

Proposed amendments to the Standards and Regulations

Text to be added is shown underlined and text to be deleted is shown in strikethrough.

Amendments to the SRA Authorisation of Individuals Regulations

10.2 If you otherwise would be, you will not be regarded as acting as a *sole practitioner* and you will not therefore need to be authorised as a *recognised sole practice* if:

- (a) your practice consists entirely of carrying on activities which are not *reserved legal activities*; ~~or~~
- (b) any *reserved legal activities* you carry on are provided through an *authorised body* or an *authorised non-SRA firm*, or in circumstances in which you:
 - (i) have practised as a *solicitor* or an *REL* for a minimum of three years since admission or registration;
 - (ii) are self-employed and practise in your own name, and not through a trading name or service company;
 - (iii) do not employ anyone in connection with the services that you provide;
 - (iv) are engaged directly by the *client* with your *fees* payable directly to you;
 - (v) have a practising address in the *UK*;
 - (vi) take out and maintain indemnity insurance that provides adequate and appropriate cover in respect of the services that you provide or have provided, whether or not they comprise *reserved legal activities*, taking into account any alternative arrangements you or your *clients* may make; and
 - (vii) do not hold *client money*, save that you may hold money which falls within the category of *client money* set out in rule 2.1(d) of the SRA Accounts Rules so long as:

- (A) any money held for *disbursements* relates to costs or expenses incurred by you on behalf of your *client* and for which you are liable; and
- (B) you have informed your *client* in advance of where and how the money will be held; or
- (C) the only *reserved legal activity* undertaken by you when practising on your own is administering oaths or statutory declarations and you meet the following conditions:
 - (i) you do not charge a fee for administering oaths or statutory declarations other than the statutory fee; and
 - (ii) you do not provide the services of administering oaths or statutory declarations by way of business.

and you choose for your practice not to be authorised as a *recognised sole practice*.

Amendments to the SRA Roll, Register and Publication Regulations

Information in respect of individuals

- 2.1 The roll, and the registers in regulation 1.1(b) to (d) shall contain the following information in respect of each individual included in the same:
- (a) their full name;
 - (b) their authorisation number;
 - (c) the date of their admission as a *solicitor* or commencement of their registration, as appropriate;
 - (d) in respect of *solicitors* that hold a current practising certificate, the fact that they do so and the commencement date of the certificate;
 - (e) in respect of *solicitors* whose practising certificate has expired, the expiry date;
 - (f) their main practising address;
 - (g) the name of all organisations through which they practise, and whether the organisation is authorised by the *SRA*, by another *approved regulator*, or is not authorised under the *LSA*. If they are not practising through an organisation, the fact that this is the case, and subject to regulation 2.2, whether they are practising in accordance with regulation 10.2(a) of the SRA Authorisation of Individuals Regulations or in the circumstances set out in 10.2(b)(i) to (vii) of the same;

- (h) if they are not practising, an address for correspondence;
- (i) details of:
 - (i) any conditions on their practising certificate or registration to which they are subject;
 - (ii) any current suspension of their practising certificate or registration;
 - (iii) any other decision subject to publication under rule 9.2 of the SRA Regulatory and Disciplinary Procedure Rules;
 - (iv) any other order made by the *Tribunal*; and

the exercise by the *SRA* of any powers of *intervention* in relation to their practice.

[2.2 Where a *solicitor* or an *REL* practises in accordance with regulation 10.2\(a\) of the SRA Authorisation of Individuals Regulations or in the circumstances set out in regulation 10.2\(b\)\(i\) to \(vii\) of the same, the fact that they practise in this way does not need to be included in the roll or the registers under regulation 2.1\(g\) if all legal services, when practising in this way, are provided pro bono.](#)

Amendments to the SRA Authorisation of Firms Rules

Approval of role holders

- 13.1 Subject to rules 13.2 to 13.4, the *SRA* may approve a *person's* designation as a *COLP* or *COFA* or to be a *manager* or *owner* of an *authorised body* if it is satisfied that the individual is fit and proper to undertake the role, in accordance with the SRA Assessment of Character and Suitability Rules.
- 13.2 The *SRA* will deem a *person* to be fit and proper to be a *manager* or *owner* of an *authorised body* if the *person* is:
- (a) a *solicitor who holds a current practising certificate*, an *REL*, *RFL* or an *authorised body*; or
 - (b) a *person* who has previously been approved by the *SRA* under rule 13.1 and is:
 - (i) authorised and regulated by another *approved regulator*; or
 - (ii) authorised and regulated by a regulatory body which operates a regulatory regime recognised by the *SRA* as reasonably equivalent to that of an *approved regulator*,

and who is not subject to a regulatory or disciplinary investigation, or adverse finding or decision of the *SRA*, the *Tribunal* or another regulatory body.

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13.7 Approval of a *person's* designation under rule 13.1 or 13.6:

- (a) takes effect from the date of the decision unless otherwise stated;
- (b) remains effective only if the *person* takes up the designated role within the period specified in the notice of approval, or the period of one year if no period is specified; and
- (c) expires when the *person* ceases to carry out the designated role, save that in the case of an *owner*, approval expires when the *person* ceases to be an *interest holder* or a *partner*, as appropriate.

Amendments to the SRA Code of Conduct for Solicitors, RELs and RFLs

5.6 If you are a *solicitor* or an *REL* carrying on *reserved legal activities* for the public or a section of the public in a *non-commercial body*, you must ensure that:

- (a) the body takes out and maintains indemnity insurance; and
- (b) this insurance provides adequate and appropriate cover in respect of the services that you provide or have provided, whether or not they comprise *reserved legal activities*, taking into account any alternative arrangements the body or its *clients* may make.

Amendments to the SRA Glossary

Solicitor

means a person who has been admitted as a solicitor of the Senior Courts of England and Wales and whose name is on the roll, ~~save that in the SRA Indemnity Insurance Rules and the *MTC* this includes a person who practises as a solicitor whether or not the person has in force a practising certificate, and also includes practice under home title of a former *REL* who has become a solicitor~~