of the applicant in writing, and may be delivered by post or electronically.

Part 4 — Information requirements, notifying third parties and review of decisions

Regulation 14 — Information requirements

14.1 In addition to any requirements under section 84 of the Solicitors Act 1974 [[link: http://www.statutelaw.gov.uk/content.aspx?LegType=All+Primary&PageNumber=56&NavFrom=2&parentActiveTextDocId=2188768&ActiveTextDocId=2189319&filesize=2341](http://www.statutelaw.gov.uk/content.aspx?LegType=All+Primary&PageNumber=56&NavFrom=2&parentActiveTextDocId=2188768&ActiveTextDocId=2189319&filesize=2341)] or any other rules applicable by virtue of that Act, a ~~solicitor~~*solicitor*, *registered European lawyer* or *registered foreign lawyer* must inform the SRA within 7 days if he or she:

- (a) is committed to prison in civil or criminal proceedings;

- (b) is charged with or convicted of an indictable offence;
- (c) is made the subject of bankruptcy proceedings;
- (d) makes a proposal for an individual voluntary arrangement or is a *manager* of a *firm* which makes a proposal for a company voluntary arrangement or a partnership voluntary arrangement under the Insolvency Act 1986 [*link: <http://www.statutelaw.gov.uk/LegResults.aspx?LegType=All+Legislation&title=insolvency+act&Year=1986&searchEnacted=0&extentMatchOnly=0&confersPower=0&blanketAmendment=0&TYPE=QS&NavFrom=0&activeTextDocId=2519933&PageNumber=1&SortAlpha=0>*];
- (e) is admitted as:
 - (i) a member of a legal profession of a jurisdiction other than England and Wales;
 - (ii) a *lawyer of England and Wales* other than a ~~solicitor~~ [solicitor](#);
- (f) is made subject to disciplinary proceedings as:
 - (i) a member of a legal profession of a jurisdiction other than England and Wales; or
 - (ii) a *lawyer of England and Wales* other than a ~~solicitor~~ [solicitor](#);
- (g) becomes a *manager* of or acquires any interest in a *firm* which is a *recognised body*, or becomes a *manager* or *owner* of a *firm* which is a *licensed body* or an *authorised non-SRA firm*;
- (h) sets up a sole *practice* as:
 - (i) a member of a legal profession of a jurisdiction other than England and Wales; or
 - (ii) a *lawyer of England and Wales* other than a ~~solicitor~~ [solicitor](#);
- (i) changes his or her name as shown on the register of holders of practising certificates, the register of European *lawyers* or the register of *foreign lawyers*, and must at the same time provide details of his or her new name.

14.2 A ~~solicitor~~ [solicitor](#), registered European lawyer or registered foreign lawyer who ceases to ~~practise~~ [practise](#) must inform the SRA within 7 days and supply the SRA with a contact address.

Regulation 15 — Notifying third parties of decisions

The SRA may, if it considers it in the public interest to do so, notify any or all of the following *persons* of a decision made under these regulations:

- (a) a *recognised body*, *licensed body* or an *authorised non-SRA*

firm of which the solicitor, registered European lawyer or registered foreign lawyer concerned is a manager, or in which he or she holds has any interest;

- (b) *a recognised sole practitioner, recognised body, licensed body or authorised non-SRA firm of which the solicitor, registered European lawyer or registered foreign lawyer concerned is an employee;*
- (c) *any approved regulator;*
- (d) *the Legal Services Board [[link: http://www.legalservicesboard.org.uk/](http://www.legalservicesboard.org.uk/)];*
- (e) *the ~~Legal Complaints Service~~ [[link: http://www.legalcomplaints.org.uk/home.page/](http://www.legalcomplaints.org.uk/home.page/)] or the ~~Office for Legal Complaints~~ [Legal Ombudsman](http://www.legalombudsman.org.uk/) [[link: http://www.legalombudsman.org.uk/](http://www.legalombudsman.org.uk/)];*
- (f) *the regulatory body for any profession of which the ~~solicitor~~ [solicitor](#), registered European lawyer or registered foreign lawyer concerned is a member;*
- (g) *any law enforcement agency.*

Regulation 16 — Reconsideration

16.1 The SRA may reconsider or rescind a decision made under these regulations when it appears that the decision maker:

- (a) was not provided with material evidence that was available to the SRA;
- (b) was materially misled;
- (c) failed to take proper account of material facts or evidence;
- (d) took into account immaterial facts or evidence;
- (e) made a material error of law;
- (f) made a decision which was otherwise irrational or procedurally unfair;
- (g) made a decision which was otherwise ultra vires; or
- (h) failed to give sufficient reasons.

16.2

- (a) A decision may be reconsidered under 16.1 only on the initiative of the SRA.
- (b) The SRA may also give directions:
 - (i) for further investigations to be undertaken;
 - (ii) for further information or explanation to be obtained; and
 - (iii) for the reconsideration to be undertaken by the original decision maker or by a different decision maker or

Part 5 — Interpretation, commencement and repeals

Regulation 17 — Interpretation

- 17.1** All italicised terms in these regulations are to be interpreted in accordance with chapter 14 (Interpretation) of the *Code of Conduct*, unless they are defined in regulation 17.
- 17.2** The Interpretation Act 1978 [*link: <http://www.statutelaw.gov.uk/legResults.aspx?LegType=All+Legislation&title=Interpretation+Act+&Year=1978&searchEnacted=0&extentMatchOnly=0&confersPower=0&blanketAmendment=0&TYPE=QS&NavFrom=0&activeTextDocId=1838152&PageNumber=1&SortAlpha=0>*] shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.
- 17.3** The date of any notification or notice given under these regulations is deemed to be:
- (a)** the date on which the communication is delivered to or left at the recipient's address or is sent electronically to the recipient's e-mail or fax address;
 - (b)** if the recipient is practising, seven days after the communication has been sent by post or document exchange to the recipient's last notified practising address; or
 - (c)** if the recipient is not practising, seven days after the communication has been sent by post to the recipient's last notified contact address.
- 17.4** In these regulations:
- (a)** commencing an application under these regulations means submitting a completed application form, together with the *prescribed fee* and any Compensation Fund contribution required;
 - (b)** "*prescribed form*" means the form prescribed by the *SRA*;
 - (c)** "*prescribed fee*" means a fee prescribed:
 - (i)** under section 11 of the Solicitors Act 1974 [*link: <http://www.statutelaw.gov.uk/content.aspx?LegType=All+Primary&PageNumber=56&NavFrom=2&parentActiveTextDocId=2188768&ActiveTextDocId=2188829&filesize=10769>*] for a practising certificate or registration in the register of European lawyers;
 - (ii)** under section 13ZB of the Solicitors Act 1974 [*link: <http://www.statutelaw.gov.uk/content.aspx?LegType=All+Primary&PageNumber=2&NavFrom=2&parentActiveTextDocId=3423426&activetextdocid=3424349&versionNumber=1>*] for

authorisation as a *sole practitioner*; or

(iii) under paragraph 2 of Schedule 14 to the Courts and Legal Services Act 1990 [<http://www.statutelaw.gov.uk/content.aspx?LegType=All+Legislation&title=Courts+and+Legal+Services+Act&Year=1990&searchEnacted=0&extentMatchOnly=0&confersPower=0&blanketAmendment=0&sortAlpha=0&TYPE=QS&PageNumber=1&NavFrom=0&parentActiveTextDocId=2065498&activetextdocid=2066161&versionNumber=1>] or section 11 of the Solicitors Act 1974 [<http://www.statutelaw.gov.uk/content.aspx?LegType=All+Primary&PageNumber=56&NavFrom=2&parentActiveTextDocId=2188768&ActiveTextDocId=2188829&filesize=10769>] for registration in the register of *foreign lawyers*;

(d) revocation of a practising certificate or registration includes withdrawal of a practising certificate or registration for the purposes of the Solicitors Act 1974 [<http://www.statutelaw.gov.uk/legResults.aspx?LegType=All+Primary&PageNumber=56&NavFrom=2&activeTextDocId=2188768>] and cancellation of registration for the purposes of Schedule 14 to the Courts and Legal Services Act 1990 [<http://www.statutelaw.gov.uk/content.aspx?LegType=All+Legislation&title=Courts+and+Legal+Services+Act&Year=1990&searchEnacted=0&extentMatchOnly=0&confersPower=0&blanketAmendment=0&sortAlpha=0&TYPE=QS&PageNumber=1&NavFrom=0&parentActiveTextDocId=2065498&ActiveTextDocId=2066156&filesize=1351>];

(e) "turnover figure" means as prescribed from time to time by the SRA

(f) the following general definitions apply:

"Code of Conduct" means the ~~SRA Code of Conduct 2007~~ [\[2011\]SRA Code of Conduct \[2011\]](#); and

~~"compliance officer(s)" is a reference to a firm's compliance officer for legal practice ("COLP") and/or its compliance officer for finance and administration ("COFA");~~

"foreign lawyer" means a person who is not a solicitor or barrister of England and Wales, but who is a member and is entitled to practise as such, of a legal profession regulated within a jurisdiction outside England and Wales

~~"HOFA" means a Head of Finance and Administration within the meaning of the LSA;~~

"Practice Framework Rules" means the SRA Practice Framework Rules [2011].

18.1 These regulations:

- (a)** commenced on 1 July 2009; and
- (b)** replaced:
 - (i)** the Practising Certificate Regulations 1995;
 - (ii)** the European Lawyers Registration Regulations 2000;
 - (iii)** the Foreign Lawyers Registration Regulations 1995;

in relation to the issue and replacement of practising certificates and initial registration of and renewal of registration of European and foreign lawyers for any period commencing on or after 1 July 2009.