

Draft SRA Admission Regulations [2011] (Annex F6)

SRA Admission Regulations [2011]

[Authority: Made on the [DD day of MM YYYY] by the Solicitors Regulation Authority Board under section 28 of the Solicitors Act 1974 with the approval of the Legal Services Board under section 83 of, and paragraph 19 of Schedule 4 to, the Legal Services Act 2007

Date: These regulations came into force on [1 October 2011]

Replacing: The Solicitors' Admission Regulations 2009

Regulating: Those individuals seeking admission to the roll of solicitors in England and Wales

Regulating: Appeals from SRA decisions relating to admission as a solicitor]

Introduction

These regulations govern the process for admitting people to the roll of *solicitors*. They also cover appeals against SRA decisions taken under the SRA Training Regulations [2011] and the SRA Qualified Lawyers Transfer Scheme Regulations [2011].

Education and training underpins the regulation of *solicitors* – it ensures the creation of competent and ethical practitioners. *We* regulate and set requirements for all stages of pre-qualification training in order to give *solicitors* the tools they need to adhere to *the Principles*.

The Principles are all pervasive, and apply all the time. Outcomes relevant to admission as a *solicitor* are listed beneath *the Principles*.

The following *Principles* will be of relevance in the context of admission as a *solicitor*.

You must:

1. uphold the rule of law and the proper administration of justice;
2. act with integrity;
3. not allow *your* independence to be compromised;
4. act in the best interests of each *client*;
5. provide a proper standard of service to *your clients*;
6. behave in a way that maintains the trust the public places in *you* and in the provision of legal services;

7. comply with *your* legal and regulatory obligations and deal with *your* regulators and ombudsmen in an open, timely and co-operative manner;
8. run *your* business/carry out *your* role in the business effectively and in accordance with proper governance and sound financial and risk management principles;
9. run *your* business/carry out *your* role in the business in a way that encourages equality of opportunity and respect for diversity;
10. protect *client money* and assets.

Outcomes

The outcomes which apply to *these regulations* are that intending *solicitors*:

- have complied with all relevant training and/or assessment requirements;
- have recourse to appeal decisions taken by *us* in relation to qualification as a *solicitor*; and
- *clients*, and the wider public, will have confidence that this has been demonstrated.

The outcomes, and the regulations that flow from them, apply to all those who are intending to become *solicitors*, at any stage – i.e. students, *trainee solicitors*, and qualified lawyers from other jurisdictions seeking qualification via transfer.

Part I — Introductory

1. Interpretation and definitions

(1) Words and phrases not expressly defined in *these regulations*, unless the context requires otherwise, bear the same meaning as they bear in the Solicitors Act 1974 [<http://www.statutelaw.gov.uk/content.aspx?LegType=All+Legislation&title=Solicitors+Act+1974&searchEnacted=0&extentMatchOnly=0&confersPower=0&blanketAmendment=0&sortAlpha=0&TYPE=QS&PageNumber=1&NavFrom=0&parentActiveTextDocId=2188768&ActiveTextDocId=2188796&filesize=3960j>] and in Chapter 14 of the Solicitors' Code of Conduct [2011].

(2) In *these regulations*:

"Application for admission" means application to *us* for a *certificate of satisfaction* under section 3(1) of the Solicitors Act 1974 and for admission as a *solicitor* under section 3(2) of the Solicitors Act 1974;

"certificate of eligibility" means a certificate issued by *us* confirming eligibility to take assessments under *QLTSR*, or the *QLTT* under *QLTR*, or an authorisation

under those regulations to apply for admission as a *solicitor* without taking any test or assessment;

"certificate of satisfaction"

means a certificate or certifying letter from *us* confirming that *you* have satisfied the SRA Training Regulations [2011] and are of the proper character and suitability to be admitted as a *solicitor*;

"character and suitability"

has the meaning given to it in the Suitability Test;

"CPE " or "Common Professional Exam"

means a course, including assessments and examinations, approved by the Joint Academic Stage Board for the purposes of completing the academic stage of training for those who have not satisfactorily completed a *QLD*;

"QLD" or "qualifying law degree"

means a degree or qualification awarded by a body approved by the Joint Academic Stage Board for the purposes of completing the academic stage of training, following a course of study which includes:

(i) the study of the foundations of legal knowledge; and

(ii) the passing of appropriate assessments set in those foundations;

"QLTR" or "Qualified Lawyers

<i>Transfer Regulations</i> "	means the Qualified Lawyers Transfer Regulations 1990 and 2009;
<i>"QLTSR" or "SRA Qualified Lawyers Transfer Scheme Regulations"</i>	means the SRA Qualified Lawyers Transfer Scheme Regulations 2010 and 2011;
<i>"QLTT" or "Qualified Lawyers Transfer Test"</i>	means the tests which some lawyers are required to pass under the <i>QLTR</i> ;
<i>"student enrolment"</i>	means the process where we satisfy ourselves that a student who intends to proceed to the vocational stage of training has satisfactorily completed the academic stage and is of the appropriate <i>character and suitability</i> as required by regulation 12 of the SRA Training Regulations [2011]: Part 1 – Qualification Regulations. <i>"Enrolment"</i> should be construed accordingly, and <i>"certificate of enrolment"</i> should be construed as evidence of <i>student enrolment</i> ,
<i>"these regulations"</i>	means the SRA Admission Regulations [2011];
<i>"unadmitted person"</i>	means a person who: <ul style="list-style-type: none"> (i) holds a current <i>certificate of enrolment</i>; (ii) is serving under a training contract; or (iii) has completed any part or all of the vocational stage of

training, in accordance with regulations 16 to 33 of the SRA Training Regulations [2011]: Part 1 – Qualification Regulations, but does not hold a current *certificate of enrolment*;

"us " and "we "

means the *SRA* and "*our*" and "*ourselves*" should be construed accordingly;

"you"

means any person intending to be a *solicitor* and "*your*" should be construed accordingly.

- (3) On any appeal to the High Court under *these regulations*:
- (i) section 28(3E) of the Solicitors Act 1974 provides that the High Court may make such order as it thinks fit as to payment of costs; and
 - (ii) section 28(3F) of the Solicitors Act 1974 provides that the decision of the High Court shall be final.

Part II — Appeals

2. Appeals against *our* decisions on student enrolment and *certificates of eligibility* for overseas lawyers
- (1) If *you* are an applicant for a *certificate of enrolment* under regulation 12 of the SRA Training Regulations whose application has been refused under regulation 15 of those regulations, *you* may appeal to the High Court under this regulation against *our* decision on a review of the application under regulation 15(3) of the SRA Training Regulations [2011]: Part 1 – Qualification Regulations.
 - (2) If *you* are seeking to establish eligibility under regulation 4 of the *QLTR* or regulation 2 of the *QLTSR* other than pursuant to Directive 2005/36/EC [*link: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2005:255:0022:0142:en:PDF>*] or Directive 98/5/EC [*link: <http://eur-lex.europa.eu/smartapi>*]

[/cgi/sga_doc?smartapi!celexapi!prod!CELEXnumdoc&numdoc=31998L0005&model=guichett&lg=enj](#), you may appeal to the High Court under this regulation against *our* decision on a review under regulation 16(1) of the *QLTR* or, where appropriate, regulation 6(1) of the *QLTSR*, where we have:

- (i) refused *your* initial application on the ground that *you* are not suitable to be admitted as a *solicitor*, and
 - (ii) refused to reverse that decision on the review.
- (3) If *you* are seeking to establish eligibility pursuant to Directive Directive 2005/36/EC [[link: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2005:255:0022:0142:en:PDF](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2005:255:0022:0142:en:PDF)] or the *Establishment Directive*, [[link: http://eur-lex.europa.eu/smartapi/cgi/sga_doc?smartapi!celexapi!prod!CELEXnumdoc&numdoc=31998L0005&model=guichett&lg=enj](http://eur-lex.europa.eu/smartapi/cgi/sga_doc?smartapi!celexapi!prod!CELEXnumdoc&numdoc=31998L0005&model=guichett&lg=enj)] you have rights of appeal under regulation 36 [[link: http://www.statutelaw.gov.uk/content.aspx?LegType=All+Legislation&title=PROFESSIONAL+QUALIFICATIONS&Year=2007&searchEnacted=0&extentMatchOnly=0&confersPower=0&blanketAmendment=0&sortAlpha=0&TYPE=QS&PageNumber=1&NavFrom=0&parentActiveTextDocId=3410294&ActiveTextDocId=3410360&filesize=2550](http://www.statutelaw.gov.uk/content.aspx?LegType=All+Legislation&title=PROFESSIONAL+QUALIFICATIONS&Year=2007&searchEnacted=0&extentMatchOnly=0&confersPower=0&blanketAmendment=0&sortAlpha=0&TYPE=QS&PageNumber=1&NavFrom=0&parentActiveTextDocId=3410294&ActiveTextDocId=3410360&filesize=2550)] of the European Communities (Recognition of Professional Qualifications) Regulations 2007 [[link: http://www.statutelaw.gov.uk/legResults.aspx?LegType=All+Legislation&title=PROFESSIONAL+QUALIFICATIONS&Year=2007&searchEnacted=0&extentMatchOnly=0&confersPower=0&blanketAmendment=0&TYPE=QS&NavFrom=0&activeTextDocId=3410294&PageNumber=1&SortAlpha=0](http://www.statutelaw.gov.uk/legResults.aspx?LegType=All+Legislation&title=PROFESSIONAL+QUALIFICATIONS&Year=2007&searchEnacted=0&extentMatchOnly=0&confersPower=0&blanketAmendment=0&TYPE=QS&NavFrom=0&activeTextDocId=3410294&PageNumber=1&SortAlpha=0)] or regulation 35 [[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=2635313&filesize=1547](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=2635313&filesize=1547)] of the European Communities (Lawyer's Practice) Regulations 2000 [[link: http://www.statutelaw.gov.uk/legResults.aspx?LegType=All+Legislation&title=European+Communities+\(Lawyer%27s+Practice\)+Regulations&Year=2000&searchEnacted=0&extentMatchOnly=0&confersPower=0&blanketAmendment=0&TYPE=QS&NavFrom=0&activeTextDocId=2635271&PageNumber=1&SortAlpha=0](http://www.statutelaw.gov.uk/legResults.aspx?LegType=All+Legislation&title=European+Communities+(Lawyer%27s+Practice)+Regulations&Year=2000&searchEnacted=0&extentMatchOnly=0&confersPower=0&blanketAmendment=0&TYPE=QS&NavFrom=0&activeTextDocId=2635271&PageNumber=1&SortAlpha=0)] respectively - see 16(3) and (4) of the *QLTR* or, where appropriate, regulations 6(3) and 6(4) of the *QLTSR*.
- (4) An appeal under regulation 2(1) or (2) above must be brought within three months of *you* receiving notification of *our* decision.
 - (5) On an appeal under regulation 2(1) or (2) above, the High Court may:
 - (i) affirm *our* decision;

- (ii) direct *us* to issue a *certificate of enrolment*, or to issue a *certificate of eligibility*, as the case may be; or
- (iii) make such recommendations to *us* as the High Court thinks fit.

3. Appeals against *our* decisions arising from *character and suitability* issues

- (1) If *you* are an *unadmitted person*, *you* may appeal to the High Court under this regulation against *our* decision:
 - (i) on an application under regulation 34(2) of the SRA Training Regulations [2011]: Part 1 – Qualification Regulations for review of the imposition of a prohibition or sanction;
 - (ii) if *you* have been certified eligible under regulation 4 of the *QLTR* or regulation 2 of the *QLTSR* other than pursuant to Directive 2005/36/EC [*link: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2005:255:0022:0142:en:PDF*], on an application under regulation 17(2) of the *QLTR*, or regulation 7(2) of the *QLTSR*, for review of the imposition of a prohibition or sanction;
 - (iii) on an application under regulation 34(4) of the Solicitors' Training Regulations [2011]: Part 1 - Qualification Regulations for removal of a prohibition or sanction; or
 - (iv) on an application under regulation 17(5) of the *QLTR* or regulation 7(5) of the *QLTSR*, for removal of a prohibition or sanction.
- (2) If *you* are an *unadmitted person* who has been certified eligible pursuant to Directive 2005/36/EC, [*link: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2005:255:0022:0142:en:PDF*] *you* have rights of appeal under regulation 36 [*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=2635314&filesize=2262*] of the European Communities (Recognition of Professional Qualifications) Regulations 2007 against:
 - (i) prohibition of an attempt at the *QLTT*, or any attempt at any or all of the assessments under *QLTSR*; or
 - (ii) refusal to lift that prohibition on an application for review;

see regulation 17(4) of the *QLTR* or 7(4) of the *QLTSR*.

- (3) An appeal under:
- (i) regulation 3(1)(i) or (ii) above must be brought within three months of *you* receiving notification of *our* decision on the review.
 - (ii) regulation 3(1)(iii) or (iv) above must be brought within three months of *you* receiving notification of *our* decision on the application for removal of the prohibition or sanction.
- (4) On any appeal under regulation 3(1) above, the High Court may:
- (i) affirm *our* decision;
 - (ii) direct *us* to issue a *certificate of enrolment*, or to issue a *certificate of eligibility*, as the case may be; or
 - (iii) make such recommendations to *us* as the High Court thinks fit.

Part 3 — Applications for admission

4. When you can make an application for admission

Your application for admission may be made at any time after you have complied with the SRA Training Regulations [2011], the QLTR, or the QLTSR.

5. Form and fees

Your application for admission must be made to us in such form and be accompanied by such fee and documents as we may from time to time prescribe.

6. Our decisions

(1)

If we:

- (i) are satisfied that *you* have complied with the SRA Training Regulations [2011], the *QLTR*, or the *QLTSR*; and
- (ii) are satisfied as to *your character and suitability* to be a

solicitor,

we shall issue you with a *certificate of satisfaction* in accordance with section 3(1) [<http://www.statutelaw.gov.uk/content.aspx?LegType=All+Legislation&title=Solicitors+Act&Year=1974&searchEnacted=0&extentMatchOnly=0&confersPower=0&blanketAmendment=0&sortAlpha=0&TYPE=QS&PageNumber=1&NavFrom=0&parentActiveTextDocId=2188768&ActiveTextDocId=2188796&filesize=3959>] of the Solicitors Act 1974.

Guidance note

We will satisfy ourselves as to your *character and suitability* in a number of ways. These will include, but are not limited to, CRB disclosures and Police National Computer checks, as well as self-disclosure, in accordance with the Suitability Test.

- (2) In any case where we refuse to issue a *certificate of satisfaction* under regulation 6(1) we shall notify you as to this effect stating the grounds for refusal within one month of you complying with all reasonable requirements we make in respect of the application.
- (3) Once the deadline in regulation 6(2) has passed without us issuing a *certificate of satisfaction* or notifying you of refusal, the application is deemed, for the purpose of any appeal, to have been refused and refusal notified to you on that date.
- (4) Where we refuse or fail to issue a *certificate of satisfaction* under regulation 6(1), except where you have established eligibility under regulation 4 of the QLTR or regulation 2 of the QLTSR, pursuant to Directive 2005/36/EC [<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32005L0036:EN:HTML>] or the *Establishment Directive*, you may appeal under this regulation to the High Court, which may:
 - (i) affirm our decision;
 - (ii) direct us to issue a *certificate of satisfaction* to you; or
 - (iii) make such recommendations to us as the High Court thinks fit.
- (5) If you have established eligibility pursuant to:
 - (i) Directive 2005/36/EC, you have [<http://ec.europa.eu>

[/internal_market/qualifications/future_en.htm](#)]the right to appeal to the High Court under regulation 36 [[link](#): [http://www.statutelaw.gov.uk/content.aspx?LegType=All+Legislation&title=European+Communities+\(Recognition+of+Professional+Qualifications\)+Regulations+&Year=2007&searchEnacted=0&extentMatchOnly=0&confersPower=0&blanketAmendment=0&sortAlpha=0&TYPE=QS&PageNumber=1&NavFrom=0&parentActiveTextDocId=3410294&ActiveTextDocId=3410360&filesize=2550](http://www.statutelaw.gov.uk/content.aspx?LegType=All+Legislation&title=European+Communities+(Recognition+of+Professional+Qualifications)+Regulations+&Year=2007&searchEnacted=0&extentMatchOnly=0&confersPower=0&blanketAmendment=0&sortAlpha=0&TYPE=QS&PageNumber=1&NavFrom=0&parentActiveTextDocId=3410294&ActiveTextDocId=3410360&filesize=2550)] of the European Communities (Recognition of Professional Qualifications) Regulations 2007;

- (ii) *the Establishment Directive* [[link](http://ec.europa.eu/internal_market/qualifications/future_en.htm): http://ec.europa.eu/internal_market/qualifications/future_en.htm], you have the right to appeal to the High Court under regulation 35 [[link](#): [http://www.statutelaw.gov.uk/content.aspx?LegType=All+Legislation&title=European+Communities+\(Recognition+of+Professional+Qualifications\)+Regulations+&Year=2007&searchEnacted=0&extentMatchOnly=0&confersPower=0&blanketAmendment=0&sortAlpha=0&TYPE=QS&PageNumber=1&NavFrom=0&parentActiveTextDocId=3410294&ActiveTextDocId=3410357&filesize=1445](http://www.statutelaw.gov.uk/content.aspx?LegType=All+Legislation&title=European+Communities+(Recognition+of+Professional+Qualifications)+Regulations+&Year=2007&searchEnacted=0&extentMatchOnly=0&confersPower=0&blanketAmendment=0&sortAlpha=0&TYPE=QS&PageNumber=1&NavFrom=0&parentActiveTextDocId=3410294&ActiveTextDocId=3410357&filesize=1445)] of the European Communities (Lawyer's Practice) Regulations 2000;

within three months of receiving notification or deemed notification of *our* refusal, against refusal or deemed refusal of a *certificate of satisfaction*.

- (6) An appeal under regulation 6(5) above must be brought within three months of *you* receiving notification or deemed notification of *our* refusal of a *certificate of satisfaction*.

7. Admission following issue of *certificate of satisfaction*

Where a *certificate of satisfaction* has been issued under regulation 6(1), *you* shall be admitted as a *solicitor* within a reasonable period on a day *we* determine, unless cause to the contrary in writing is shown to *our* satisfaction.

8. Cause for preventing admission following issue of a *certificate of satisfaction*, and review of such a decision

- (1) If, after *we* issue a *certificate of satisfaction* but before *your* admission, cause is shown in writing to *our* satisfaction that *you* should not be admitted, *we* shall not admit *you* as a *solicitor* and shall notify *you* of *our* decision in writing.
- (2) *You* may within one month of receiving notification of *our* decision,

ask for the matter to be reviewed.

- (3) In such a case, **except** where *you* have established eligibility under regulation 4 of the *QLTR*, or regulation 2 of the *QLTSR*, pursuant to Directive 2005/36/EC [[link: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32005L0036:EN:HTML](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32005L0036:EN:HTML)] or *the Establishment Directive* [[link: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31998L0005:EN:HTML](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31998L0005:EN:HTML)], *you* may appeal under this regulation to the High Court, which may:
- (i) affirm *our* decision;
 - (ii) direct *us* to admit *you* as a *solicitor*; or
 - (iii) make such recommendations to *us* as the High Court thinks fit.
- (4) If *you* have been certified eligible pursuant to Directive 2005/36/EC [[link: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32005L0036:EN:HTML](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32005L0036:EN:HTML)] *you* have the right, within three months of receiving notification of *our* decision, to appeal to the High Court under regulation 36 [[link: http://www.statutelaw.gov.uk/content.aspx?LegType=All+Legislation&title=European+Communities+\(Recognition+of+Professional+Qualifications\)+Regulations+&Year=2007&searchEnacted=0&extentMatchOnly=0&confersPower=0&blanketAmendment=0&sortAlpha=0&TYPE=QS&PageNumber=1&NavFrom=0&parentActiveTextDocId=3410294&ActiveTextDocId=3410360&filesize=2550](http://www.statutelaw.gov.uk/content.aspx?LegType=All+Legislation&title=European+Communities+(Recognition+of+Professional+Qualifications)+Regulations+&Year=2007&searchEnacted=0&extentMatchOnly=0&confersPower=0&blanketAmendment=0&sortAlpha=0&TYPE=QS&PageNumber=1&NavFrom=0&parentActiveTextDocId=3410294&ActiveTextDocId=3410360&filesize=2550)] of the European Communities (Recognition of Professional Qualifications) Regulations 2007 against:
- (i) *our* decision under (i) above not to admit *you* as a *solicitor*; or
 - (ii) *our* refusal to reverse that decision on a review under regulation 8(2) above;
- (5) If *you* have been certified eligible pursuant to *the Establishment Directive*, *you* have the right, within three months of receiving notification of *our* decision, to appeal to the High Court under regulation 35 of the European Communities (Recognition of Professional Qualifications) Regulations 2007 against:
- (i) *our* decision under regulation 8(1) above not to admit *you* as a *solicitor*; or
 - (ii) *our* refusal to reverse that decision on a review under regulation 8(2) above.
- (6) An appeal under regulation 8(3) above must be brought within three

months of the applicant receiving notification of *our* decision on the review.

- (7) *You* may make up to three applications to *us* to reverse *our* decision not to admit *you* as a *solicitor*, after intervals of not less than twelve months from the final determination as to the initial decision, or from the final determination of *your* previous application for review, as the case may be.

- (8) Within three months of receiving notification from *us* of *our* decision on an application to reverse the decision not to admit *you* as a *solicitor*, *you* may appeal under this regulation to the High Court, which may:
 - (i) affirm *our* decision;

 - (ii) direct *us* to admit *you* as a *solicitor*; or

 - (iii) make such recommendations to *us* as the High Court thinks fit.

9. Admission certificates

We shall prepare an admission certificate in respect of each person admitted. Every certificate shall be signed by the Chief Executive of the SRA or attested in such manner as the Chief Executive shall authorise.