

Annex 4 - Schedule of amendments to the draft new SRA Handbook

Section 69 Order – recognised sole practitioners

Rules / Regulations	Latest draft version for Handbook	Have changes been required?	Nature of changes
Principles	See October consultation.	No	
Code of Conduct	See October consultation.	Yes	<p>Transitional provisions in the Code will amend:</p> <p>(1) application provisions in chapter 13:</p> <ul style="list-style-type: none"> • paragraph 1(a)(i) and 1(e) omitted; • the words “recognised sole practitioner” omitted from paragraphs 1(a)(iii) and 1(b)(ii) and 1(e); <p>(2) and definitions in chapter 14:</p> <ul style="list-style-type: none"> • definition of authorised body amended to include a sole practitioner authorised by the SRA; • definition of manager to include a sole practitioner; • definition of practice no longer to include references to recognised sole practitioner; • definition of recognised body amended; • definition of recognised sole practitioner replaced with definition of sole practitioner recognised by the SRA.
Accounts Rules	See October consultation.	Yes	Insertion of new rule 57 – Transitional provisions – making amendments with effect from 31 March 2012 to remove references to “recognised sole practitioner”.
Authorisation and Practising requirements			
SRA Practice Framework Rules	See October consultation.	Yes	<ul style="list-style-type: none"> • 1.1(a) x 2 practice as a solicitor (reference to recognised sole practitioner) - 1.1(a) will be removed in transitional arrangements in rule 22.3(a); • 1.1(b) practice as a solicitor (reference to recognised sole practitioner). Dealt with by transitional provision in rule 22.3(b);

			<ul style="list-style-type: none">• 1.2(a) practice overseas (reference to sole practitioner and recognised sole practitioner). Dealt with by transitional provision in rule 22.3(c);• 2.1(a) x 2 practice as an REL (reference to recognised sole practitioner). 2.1(a) will be removed in transitional arrangements in rule 22.3(a);• 2.1(b) practice as an REL (reference to recognised sole practitioner). Dealt with by transitional provision in rule 22.3(b);• 2.2(a) practice as a REL in Scotland and NI (reference to sole practitioner and recognised sole practitioner). Dealt with by transitional provision in rule 22.3(c);• 3.1(a) practice as an RFL (reference to recognised sole practitioner). 3.1(a) will be removed in transitional arrangements in rule 22.3(a);• 3.2(d) practice other than as an RFL (reference to recognised sole practitioner). Transitional provision required;• 5.1(d) practice as authorised body (reference to recognised sole practitioner). Dealt with by transitional provision in rule 22.3(d);• 5.2(c) practice as authorised body overseas (reference to recognised sole practitioner). Dealt with by transitional provision in rule 22.3(d);• 6.1 (reference to recognised sole practitioner). Dealt with by transitional provision in rule 22.3(e);• 7.1 non-lawyers (reference to recognised sole practitioner). Dealt with by transitional provision in rule 22.3(e);• 8.5(a) recognised bodies (reference to a recognised body). Dealt with by transitional provision in rule 22.3(f) when this includes sole practitioners post March 2012;
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			<ul style="list-style-type: none"> • 8.7(a) (reference to recognised sole practitioner). Dealt with by transitional provision in rule 22.3(g); • 8.7(b) (reference to recognised sole practitioner). Dealt with by transitional provision in rule 22.3(g); • 10.1(a) sole practitioners (reference to recognised sole practitioner). Dealt with by transitional provision in rule 22.3(h); • 10.1(a) sole practitioners (reference to endorsing your practising certificate or certificate of registration to that effect). Dealt with by transitional provision in rule 22.3(h); • 10.1(b) (reference to recognised sole practitioner). Dealt with by transitional provision in rule 22.3(i); • Rule 10 guidance note (reference to Regulation 4 SRA Practising Regulations). Historical reference so should not be amended; • 11.1(c)(i) (reference to recognised sole practitioner). 11.1(c)(i) will be removed in transitional arrangements in rule 22.3(a); • 12.1(a) qualified to supervise (reference to recognised sole practitioner). 12.1(a) will be removed in transitional arrangements in rule 22.3(a); • 12.1(b) (reference to one of the lawyer managers). Dealt with by transitional provision in rule 22.3(j) when this includes sole practitioners post March 2012; • 13.1 eligibility criteria for recognised bodies (reference to legal services body). Dealt with by transitional provision in rule 22.3(k) to cover inclusion of sole practitioners post March 2012; • Rule 18 guidance note (i) (reference to SRA Practising Regulations). Guidance notes not dealt with by transitional provisions.
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SRA Authorisation Rules for Legal Services Bodies and Licensable Bodies	See October consultation.	Yes	<ul style="list-style-type: none"> • 1.2(d) - definition of body (reference to sole practitioner). Change made to include new definition to cover sole practitioners; • 6.3(a) refusal of authorisation application (reference are suitable as a group). Amended by transitional provision in rule 27.2(a) to cover sole practitioners post March 2012; • 8.3(d) to (k) (throughout) - fee determination on splits/mergers (reference to recognised sole practitioner(s)). All references dealt with by transitional provisions in rule 27.2; • Rule 8 guidance note (ix) (reference to regulation 4.3 and 4.5 SRA Practising Regulations). Guidance notes not dealt with by transitional provisions; • 24.2(b) - change to composition of partnership (reference to sole practitioner). Wording amended for October consultation; • 24.2(b)(i)(C) and (ii)(B) - change to composition of a partnership (reference to recognised sole practitioner and reference to regulation 4). 24.2(b) will be removed in transitional arrangements – rule 27.2(f); • 24.2(c) - change to composition of a partnership (reference to recognised sole practitioner). Dealt with by transitional provisions - rule 27.2(g); • 24.2(c)(i)(D) - change to composition of partnership (reference to Regulation 4 SRA Practising Regulations 2009). Dealt with by removing reference in transitional provisions - rule 27.2(h); • 25.1 temporary emergency authorisation (reference to partnership). Amended in transitional provisions in rule 27.2(i) to include sole practitioners from March 2012; • 25.1(b) (reference to new partnership). Amended in transitional provisions in rule 27.2(j) but further consequential changes necessary;
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			<ul style="list-style-type: none"> • 25.3(a) (reference to partners). Amended in transitional provisions in rule 27.2(k) to include sole practitioners from March 2012; • 25.3(c), 25.3(d) and 25.3(e) (reference to partnership). Amended in transitional provisions in rule 27.2(l) to include sole practitioners from March 2012; • 28.1(b) - transition of firms (reference to sole solicitor and recognised as a sole practitioner). Historical reference so should not be amended.
SRA Practising Regulations	See October consultation.	Yes	<ul style="list-style-type: none"> • Preamble (reference to sole practitioners). Additional wording included for sole practitioner changes; • 1.6 - fee moderation (reference to recognised sole practitioner). Repealed by transitional provisions under Authorisation Rules rule 27.1(c)(i); • Regulation 4 (throughout) - application to be a recognised sole practitioner (reference to recognised sole practitioner). Repealed by transitional provisions under Authorisation Rules rule 27.1(c)(i); • Regulation 4A (throughout) - fee determination on splits/mergers (reference to recognised sole practitioner). Repealed by transitional provisions under Authorisation Rules rule 27.1(c)(i); • 7.2(b) and 7.4(d), (j) and (l) – appeals (reference to recognised sole practitioner). Repealed by transitional provisions under Authorisation Rules rule 27.1(c)(i); • 7.4(e) appeals (reference to 13ZA(6) [of the Solicitors Act – application to practise as a sole practitioner]). Dealt with by transitional provisions under Authorisation Rules rule 27.1(c)(ii); • 7.5(a)(ii) - deemed refusal (reference to recognised sole practitioner). Amended by transitional provisions in Authorisation Rules rule 27.1(c)(iii);

			<ul style="list-style-type: none"> • 8.1(d) and 8.2(d) - commencement and renewal of authorisation (reference to recognised sole practitioner). Repealed by transitional provisions under Authorisation Rules rule 27.1(c)(i); • Regulation 8 guidance note (reference to sole practitioners). Historical reference so should not be amended; • 9.1(d) - expiry of authorisation (reference to recognised sole practitioner(s) and sole practitioner). Repealed by transitional provisions under Authorisation Rules rule 27.1(c)(i); • 9.2(b) (throughout) - revocation of authorisation (reference to recognised sole practitioner). Repealed by transitional provisions under Authorisation Rules rule 27.1(c)(i); • 9.2(c) - revocation of PC/registration (reference to recognised sole practitioner). Amended by transitional provisions in Authorisation Rules rule 27.1(c)(iv); • 9.3(a) - notice of revocation of PC/registration (reference to recognised sole practitioner). (i) Amended by transitional provisions in Authorisation Rules rule 27.1(c)(iv) (ii) Further consequential amendment necessary; • Regulation 9 - guidance note (reference to recognised sole practitioner). Historical reference so should not be amended; • 10.2(g) - register of solicitors (reference to recognised sole practitioner and sole practitioner). Repealed by transitional provisions under Authorisation Rules rule 27.1(c)(i); • 10.2(k) - register of solicitors (reference to sole practitioner). Transitional provision needed for sole practitioner changes and to accord with proposed amendments to the Solicitors Keeping of the Roll Regulations; • 10.3(b) - register of solicitors (reference to recognised sole practitioner). Amended by
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			<p>transitional provisions in Authorisation Rules rule 27.1(c)(v) but this may be insufficient;</p> <ul style="list-style-type: none"> • 11.2(h) - register of RELs (reference to recognised sole practitioner and sole practitioner). Repealed by transitional provisions under Authorisation Rules rule 27.1(c)(i); • 11.2(k) - register of RELs (reference to sole practitioner). Transitional provision needed for sole practitioner changes and to accord with proposed amendments to the Solicitors Keeping of the Roll Regulations; • 11.3(b) - register of RELs (reference to recognised sole practitioner). Amended by transitional provisions in Authorisation Rules rule 27.1(c)(v) but this may be insufficient; • 12.2(h) - register of RFLs (reference to recognised sole practitioner). Amended by transitional provisions in Authorisation Rules rule 27.1(c)(vi); • 13.1(d) – certificates (reference to recognised sole practitioner). Repealed by transitional provisions under Authorisation Rules rule 27.1(c)(i); • 15(b) - notifying third parties (reference to recognised sole practitioner). Amended by transitional provisions in Authorisation Rules rule 27.1(c)(vi); • 17.4(c)(ii) - definition of prescribed fee (reference to sole practitioner). Transitional provision removing this needs to be added to this rule 27.1(c) of the Authorisation Rules.
SRA Recognised Bodies Regulations	See October consultation.	No	
SRA Training Regulations	See October consultation.	No	
SRA Admission Regulations	See October consultation.	No	

SRA Qualified Lawyers Transfer Scheme Regulations	See October consultation.	No	
Suitability Test	See October consultation.	No	
SRA Higher Rights of Audience Regulations	See October consultation.	No	
Solicitors (Keeping of the Roll) Regulations	See current rules as in force.	Yes	2C(g) entries on the roll (reference to sole practitioner and recognised sole practitioner). Transitional provision needed for sole practitioner changes.
Client Protection			
SRA Indemnity Insurance Rules	See May consultation (subject to further consultation).	Yes	Rule 3.1 – definitions of “Firm”, “Recognised Body”, and “Recognised Sole Practitioner” will need to change to take account of the proposed order, clause 8.2 – definition of “Recognised Body” will also need to change.
SRA Indemnity Rules	See October consultation.	Yes	Rule 3.1 – change in definitions of “Principal” and “Recognised body”; rule 6.1(b) – application to REL practising on or before 31 March 2012 as a sole practitioner.
SRA Compensation Fund Rules	See October consultation.	Yes	Rule 1(1) – definition of “recognised body” has changed.
SRA Intervention Powers (Statutory Trust) Rules	See October consultation.	No	
Discipline and Costs Recovery			
SRA Disciplinary Procedure Rules	See October consultation.	No	
SRA Cost of Investigations Regulations	See October consultation.	Yes	Transitional provision change to amend the definition of “recognised body” – rule 8(2).

Specialist Services			
SRA European Cross-border Practice Rules	See October consultation.	No	
SRA Property Selling Rules	See October consultation.	No	
SRA Financial Services (Scope) Rules	See October consultation.	Yes	Reference to “authorised bodies and recognised sole practitioners” is currently in the preamble. “Recognised sole practitioner” will need to be deleted by use of a transitional provision.
SRA Financial Services (Conduct of Business) Rules	See October consultation.	Yes	Reference to “authorised bodies and recognised sole practitioners” is currently in the preamble. “Recognised sole practitioner” will need to be deleted by use of a transitional provision.