

SOLICITORS REGULATION AUTHORITY

Schedule of delegations

February 2009

The Solicitors Regulation Authority Board

26 The terms of reference of the Solicitors Regulation Authority Board are –

(1) To exercise all monitoring, regulatory, investigative, adjudication, disciplinary, intervention, prosecution, enforcement, civil litigation and cost recovery powers vested in the Society or the Council under –

- (a) the Act;
- (b) the Administration of Justice Act 1985;
- (c) the Courts and Legal Services Act 1990;
- (d) the Access to Justice Act 1999;
- (e) the European Communities (Services of Lawyers) Order 1978; and
- (f) the European Communities (Lawyer's Practice) Regulations 2000

in relation to –

- (a) solicitors;
- (b) unqualified persons acting as solicitors;
- (c) recognised bodies;
- (d) registered European lawyers;
- (e) registered foreign lawyers;
- (f) unqualified or unregistered persons acting as European lawyers;
- (g) person employed or remunerated in connection with the practices of any of those listed in (a) to (f);
- (h) European lawyers providing services under the European Communities (Services of Lawyers) Order 1978;
- (i) managers of recognised bodies ('manager' as defined in Section 207 of the Legal Services Act 2007); and

- (j) persons having, or intending to acquire, interests in recognised bodies ('interest' as defined in Sections 72(3) and 72(6) of the Legal Services Act 2007)
- (2) To deal with all matters relating to the setting of standards for entry into the profession and the education and training of solicitors, including monitoring of training institutions and those providing authorised courses.
- (3) To deal with all matters relating to –
 - (a) the keeping of the Roll;
 - (b) the certification of solicitors;
 - (c) the registration of European and foreign lawyers;
 - (d) the recognition of bodies corporate; and
 - (e) the recognition of European lawyers providing services under the European Communities (Services of Lawyers) Order 1978.
- (4) To deal with all matters relating to the setting and maintenance of ethical, conduct and quality standards (including accreditation schemes and panels) but without prejudice to the operation of voluntary accreditation schemes and panels by any representative part of the Society for –
 - (a) solicitors (whether practising in England and Wales or elsewhere);
 - (b) recognised bodies;
 - (c) registered European lawyers;
 - (d) registered foreign lawyers, and
 - (e) any person employed or remunerated in connection with the practices of those listed in (a) to (d).
- (5) To issue guidance on the interpretation and application of rules and regulations and on matters of professional conduct and standards.
- (6) To deal with all applications for waivers of rules or other dispensations under rules or under statute.
- (7) To deal with all matters relating to practice improvement and client care.

- (8) To deal with all matters relating to professional indemnity for solicitors, including the making, revocation or amendment of indemnity rules under Section 37 of the Act.
- (9) To deal with all matters relating to monitoring, securing or enforcing compliance by the persons mentioned in (1) with requirements imposed by primary or secondary legislation (including rules and regulations) or guidance issued by the Council or the Board.
- (10) To deal with all proceedings before the Solicitors Disciplinary Tribunal, and all litigation arising from such proceedings
- (11) Subject to (15), to make Compensation Fund Rules and to deal with all other matters relating to the Compensation Fund, including the financial management of that Fund.
- (12) To deal with all matters relating to monies held on statutory trust following intervention, including the authorisation of the transfer of funds held on statutory trust to the Compensation Fund subject to rights of subrogation.
- (13) Subject to Regulation 26A, to make, amend and revoke rules, regulations and codes under any primary or secondary legislation (including amending or revoking rules and regulations made by the Council before the coming into effect of this Regulation) and relating to regulatory matters.
- (14) Subject to (11) and (15), to exercise the powers of the Society and of the Council under all primary and secondary legislation on all matters within its terms of reference.
- (15) To set and amend from time to time the level of fees and charges payable by any person or body in relation to the discharge of its functions, with the exception of setting annual contributions and any special levy payable to the Compensation Fund under paragraph 2 of Schedule 2 to the Act.
- (16) To set, implement and review policy on matters within its terms of reference.
- (17) To deal with any actual or forthcoming litigation directly arising from –
 - (a) regulatory or disciplinary decisions in any specific case or class of cases;
 - (b) any legal challenge to the validity of any exercise of its functions under (13); and

(c) any other matter related to the discharge of its functions, unless the Council considers that in the Society's capacity as approved regulator the relevant litigation should be dealt with by the Management Board in accordance with Regulation 23(7).

- (18) To monitor casework decisions made under delegated powers from the Board, with a view to ensuring appropriate quality and consistency, taking account, where applicable, of any relevant policies and guidelines it may set.
- (19) To respond to external consultations on all matters within its terms of reference.
- (20) To liaise as necessary with the Legal Complaints Service Board.
- (21) To deal with casework applications made to the Society which the Chair of the Solicitors Regulation Authority Board (or another designated member in his or her absence) decides are of an unusual or sensitive nature, with power to appoint sub-committees to exercise such functions on its behalf.

Rule-making by the Solicitors Regulation Authority Board

26A(1) Subject to (4) and (6), the Solicitors Regulation Authority Board may exercise the powers in Regulation 26(13) in relation to a particular proposal only if -

- (a) the Board has consulted the Council on the proposal, and on any significant changes to it, in accordance with a protocol to be approved the Council after consultation between the Board and the Management Board;
- (b) the Board is satisfied that –
 - (i) there has been adequate consultation with those bodies and individuals with a legitimate expectation of being consulted on the proposal concerned, and
 - (ii) an appropriate period has been allowed for such consultation to take place;
- (c) an appropriate assessment has been made of the impact of the proposal on those regulated by the Board;
- (d) the Council has not issued a direction under Regulation 19A requiring the proposal not to be implemented.

(2) Subject to (5), the President shall be notified promptly of the text of the rule, amendment or other wording agreed by the Board.

- (3) Where a rule, amendment or other wording requires approval by an external authority, it shall not be submitted to such an authority until not less than seven days (or such lesser period as the President may allow) have elapsed after the date on which the notification to the President of the final wording takes place under (2).
- (4) The Board shall not be required to comply with the procedures set out in (1)(a) and (1)(b) where the Chair of the Board (or in his or her absence the SRA Chief Executive) certifies that there is an urgent need to exercise the powers which makes it impracticable to follow them.
- (5) Any exercise of the powers in a case of urgency in accordance with (4) shall be notified promptly to the President.
- (6) The exercise by the Board of the powers in Regulation 26(13) shall not be invalidated by any irregularity or non-compliance with the procedures set out in (1)(a) and (1)(b) or (1)(c).
- (7) Any function or power of the President under this Regulation may be exercised in his or her absence by the Vice-President, the Deputy Vice-President or the Chief Executive.

This Schedule contains delegations and authorisations by the Board of the Solicitors Regulation Authority. The fact that a particular decision or activity is included or referred to in this Schedule is not an acknowledgment that it requires delegation or authorisation as a matter of law. The Board authorises the staff and managers of the SRA generally to conduct its day-to-day operations, to make decisions and to undertake activities that do not require delegation or authorisation as a matter of law.

CLIENT PROTECTION

Compensation Fund

Indemnity

Interventions

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ANNEX 1 – INDEMNITY DELEGATIONS

CLIENT PROTECTION

Compensation Fund, Claims Management

To make any decision in respect of payment or rejection of claims on the Compensation Fund

Panel of Adjudicators Sub Committee without limit

A single Adjudicator up to a value of £100,000

Any one of: Senior Advisors in Technical Services, Head of Claims Management or Director of Client Protection up to a value of £50,000

Claims/Technical Advisors in Client Protection up to a value of £5,000

To authorise the release of funds in an emergency

A Team Manager in Claims Management and any one of: Senior Advisors in Technical Services, Head of Business Units or Director in Client Protection

To give an undertaking on behalf of the Compensation Fund to return an overpayment from a Statutory Trust Account

A Team Manager in Claims Management or the Head of Claims Management or the Director of Client Protection

Indemnity

To exercise powers relating to waiver applications and to deal with all matters that call for a decision, under the Solicitors' Indemnity Insurance Rules; and to deal with matters which call for a decision under the Qualifying Insurer's Agreement

See Annex 1

To exercise powers relating to waiver applications and determinations, and to deal with all matters that call for a decision, under the Solicitors Indemnity Rules

Heads of Business or above, Client Protection or Standards Directorates (Professional Ethics)

Interventions

To certify a resolution to intervene

Heads of Business in Client Protection or above

Statutory Trusts

To make any Trustee decision in respect of statutory trust monies:

Panel of Adjudicators Sub Committee without limit

A single Adjudicator (not being an Adjudicator who is involved in decisions relating to the Compensation Fund) provided that the distribution scheme does not exceed £1Million

The Director of Client Protection or the Head of Technical Services provided that the distribution scheme for the Statutory Trust Monies does not exceed £50,000 or that any payment to an individual does not exceed that figure

The Manager of Accounts Assessment or the Manager of the Project Team provided that the decision relates only to payment to an individual under a distribution scheme approved under the powers set out above and that such payment does not exceed £25,000

[Examples of trustee decisions exercisable under this power include, but are not limited to the methodology of distribution, the payment of SRA costs from an STA, whether an STA is intact, the distribution of DDA monies]

To decide it is reasonable and proportionate to undertake or not to undertake a course of action in determining potential beneficial entitlements to STA monies;

Panel of Adjudicators Sub Committee without limit

A single Adjudicator

The Director of Client Protection or the Head of Technical Services

The Manager of Accounts Assessment or the manager of the Project Team

The Head of Intervention Services or the Manager of Interventions

Any caseworker in Accounts Assessment or the Project Team

Any Intervention Officer

INFORMATION

To deal with character & suitability assessments, with matters relating to completion of the academic stage of training or with any matter arising from the Training Regulations

Team members or above within the Information Directorate

To deal with all matters concerning the Qualified Lawyer Transfer Regulations.

Team members or above within the Information Directorate

To determine applications for membership of professional accreditation schemes, panels and awards, including the waiving of requirements

Team members or above within the Information Directorate

To revoke membership of professional accreditation schemes, panels and awards

Team members or above within the Information Directorate

To require the provision of additional information in relation to any application

To waive the requirement for a solicitor to complete formal notice of intention to apply for a practising certificate

Team members or above within the Information Directorate

To grant and refuse a practising certificate, to put a condition on a practising certificate, to remove a condition from a practising certificate, to grant or refuse permission required under a condition, to postpone the issue of a practising certificate, to rescind a postponement of the issue of a practising certificate, to grant, refuse and extend authorisation of a solicitor as a recognised sole practitioner, to shorten or dispense with a notice period, and related matters

Team members or above within the Information Directorate

To withdraw, suspend and revoke a practising certificate, to revoke authorisation as a recognised sole practitioner, to reinstate a suspended practising certificate or authorisation, and related matters

Team members or above within the Information Directorate

To deal with solicitors practising uncertificated for a period of up to three months

Team members or above within the Information Directorate

To authorise an accountant's report to be signed other than by a qualified accountant

Team members or above within the Information Directorate

To determine matters relating to accountants' reports

Team members or above within the Information Directorate

To grant extensions relating to the delivery of accountants' reports

Team members or above within the Information Directorate

To exercise all powers relating to the maintenance of the Roll of solicitors, the maintenance of the register of holders of practising certificates, and the issuing of practising certificates

Team members or above within the Information Directorate

To exercise all powers relating to the admission of solicitors including character and suitability assessments.

Team members or above within the Information Directorate

Under regulation 15 of the SRA Practising Regulations and regulation 17 of the SRA Recognised Bodies Regulations, to notify third parties of decisions

Team members or above within the Information Directorate

Foreign & European lawyers

In accordance with the powers under articles 12-14 of the European Communities (Services of Lawyers) Order 1978, to request a person seeking to provide services in the UK to verify his or her status as an EU, EEA or Swiss lawyer or to specify the extent (if any) to which the person is allowed to provide services in the UK pending verification of his or her status to SRA's satisfaction; and to determine whether or not the person has verified his or her status to the SRA's satisfaction.

Team members or above within the Information Directorate

To deal with any matter arising from QLTT Regulations

Team members or above within the Information Directorate

To deal with all matters concerning the registration, the renewal or cancellation of the registration of registered European lawyers, including the imposition or removal of conditions, authorisation as a recognised sole practitioner, and related matters

Team members or above within the Information Directorate

To deal with all matters concerning the registration, the renewal or cancellation of the registration of registered foreign lawyers, including the imposition or removal of conditions, and related matters

Team members or above within the Information Directorate

Recognised bodies

To grant applications for approval of non lawyer managers of recognised bodies, to withdraw approval, and related matters

Team members or above within the Information Directorate

To refuse applications for approval of non lawyer managers of recognised bodies, and related matters

Team members or above within the Information Directorate

To grant applications concerning the status of recognised body, to impose a condition on the recognition of a recognised body, to withdraw a condition, to require information or documentation, to extend and revoke recognition, to shorten or dispense with a notice period, to exercise all powers relating to the maintenance of the register of recognised bodies and the issuing of certificates of recognition, and related matters

Team members or above within the Information Directorate

To refuse applications concerning the status of recognised body, and to defer renewal of recognition, and related matters

Team members or above within the Information Directorate

INSPECTION & INVESTIGATION

To authorise an investigation pursuant to the Solicitors' Accounts Rules, the Solicitors' Code of Conduct or other rules made by the Law Society and/or the SRA from time to time

Director or a Head of Business or an Investigation Manager, Inspection & Investigation, or a Regional Manager

To give notice that the powers of intervention have arisen

Director or a Head of Business or a Senior Adviser

To authorise a monitoring visit

Director or a Head of Business, Inspection & Investigation; or a Regional Manager

To authorise an investment business compliance visit

Director or a Head of Business or an Investment Business Manager, Inspection & Investigation; or a Regional Manager

LEGAL

Adjudication

To exercise all powers contained in General Regulation 26 and all relevant statutory powers where the exercise of such powers requires a casework decision whether at first instance, appeal or review, other than intervention, including the power to rescind decisions taken

Panel of Adjudicators Sub Committee or adjudicators

Under regulation 16 of the SRA Practising Regulations and regulation 16 of the SRA Recognised Bodies Regulations, to reconsider or rescind any decision, and to deal with related matters

To deal with internal appeals under the SRA Practising Regulations and the SRA Recognised Bodies Regulations

Under regulation 15 of the SRA Practising Regulations and regulation 17 of the SRA Recognised Bodies Regulations, to notify third parties of decisions

Panel of Adjudicators Sub Committee or adjudicators

To authorise an intervention

Panel of Adjudicators Sub Committee, save that one adjudicator may do so in cases of urgency

For the purposes of making casework decisions, to appoint the membership of a Panel of Adjudicators Sub Committee and to designate the Chair

Team Leader or above, Board Business

Disciplinary proceedings and other litigation

To authorise and conduct disciplinary proceedings and any other proceedings before the Solicitors Disciplinary Tribunal and to authorise the addition of further allegations

Advocates or legal advisers, or above

To rescind a decision to authorise disciplinary proceedings and any other proceedings before the Solicitors Disciplinary Tribunal.

Head of Legal or above

To authorise, issue, defend and generally conduct any proceedings or proposed proceedings in a court or tribunal, subject to any express requirement that a particular form of proceedings or application may be authorised by the Head of Legal and above or by the Legal Director

Advocates, legal advisers or above

Caseworking staff or above, Intervention Services

Senior advisers or above, Technical Services

To authorise or take preliminary steps in prospective proceedings such as, but not limited to, service of a statutory demand or a pre-action protocol letter.

Advocates, legal advisers or above

Caseworking staff or above, Intervention Services

Senior advisers or above, Technical Services

To authorise prosecution of offences under the Solicitors Act 1974, the Administration of Justice Act 1985 and the Courts and Legal Services Act 1990

Head of Legal or above

To make any decision related to proceedings which they are authorised to conduct including, for the avoidance of doubt, publication (or not) or other disclosure of a referral to the Solicitors Disciplinary Tribunal and/or the basis of such a referral.

Advocates or legal advisers, or above

To decide to give notice pursuant to sections 44B of the Solicitors Act 1974.

Advocates or legal advisers, or above

To decide to give notice pursuant to sections 44BA of the Solicitors Act 1974.

Head of Legal or above

To authorise an application to court pursuant to section 44BB of the Solicitors Act 1974

Legal Director

To give notice that the powers of intervention have arisen
Legal Director

REGULATION RESPONSE

Conduct investigations

To disclose information pursuant to ss 32(4) and 33A(2) of the Solicitors Act 1974 or in the public interest to the police, prosecuting authorities, regulations or those with a legitimate interest in receiving it

Under regulation 15 of the SRA Practising Regulations and regulation 17 of the SRA Recognised Bodies Regulations, to notify third parties of decisions

Immigration Caseworker Consultants or above

Regulatory investigations

To authorise an inspection of accounts

Director or Heads of Business, Regulatory Investigations

Under regulation 15 of the SRA Practising Regulations and regulation 17 of the SRA Recognised Bodies Regulations, to notify third parties of decisions

Under regulation 16 of the SRA Practising Regulations and regulation 16 of the SRA Recognised Bodies Regulations, to reconsider or rescind any decision, and to deal with related matters

Casework/Senior advisers or above, Regulation Response

To grant or refuse practising certificate applications

To postpone the issue of a practising certificate, and to rescind a postponement of the issue of a practising certificate

To impose a condition on a practising certificate

To remove a condition from a practising certificate

To grant or refuse permission required under a condition

To grant, refuse and extend authorisation of a solicitor as a recognised sole practitioner

To grant (subject to conditions or otherwise) or refuse applications for approval of a partnership or of employment pursuant to a practising certificate condition

To grant (subject to conditions or otherwise) or refuse applications for approval of employment under section 41 or section 43 of the Solicitors Act 1974

To withdraw or revoke a practising certificate or the authorisation of a solicitor as a recognised sole practitioner

To suspend a practising certificate or the authorisation of a solicitor as a recognised sole practitioner, and to extend such suspension

To reinstate a suspended practising certificate (subject to conditions or otherwise)

To direct the publication of a condition imposed on a practising certificate

To direct that a condition, or the details of a condition, should not be included in the relevant register and on the individual's practising certificate

To shorten or dispense with a notice period under the SRA Practising Regulations

To exercise equivalent powers in relation to RELs and RFLs

To deal with all related matters

Caseworkers or above, Regulatory Investigations

To grant and refuse applications concerning the status of recognised body, to extend and revoke recognition, to shorten or dispense with a notice period under the SRA Recognised Bodies Regulations, to require information or documentation, to defer renewal of recognition, to impose or withdraw conditions on recognition of a recognised body, to grant or refuse permission required under a condition, and related matters

Caseworkers or above, Regulatory Investigations

To grant and refuse applications for approval of non lawyer managers of recognised bodies, to withdraw approval, and related matters

Caseworkers or above, Regulatory Investigations

To give notice that the powers of intervention have arisen

Casework/Senior Advisers or above, Regulatory Investigations

To determine matters relating to accountants reports

Team Leaders or above, Regulatory Investigations

To rescind decisions taken in Regulatory Investigations

Casework/Senior Advisers and above, Regulatory Investigations

STANDARDS

Ethics

To deal with waivers of requirements of the Code of Conduct, the Solicitors' Recognised Bodies Regulations, the SRA Recognised Bodies Regulations and the Financial Services (Conduct of Business) Rules

Any Policy Executive designated by a Head of Business, Heads of Business or above

To deal with applications for authority to withdraw money from client account

Any Policy Executive designated by a Head of Business, Heads of Business or above

To deal with applications for authority to withhold money from client account

Any Policy Executive designated by a Head of Business; Heads of Business or above

To recognise Certificates of Title under Rule 3 of the Code of Conduct

The Rules & Ethics Committee (Heads of Business, Standards Directorate for non substantive changes)

Education & Training Unit

To deal with character & suitability assessments, with matters relating to completion of the academic stage of training or with any matter arising from the Training Regulations

Under regulation 15 of the SRA Practising Regulations and regulation 17 of the SRA Recognised Bodies Regulations, to notify third parties of decisions

Under regulation 16 of the SRA Practising Regulations and regulation 16 of the SRA Recognised Bodies Regulations, to reconsider or rescind any decision, and to deal with related matters

Senior Assessment Officers or above, Education & Training Unit

To deal with all matters concerning the Qualified Lawyer Transfer Regulations.

Senior Assessment Officers or above, Education & Training Unit

To grant applications for approval of non lawyer managers of recognised bodies
Senior Assessment Officers or above, Education & Training Unit

To refuse applications for approval of non lawyer managers of recognised bodies
Senior Assessment Officers or above, Education & Training Unit

To deal with all matters relating to course providers offering the academic and vocational stages of training
Validation and Monitoring Team Manager or above, Education & Training Unit

To determine applications for membership of professional accreditation schemes, panels and awards, including the waiving of requirements
Senior Assessment Officers or above, Education & Training Unit

To revoke membership of professional accreditation schemes, panels and awards
Senior Assessment Officers or above, Education & Training Unit

To exercise all powers relating to the admission of solicitors including character and suitability assessments
Senior Assessment Officers or above, Education & Training Unit

To require the provision of additional information in relation to any application
Senior Assessment Officers or above, Education & Training Unit

GENERAL

All powers not reserved to adjudicators
Chief Executive

Power to make findings of misconduct, to issue warnings, and to make associated costs orders under s44C of the Solicitors Act 1974, paragraph 14A of Schedule 2 to the Administration of Justice Act 1985 and the Cost of Investigations regulations
Heads of Business or above

Power to direct a reconsideration
Under regulation 16 of the SRA Practising Regulations and regulation 16 of the SRA Recognised Bodies Regulations, to reconsider or rescind any decision, and to deal with related matters
Directors or above

To give notice and intervene in complaints of undue delay
Casework/senior advisers or above; or authorised fee earners in outsourcing firms

To give notice to a person requiring the production or delivery of documents pursuant to s.44B of the Solicitors Act 1974 and paragraph 14 of Schedule 2 to the Administration of Justice Act 1985, and requiring a person to provide an explanation under s44BA of the Solicitors Act 1974.
Casework/Senior Advisers or above; Heads of Business or above

To vest a discretion in the issue of a solicitor's next practising certificate
Casework/Senior Advisers or above; Heads of Business or above

To invite an explanation under warning
Caseworkers or above; authorised fee earners in outsourcing firms

To authorise the referral of a matter to the Office of Fair Trading, pursuant to s25 of the Consumer Credit Act 1975 (fitness concerns)
Casework/Senior Advisers and above

To disclose information to those with a legitimate interest in receiving it
Under regulation 15 of the SRA Practising Regulations and regulation 17 of the SRA Recognised Bodies Regulations, to notify third parties of decisions

Heads of Business or above

To authorise inspection of a file in proceedings in bankruptcy pursuant to section 83 of the Solicitors Act 1974

Directors and Heads of Business Legal, Client Protection and Regulation Response

To oppose admissions

Directors or above

To authorise a regulatory settlement or issue agreement

Directors or above; or a casework adviser or senior adviser and an advocate/legal adviser if endorsed by a Head of Business

To issue, defend and generally conduct any proceedings in a court or tribunal (and to take any preliminary steps such as the service of a statutory demand in bankruptcy) on behalf of the Society or the Compensation Fund

Caseworking staff or above, Legal and Client Protection Directorates

To specify arrangements for a Sensitive Cases Review Panel

Board Chair

For the avoidance of doubt and without prejudice to the delegations, authorisations and practices within appropriate directorates, to authorise an investigation, including, but not limited to those pursuant to the Solicitors' Accounts Rules, the Solicitors' Code of Conduct or other rules made by the Law Society and/or the SRA from time to time.

Directors or above

FORMS

To approve forms and other documentation not otherwise specifically delegated
Heads of Business or above

Solicitors' Indemnity Insurance Rules

Rule no.	Detail of delegation	To whom delegated	Appeal
3.1	<p>“ARP manager”</p> <p>Power to appoint the assigned risk pool manager</p>	Financial Protection Committee	No appeal
3.1	<p>“Eligible Firm”</p> <p>The power to give written approval for a firm, which has been in the assigned risk pool for 24 months or more of the preceding 60 months, to remain an “eligible firm”.</p> <p>The power to determine that a firm is not an “eligible firm” by reason of it being treated as one single firm with one or more other firms already in the assigned risk pool for the purposes of Rule 12.5 or Rule 12.6.</p>	Heads of Business Units and above within Client Protection Directorate and Standards Directorate (Professional Ethics)	Panel of Adjudicators Sub Committee
3.1	<p>Functions falling outside the definition “private practice”</p> <p>The Council has the power to determine functions which fall outside of “private practice”.</p>	Heads of Business Units and above within Client Protection Directorate and Standards Directorate (Professional Ethics)	Panel of Adjudicators Sub Committee
3.1	<p>“Qualifying Insurer”</p> <p>Signing of agreements with qualifying insurers</p>	Heads of Business Units and above within Client Protection Directorate and Standards Directorate (Professional Ethics)	No appeal

3.1	“Qualifying Insurer’s Agreement” Content of the qualifying insurer’s agreement.	Financial Protection Committee	No appeal
3.1	“Special Measures” The power of the Council to determine the measures necessary to reduce the risk of claims made against a firm in the future or with a view to enabling a firm in the future to obtain qualifying insurance outside the assigned risk pool.	Heads of Business Units and above within Client Protection Directorate and Standards Directorate (Professional Ethics)	Panel of Adjudicators Sub Committee
Rule no.	Detail of delegation	To whom delegated	Appeal
7	Monitoring The power to require information and evidence as the Council may reasonably require to satisfy itself that a firm has in place qualifying insurance.	All staff within all directorates.	Panel of Adjudicators Sub Committee
10.5 10.6 10.7	Applying to the Assigned Risks Pool The power to approve the proposal form for application to the assigned risks pool	Heads of Business Units and above within Client Protection Directorate and Standards Directorate (Professional Ethics)	Panel of Adjudicators Sub Committee
10.10	Proof of Fresh of Application The power to determine whether an application has been made in the relevant time	Heads of Business Units and above within Client Protection Directorate and Standards Directorate (Professional Ethics)	Panel of Adjudicators Sub Committee

11.2	<p>Investigation and Monitoring</p> <p>Power to request such information as necessary to determine the reasons why qualifying insurance outside the assigned risk pool was not obtained and also to ascertain what special measures should be taken by the firm.</p>	<p>All staff within Regulation Response Directorate; Heads of Business Units and above within Client Protection Directorate and Standards Directorate (Professional Ethics)</p>	<p>Panel of Adjudicators Sub Committee</p>
11.2	<p>Costs and Expenses</p> <p>Setting of the basis of costs and expenses.</p> <p>Amount of the costs and expenses for each visit</p> <p>This delegation is granted on the condition that the Head of Forensic Investigations reports to the Committee on its first three months of operation of monitoring and investigation for the ARP. Following this report the Forensic Investigations Unit should prepare an annual report for the Committee or at more frequent intervals if the Committee demands.</p>	<p>Financial Protection Committee</p> <p>Heads of Business Units and above within Regulation Response Directorate</p>	<p>No appeal</p> <p>No appeal</p>

Rule no.	Detail of delegation	To whom delegated	Appeal
12.3	<p>Determination of a dispute</p> <p>The Council has the power to determine whether a genuine dispute exists between a firm and qualifying insurer or assigned risks pool manager which makes it unreasonable for the firm to be deemed to be in default.</p>	<p>Heads of Business Units and above within Client Protection Directorate and Standards Directorate (Professional Ethics)</p>	<p>Panel of Adjudicators Sub Committee</p>
12.5	<p>Determination of “successor firms” as being “single firm”</p> <p>The discretion to treat successor firms or any of them and the original firm as being a single firm for the purposes of determining whether the successor firms or any of them remain an “eligible firm”.</p>	<p>Heads of Business Units and above within Client Protection Directorate and Standards Directorate (Professional Ethics)</p>	<p>Panel of Adjudicators Sub Committee</p>
12.6	<p>Determination of “eligible firm” where a practice merges</p> <p>The discretion to treat “successor firm” where there has been a merger, an acquisition or absorption as being an “eligible firm” for the purposes of the rules.</p>	<p>Heads of Business Units and above within Client Protection Directorate and Standards Directorate (Professional Ethics)</p>	<p>Panel of Adjudicators Sub Committee</p>
12.7	<p>Approval to remain in or re-enter the assigned risks pool</p> <p>Permission to be admitted, re-enter or remain in the Assigned Risks Pool</p> <p>The power of the Council to permit a firm to be admitted into, remain in or re-enter the ARP where there is a policy default on such terms and conditions as the Council may prescribe.</p>	<p>Heads of Business Units and above within Client Protection Directorate and Standards Directorate (Professional Ethics)</p>	<p>Panel of Adjudicators Sub Committee</p>

13	Discharge of default and run-off premium Determination of the period over which the ARP default and run off premium can be discharged.	Heads of Business Units and above within Client Protection Directorate and Standards Directorate (Professional Ethics)	Panel of Adjudicators Sub Committee
Rule no.	Detail of delegation	To whom delegated	Appeal
15.2	Reclaiming of Claim and Defence costs The entitlement of the Society to recover all amounts paid in or towards the discharge of a claim and Defence costs.	Heads of Business Units and above within Client Protection Directorate and Standards Directorate (Professional Ethics)	No appeal
17.4	Information from Qualifying Insurer or Assigned Risks Pool Manager	All staff within all directorates	Panel of Adjudicators Sub Committee
17.5	Disclosure of a Firm's Qualifying Insurer The Law Society has discretion to disclose the identity of a firm's Qualifying Insurer to any person entitled to that information.	All staff within the Client Protection Policy Unit; Heads of Business Units and above within Client Protection Directorate and Standards Directorate (Professional Ethics)	No appeal

19.1	Rule Waiver Ability to exercise waivers in accordance with the waiver policy as agreed by the Financial Protection Committee from time to time	Heads of Business Units and above within Client Protection Directorate and Standards Directorate (Professional Ethics)	Panel of Adjudicators Sub Committee
19.2	Determining compliance with the Rules for the purposes of the Solicitors Act The Council has the discretion to treat non-compliance as complying with any rule or rules for the purposes of the Solicitors Act 1974. Rule 17.1 places an obligation on the assigned risks pool manger and qualifying insurers to notify the Society of failure to pay premium, dishonesty or fraud, or material inaccuracy in the proposal form or any other matter entitling the insurer to repudiate the policy. In the following cases delegated staff within the Information Directorate may treat the non compliance as satisfying the rules for the purpose of issuing a practising certificate pursuant to section 10 of Solicitors Act 1974. <ul style="list-style-type: none"> • Where a waiver application has been made to the Society • Agreement made with insurers to pay outstanding premium • Any other circumstances from time to time determined by the sub committee For all other issues the delegation will be operated by the office, other than Information Directorate staff.	Heads of Business Units and above within Client Protection Directorate, Information Directorate and Standards Directorate (Professional Ethics)	
Clause no.	Detail of delegation	To whom delegated	Appeal
App 1 Clause 4.10	Appendix 1 clause 4.10 Clause 4.10 of the minimum terms and conditions allows the	Heads of Business Units and above within Client	Panel of

	Society to direct an insurer to conduct any claim, advance defence costs and, if appropriate, compromise and pay any claim.	Protection Directorate and Standards Directorate (Professional Ethics)	Adjudicators Sub Committee
App 3	<p>Registered European Lawyers</p> <p>Power to determine whether a registered European lawyer has insurance which is equivalent or partially equivalent in meeting the Minimum Terms and Conditions.</p> <p>In cases where partial equivalence is established the power to determine any additional professional indemnity insurance to ensure equivalence with the Minimum Terms and Conditions.</p> <p>In determining equivalence the office may obtain external expert opinion.</p>	Heads of Business Units and above within Client Protection Directorate and Standards Directorate (Professional Ethics)	

Qualifying Insurer's Agreement

Clause no.	Detail of delegation	To whom delegated	Appeal
QIA Clause 5	<p>Variation</p> <p>The Law Society may vary the terms of the Qualifying Insurer's Agreement in accordance with clause 5.</p>	Financial Protection Committee	Not Applicable
QIA Clause 11	<p>Term</p> <p>Under clause 11 the Law Society may give notice in writing to a Qualifying Insurer terminating the Insurer's right to issue policies complying with the Minimum Terms.</p>	Heads of Business Units and above within Client Protection Directorate and Standards Directorate (Professional Ethics)	Not Applicable

<p>QIA Clause s 12 and 13</p>	<p>Disputes as to insurer</p> <p>Other disputes and resolution</p> <p>In the event of any dispute arising as to whether a claim is or would be properly payable by an insurer, the dispute can be referred to arbitration under clause 13. The Society may require the insurer to provide reasonable information in relation to any claim, and may direct the insurer or ARP manager to conduct the claim.</p>	<p>Heads of Business Units and above within Client Protection Directorate and Standards Directorate (Professional Ethics)</p>	<p>Panel of Adjudicators Sub Committee</p>
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