

SRA Authorisation of Individuals Regulations

Introduction

These regulations set out the SRA's requirements relating to the authorisation of individuals as solicitors in terms of admission, and the issuing of practising certificates and the registration of individuals as a REL or RFL. They set out the effect of SRA authorisation on how an individual may practise, the requirements for and how the SRA will decide applications for authorisation, the conditions that apply during authorisation, and how authorisation may be revoked.

If you are unsure whether you are eligible for authorisation, or need to be authorised, please see our guidance [link].

They also set out the education and training requirements in place for those seeking to be admitted as solicitors, and to exercise higher rights of audience in the higher courts of England and Wales. Education and training underpins the regulation of solicitors and it seeks to ensure the development of competent and ethical practitioners.

The regulations also govern the qualification process for solicitors and barristers or other UK qualified lawyers seeking admission as a solicitor of England and Wales from another jurisdiction.

PART 1 – ADMISSION AS A SOLICITOR

Eligibility for admission

[note: the SQE provisions will form regulations 1.1 to 3.3. They will be made before the rest of these regulations but will not come into force until later]

- 1.1 You will be eligible for admission as a **solicitor** if the **SRA** is satisfied:
- (a) you have successfully and satisfactorily passed an assessment which is designed to assess your competence against the **prescribed** competences for **solicitors** and is conducted by an assessment organisation appointed by the **SRA** for the purpose;
 - (b) you hold a **degree** or qualifications or experience which the **SRA** is satisfied are equivalent to a **degree**;
 - (c) you have completed qualifying work experience which meets the requirements of regulation 2; and
 - (d) as to your **character and suitability** to be a **solicitor**.

Qualifying work experience

2.1 Qualifying work experience must:

- (a) comprise experience of providing legal services which provides you the opportunity to develop the **prescribed** competences for **solicitors**;
- (b) be of a duration of a total of at least two years' full time or equivalent; and
- (c) be carried out under an arrangement or employment with no more than four separate firms, educational institutions or other organisations.

2.2 In respect of each organisation under regulation 2.1(c) above, you must arrange for confirmation in the **prescribed** form of the period of work experience carried out and that it provided you with the opportunity to develop some or all of the **prescribed** competences for **solicitors**, to be given by:

- (a) the organisation's **COLP**;
- (b) a **solicitor** working within the organisation; or
- (c) if neither (a) or (b) are applicable, a **solicitor**.

Eligibility for admission of qualified lawyers and part-qualified lawyers

3.1 You will be eligible for admission as a **solicitor** if the **SRA** is satisfied:

- (a) you hold a legal professional qualification that is recognised by the **SRA**, which confers rights to practise in England and Wales or in an **overseas** jurisdiction; and
- (b) subject to regulation 3.2, you meet the criteria in regulation 1.1(a), (b) and (d).

3.2 If you hold a qualification recognised under regulation 3.1(a) and the **SRA** is satisfied that your qualifications or experience demonstrate that you meet some or all of the **prescribed** competences, the **SRA** may decide you are not required to pass the assessment under regulation 1.1(a) or such parts of it as it considers appropriate.

3.3 If you are:

- (a) a national of an EU member state; or
- (b) part-qualified as a legal professional under the rules of an EU Member State other than the **UK**; and

the **SRA** is satisfied that your qualifications or experience demonstrate that you meet some or all of the **prescribed** competences, the **SRA** may decide you are not required to:

- (i) pass the assessment under regulation 1.1(a) or such parts of it as the **SRA** considers appropriate; or

- (ii) complete all or part of the period of qualified work experience under regulation 1.1(c).

[Note; From here to Regulation 3F.4, will fall away when the SQE is implemented and the transitional period has ended]

Eligibility requirements

3A.1 You will be eligible for admission as a **solicitor** if the **SRA** is satisfied:

- (a) you have successfully and satisfactorily completed:
 - (i) an apprenticeship leading to qualification as a **solicitor**; or
 - (ii) the **academic stage of training** and the **vocational stage of training**, and
- (b) as to your **character and suitability** to be a **solicitor**.

3A.2 The **SRA** may decide that it is satisfied that you have completed all or any part of the **academic stage of training** or the **vocational stage of training** by equivalent means.

Apprenticeships

3B.1 To complete an apprenticeship for the purposes of 3A.1(a)(i), you must meet the requirements set out in the assessment plan for the Apprenticeship Standard for a Solicitor (England) approved by the Department for Business, Innovation and Skills or set out in the Apprenticeship Framework specified in the Level 7 Higher Apprenticeship in Legal Practice (Wales). This must include successfully passing an assessment, which the **SRA** either conducts or approves as suitable for the purpose of admission as a **solicitor**.

3B.2 If at any time the **SRA** is not satisfied that you have successfully and satisfactorily completed an apprenticeship it may:

- (a) refuse to recognise all or any part of that apprenticeship; or
- (b) require you to take certain steps or undertake further training, subject to such conditions as it considers appropriate.

Academic stage

- 3C.1 Your eligibility to commence the *academic stage of training* will be determined according to the requirements, which may be approved by the **SRA**, of the relevant *approved education provider*.
- 3C.2 You may be entitled to credit for prior certified or experiential learning which may entitle you to exemption from assessment in some subjects required by the **Joint Statement**. You must make any application for credit for prior learning to the *approved education provider*.

Vocational stage

- 3D.1 Your eligibility to commence the Legal Practice Course will be determined according to the requirements, approved by the **SRA**, of the relevant *authorised education provider*.
- 3D.2 Subject to regulation 3A.2, to complete the *vocational stage of training* you must complete:
- (a) the Legal Practice Course;
 - (b) a *period of recognised training*; and
 - (c) the Professional Skills Course.

Recognised training

- 3E.1 In order to satisfactorily complete your *period of recognised training*, you must maintain a *record of training* which:
- (a) contains details of the work you have performed;
 - (b) records how you have applied and developed the skills as set out in the *Practice Skills Standards*;
 - (c) records your reflections on, and your *training principal's* appraisal of, your performance and development against and your attainment of the skills set out in the *Practice Skills Standards*; and
 - (d) is verified by the individual supervising you.
- 3E.2 If at any time the **SRA** is not satisfied that you have received, or are receiving, training that meets regulation 3E.1 above and regulation 4.1 of the SRA Education, Training and Assessment Provider Regulations, the **SRA** may:

- (a) refuse to recognise all or any part of that training;
- (b) require you to take certain steps or undertake further training, subject to such conditions as it considers appropriate.

Admission of qualified lawyers

3F.1 Subject to regulation 3G below, you will be eligible for admission as a *solicitor* if the *SRA* is satisfied that you are:

- (a)
 - (i) a *barrister*; or
 - (ii) a qualified lawyer in a *recognised jurisdiction* and you:
 - (A) have followed the full route to qualification in the *recognised jurisdiction*; and
 - (B) are entitled to practise as a qualified lawyer of the *recognised jurisdiction*;
- (b) of the *character and suitability* to be admitted as a *solicitor*; and
- (c) have passed all relevant Qualified Lawyers Transfer Scheme assessments in accordance with this regulation.

3F.2 Unless regulation 3F.3 or 3F.4 applies, you must pass all the Qualified Lawyers Transfer Scheme assessments.

3F.3 If you are:

- (a) apply for admission pursuant to European Communities Directive 2005/36/EC or any legislation implementing the Directive in the *UK*; or
- (b) a solicitor or barrister qualified in Northern Ireland; or
- (c) a solicitor or advocate qualified in Scotland; or
- (d) a *barrister*

you will be required to pass such of the Qualified Lawyers Transfer Scheme assessments as may be specified by the *SRA*.

3F.4 If you have passed the Legal Practice Course, the *SRA* may grant you an exemption from the multiple choice test of the Qualified Lawyers Transfer Scheme assessments.

Establishment Directive

3G.1 If you are an *REL*, you will be eligible for admission as a *solicitor* under Part V of the European Communities (Lawyer's Practice) Regulations 2000 or an equivalent legislation implementing the *Establishment Directive* in the *UK*, if:

- (a) you satisfy the requirements of those regulations or that legislation; and
- (b) the *SRA* is satisfied as to your *character and suitability* to be a *solicitor*.

Admission, retention, removal and restoration to the roll

Application for admission

- 4.1. The *SRA* will issue you with a certificate of satisfaction if it is satisfied that you have met the eligibility requirements for admission as a *solicitor* set out in this Part.
- 4.2. As soon as reasonably practicable after the *SRA* has issued a certificate of satisfaction, you will be admitted as a *solicitor* and your name entered on the roll, unless the *SRA* receives information in writing that it is satisfied demonstrates that you should not be admitted. If so, the *SRA* will give you written notice, providing you with the information it has received, and the opportunity to provide written representations within the period of 28 days from the date of the notice, following which it may decide not to admit you as a *solicitor*.

Retention

- 4.3. If you are a *solicitor*, the *SRA* will write to you at the last notified version of your postal or email address, to ask you whether you wish your name to remain on the roll, at appropriate intervals as *prescribed* if you do not hold a practising certificate.
- 4.4. If, following an enquiry under regulation 4.3, you wish your name to remain on the roll, you shall be required to pay such fee as may be *prescribed* in regulations.

Removal from and restoration to the roll

- 4.5. The *SRA* may remove your name from the roll if:
 - (a) following an enquiry made by the *SRA* under regulation 4.3:
 - (i) you tell the *SRA* that you do not wish to remain on the roll,
 - (ii) you do not, within eight weeks from the date of the notice, reply to the *SRA* and pay the fee specified under regulation 4.4, or
 - (b) you apply to have your name removed from the roll.

- 4.6 Where 4.5(a) (ii) applies, the **SRA** must not remove your name from the roll until it has given notice to you that it intends to do so.
- 4.7 The **SRA** shall remove your name from the roll on your death.
- 4.8 If your name has been removed from the roll, you may apply to the **SRA** for your name to be restored to the roll and the **SRA** may, if it considers it appropriate to do so, assess your **character and suitability** to be a **solicitor**.
- 4.9 The **SRA** may decide not to remove your name from or restore your name to the roll under this regulation if you are subject to any proceedings, investigation or consideration of your conduct or practice by the **SRA**. The **SRA** must not remove your name from, or restore your name to, the roll if you are the subject of disciplinary proceedings (either in progress or pending) before the senior **courts** or the **Tribunal**.

PART 2 – PRACTISING CERTIFICATES FOR SOLICITORS AND REGISTRATION AS A EUROPEAN OR FOREIGN LAWYER

Eligibility requirements

- 5.1 The **SRA** shall only grant an application for a practising certificate, or registration in the **register of European lawyers** or the **register of foreign lawyers** if you meet the eligibility requirements in this regulation.
- 5.2 You will be eligible to apply for a practising certificate if:
- (a) your name is on the roll; and
 - (b) you are not suspended from practice as a **solicitor**.
- 5.3 You will be eligible for registration in the **register of European lawyers** if:
- (a) you are a European lawyer as defined in the European Communities (Lawyer's Practice) Regulations 2000, who is not a barrister of the Republic of Ireland;
 - (b) you intend to commence practice under your home professional title on a permanent basis in England and Wales or Northern Ireland, and are legally entitled to do so;
 - (c) you have provided the **SRA** with a certificate which is no more than three months old, confirming your registration with the competent authority in your home Member State under whose home professional title you intend to practise;

- (d) you are not struck off or suspended from the *register*, or subject to a direction from the *Tribunal* prohibiting your restoration to the *register*, and
- (e) the *SRA* is satisfied as to your *character and suitability* to be an *REL*.

5.4 You will be eligible for registration in the *register of foreign lawyers* if:

- (a) you are a *foreign lawyer* of a legal profession which the *SRA* is satisfied is so regulated as to make it appropriate for members of that profession to be *managers of recognised bodies*;
- (b) you are not struck off or suspended from the *register*, or subject to a direction from the *Tribunal* prohibiting your restoration to the *register*; and
- (c) the *SRA* is satisfied as to your *character and suitability* to be an *RFL*.

Determination of applications

6.1 If the *SRA* considers it to be in the public interest to do so, it must:

- (a) refuse your application for a practising certificate, or your application for registration, or renewal of registration, in the *register of European lawyers* or the *register of foreign lawyers*; or
- (b) at any time, whether on grant of such an application or at the end of a period of suspension of a practising certificate or registration, or otherwise, impose such conditions on your certificate or registration as it thinks fit in accordance with regulation 6.2.

6.2 If the *SRA* is satisfied that you:

- (a) are unsuitable to undertake certain activities or engage in certain business or practising arrangements;
- (b) are putting, or are likely to put, at risk the interests of *clients*, third parties or the public;
- (c) will not comply with our *regulatory arrangements* or require monitoring of compliance with the *SRA's regulatory arrangements*; or
- (d) should take specified steps conducive to the *regulatory objectives*,

the *SRA* may impose conditions which may:

- (i) specify certain requirements that must be met or steps that must be taken,

- (ii) restrict the carrying on of particular activities or holding of particular roles, or
 - (iii) prohibit the taking of specified steps without its approval.
- 6.3 A condition is effective from the date on which it is imposed, or such later date as may be specified by the **SRA**.
- 6.4 If the **SRA** issues you with a practising certificate or registers you, or renews your registration, in the **register of European lawyers** or the **register of foreign lawyers**, you must pay the **prescribed** regulatory fee.

Commencement, replacement and renewal

- 7.1 The commencement date for a practising certificate or for registration in the **register of European lawyers** or **register of foreign lawyers** shall be the date specified by the **SRA** on the practising certificate or the register.
- 7.2 The replacement date for a practising certificate is 31 October following the issue of the certificate.
- 7.3 The renewal date for registration in the **register of European lawyers** or **register of foreign lawyers** is the first 31 October following initial registration, and 31 October in each successive year.

Revocation and expiry

- 7.4 The **SRA** may revoke a practising certificate, or withdraw registration in the **register of European lawyers** or the **register of foreign lawyers**, at any time, if the **SRA** is satisfied:
- (a) that the practising certificate or registration was granted or renewed as a result of error or fraud;
 - (b) that the replacement or renewal date has passed and an application has not been made for replacement of the practising certificate or renewal of the registration;
 - (c) that the **solicitor, REL** or **RFL** has failed to pay the **prescribed** fee required under regulation 6.4;
 - (d) subject to regulation 7.6(c), in the case of a **REL** or **RFL** that the eligibility requirements under regulation 5.3 and 5.4 are no longer met.
- 7.5 The **SRA** shall revoke a practising certificate, or withdraw registration on the application of the person concerned unless the applicant is subject to any

proceedings, investigation, or consideration of their conduct or practice by the **SRA** or the **Tribunal**.

7.6 A practising certificate or registration will expire:

- (a) on the death of the **solicitor, REL** or **RFL**;
- (b) if a **solicitor, REL** or **RFL** is removed from, or struck off, the roll or **register** or their registration is withdrawn;
- (c) if the **REL** or **RFL** is no longer eligible for registration under 5.3(a) or 5.4(a) respectively;
- (d) in the case of a practising certificate, when the **SRA** issues a replacement certificate;
- (e) in the case of a practising certificate which is suspended, on its replacement date, or if the replacement date has passed, 14 days after the suspension took effect; or
- (f) in the case of a registration which is suspended, on its next renewal date, or if a suspension takes effect after a renewal date but before renewal has been granted in respect of that renewal date, 14 days after the suspension took effect.

Effect of authorisation and conditions of practice

General conditions

8.1 As a **solicitor, REL** or **RFL** you must not be a **manager, employee, member** or **interest holder** of a business that:

- (a) has a name which includes the word "solicitors"; or
- (b) describes its work in a way that suggests it is a **solicitors' firm**;

unless it is an **authorised body**.

8.2 If you are a **solicitor** who holds a practising certificate, an **REL** or **RFL**, you must complete and deliver to the **SRA** an annual return in the form **prescribed**.

What authorisation entitles you to do

Reserved legal activities

- 9.1 Subject to regulations 9.2 to 9.8, if you are a **solicitor** with a current practising certificate, or a **REL**, you are entitled to carry on all **reserved legal activities** except notarial activities.
- 9.2 If you are a **REL** you may only exercise a right of audience before a **court**, conduct litigation or prepare **court** documents, in conjunction with a **solicitor** or **barrister** who is authorised to do so.
- 9.3 If you are a **REL** you may only:
- (a) prepare instruments for remuneration creating or transferring an interest in land, and lodge documents relating to a transfer or charge of land, if you have a home professional title listed under Regulation 12 of the European Communities (Lawyer's Practice) Regulations 2000;
 - (b) carry on probate activities for remuneration if you have a home professional title listed under Regulation 13 of the European Communities (Lawyer's Practice) Regulations 2000.
- 9.4 If you are a **RFL** you may only:
- (a) undertake advocacy in chambers in England and Wales under instructions given by a person who is authorised to do so;
 - (b) under the direction and supervision of a person qualified to supervise you:
 - (i) prepare **court** documents;
 - (ii) prepare instruments and the lodging of documents relating to the transfer or charge of land;
 - (iii) prepare papers on which to found or oppose a grant of probate or a grant of letters of administration;
 - (iv) prepare trust deeds disposing of capital if you also are eligible to act as a **lawyer of England and Wales**;
 - (c) in relation to immigration work:
 - (i) undertake advocacy before immigration tribunals;

- (ii) have conduct of, and prepare documents for, immigration tribunal proceedings.

Immigration work

- 9.5 A *solicitor*, *REL* or *RFL* may undertake *immigration work*, provided that such work is undertaken through a body authorised to carry on *reserved legal activities*, or (only if the work does not comprise *reserved legal activities*) through a body regulated by the Office of the Immigration Services Commissioner.

Claims management Services

- 9.6 A *solicitor*, *REL* or *RFL* may provide *claims management services*, provided that such work is undertaken through a body authorised to carry on *reserved legal activities*, or, if the work does not comprise *reserved legal activities*:
- (a) through a body which is regulated by the Claims Management Regulator or which is exempt under the Compensation Act 2006 other than under paragraph 4 of the Compensation (Exemptions) Order 2007; or
 - (b) as otherwise permitted under section 4 of the Compensation Act 2006.

Financial services activities

- 9.7 A *solicitor*, *REL* or *RFL* may carry on *regulated financial services activities* under the SRA Financial Services (Scope) Rules, provided that such activities are undertaken through an *authorised body*.

Higher rights of audience

- 9.8 If you are a *solicitor* or *REL*, you may exercise civil or criminal advocacy in the *higher courts*, if the *SRA* is satisfied you have successfully and satisfactorily completed the appropriate *higher courts advocacy qualification*, or you are:
- (a) an *REL* or *lawyer* to whom Directive 2005/36 applies and you have applied for a qualification to exercise rights of audience in the *higher courts*, and you have undertaken any further steps as the *SRA* specifies in order to gain the qualification; or
 - (b) authorised by another *approved regulator* to exercise civil or criminal advocacy in the *higher courts*.

Commencement, revocation and transitional provisions

- 10.1 Regulations 1.1 to 3.4 come into force on a date to be determined in an order made by the *SRA* Board.

- 10.2 Subject to regulations 10.3 to 10.6, regulations 3A.1 to 3F.4 shall be revoked on the date determined in accordance with regulation 10.1.
- 10.3 Regulations 3A.1 to 3E.2 shall continue to have effect, in respect of those individuals falling within regulation 10.4, and for the purposes of regulation 10.5, until 31 December in the year of the eleventh anniversary of the date determined in accordance with regulation 10.1.
- 10.4 Regulation 10.3 applies to any individual who has, at the date determined in accordance with regulation 10.1, started, or who has entered into a contractual agreement or made a non-refundable financial commitment to start, any of the following:
- (a) a Qualifying Law Degree;
 - (b) a *CPE*;
 - (c) an *Exempting Law Degree*;
 - (d) an *Integrated Course*;
 - (e) the Legal Practice Course; or
 - (f) a *period of recognised training*,
- and has not yet been admitted as a *solicitor*.
- 10.5 An individual who falls within regulation 10.4 will be eligible to be admitted as a *solicitor* under either regulations 3A.1 to 3E.2, or under regulations 1.1 to 3.3.
- 10.6 Where an individual has made an application for admission on the basis of eligibility under either regulation 3A or regulation 3F, and it has not been determined at the point those regulations are revoked (and any continuation under regulation 10.3 has come to an end), then the application shall continue to be determined under those regulations as if they were still in force.

Supplemental notes

Made by the SRA Board on [date]

Made under sections [2, 13, 13ZA, 28, 31, 79, and 80] of the Solicitors Act 1974, [sections 9 and 9A] of the Administration of Justice Act 1985, and [paragraphs 2 and 3 of Schedule 14] to the Courts and Legal Services Act 1990.

Approved by the Legal Services Board under paragraph 19 of Schedule 4 to the Legal Services Act 2007, on [date]

Commencing on [date] and replacing the SRA Practice Framework Rules 2011, SRA Authorisation Rules 2011, SRA Practising Regulations 2011, SRA Solicitors Keeping of the Roll Regulations 2011, SRA Training Regulations 2014 - Qualification and Provider Regulations, SRA Admission Regulations 2011, SRA Transfer of Qualified Lawyers Transfer Scheme Regulations 2011 and SRA Higher Rights of Audience Regulations 2011.