

**SRA Amendments to Regulatory Arrangements
(Miscellaneous No.2) Rules 2013**

Rules dated 30 August 2013 made by the Solicitors Regulation Authority Board under Part I, Part II, sections 79 and 80 of, and paragraph 6B of Schedule 1 to, the Solicitors Act 1974 and sections 9 and 9A of, and paragraphs 14A, 14B and 32 to 34 of Schedule 2 to, the Administration of Justice Act 1985, paragraphs 2 and 3 of Schedule 14 to the Courts and Legal Services Act 1990 and section 83 of, and Schedule 11 to, the Legal Services Act 2007, with the approval of the Legal Services Board under paragraph 19 of Schedule 4 to the Legal Services Act 2007.

1.1 The instruments referred to in Column (1) of the table set out below shall be amended in accordance with the corresponding entry in Column (2).

(1) Instrument	(2) Provision
SRA Accounts Rules 2011	<p>After rule 2.2, insert a new rule 2.3 as follows:</p> <p>"References to the Legal Aid Agency are to be read, where appropriate, as including the Legal Services Commission."</p> <p>Delete all references to "Legal Services Commission" and "Commission" in the following rules and guidance notes and replace with "Legal Aid Agency":</p> <p>Guidance note (ii) to rule 2, rule 12.7(e), guidance notes (i)(f) and (ii)(c) to rule 14, rule 16.1(f), rule 16.1(f)(i), rule 16.1(f)(ii), rule 17.1(d), guidance note (ii) to rule 18, the first sub-heading in rule 19, rule 19.1, rule 19.1(a), rule 19.2, rule 19.2(a)(i), rule 19.2(a)(ii), rule 19.2(a)(iii), rule 19.2(c), rule 19.2(d), rule 19.3, rule 19.3(b), rule 19.3(c), rule 19.3(d), guidance notes (ii), (iv) and (vi) to rule 19, rule 22.2(b) and rule 29.7.</p> <p>Delete "Commission's" and replace with "Legal Aid Agency's" in rule 19.3(d)(i), rule 19.3(d)(ii) and guidance note (iv) to rule 19.</p>
SRA Practice Framework Rules 2011	<p>In the title to Rule 4.18 delete "Legal Services Commission" and replace with "Legal Aid Agency".</p> <p>In rule 4.18 replace "Legal Services Commission" with "Legal Aid Agency".</p>

	<p>After guidance note (i)(d) to Rule 18, insert new guidance note as follows:</p> <p>"(e) Rule 17.3 of the SRA Indemnity Rules 2013 or any subsequent rules thereto."</p>
SRA Authorisation Rules 2011	<p>In Rule 21.1, insert after "stated" the following: ", except in the case of a <i>licensed body</i> when <i>authorisation</i> takes effect from the date on which the licence is issued".</p> <p>In the guidance note to Rule 26, delete "(which is expected to end in March 2013)" and insert after "section 106" as follows: "until this section is commenced".</p> <p>Replace Rule 34.2(a) with:</p> <p>"(a) the:</p> <ul style="list-style-type: none"> (i) name and number under which the body is authorised; (ii) any previous name(s) under which the body has been authorised by the <i>SRA</i>; (iii) date from which the <i>authorisation</i> has effect; and (iv) details of the <i>reserved legal activities</i> that the body is authorised to undertake;" <p>In Rule 34.2(d) insert after "<i>company</i>" the following: "and, if it is a <i>charity</i>, its <i>charity</i> number".</p> <p>In Rule 34.2(h) insert after the first "<i>company</i>," the following: "its registered office address and".</p> <p>In Rule 34.2(m) insert "or revoked" after "suspended" and after "fact" insert "and the date on which the suspension or revocation took place".</p> <p>Insert a new Rule 34.2(n) as follows, and re-number accordingly:</p> <p>34.2(n) in the case of a <i>licensed body</i>, any enforcement action or sanction on</p>

	<p>the body, any <i>owner</i> or employee of the body, excluding administrative fines; and".</p>
SRA Practising Regulations 2011	<p>Delete title to regulation 4, and replace with "Regulation 4: Requirements for recognised sole practitioners".</p> <p>Amend guidance note (i) to Regulation 4 by the addition of the words "and owners" as follows:</p> <p>"The SRA will establish a process for those practising as recognised sole practitioners at that time to be deemed approved as managers <u>and owners</u> for the purpose of Rule 8.6 of the SRA Authorisation Rules."</p>
SRA Training Regulations 2011 Part 1 - Qualification Regulations	<p>In the title of regulation 35, replace "Criminal Records Bureau" with "Disclosure and Barring Service".</p> <p>In regulation 35.1, replace "Criminal Records Bureau (CRB)" with "Disclosure and Barring Service (DBS)".</p> <p>In guidance note (i) to regulation 35, replace "CRB" with "DBS".</p>
SRA Training Regulations 2011 Part 3 - CPD Regulations	<p>In Regulation 15.2, replace "the following" with "that".</p>
SRA Suitability Test 2011	<p>In Guidance note (i) to section 2.2, replace "Criminal Records Bureau (CRB)" with "Disclosure and Barring Service (DBS)".</p> <p>In Guidance note (ii) to section 2.2, replace "CRB" with "DBS".</p> <p>In section 8.2, delete "(as amended)", and after "accordance with the Act" insert ", unless they are protected convictions or cautions".</p> <p>In section 8.3, after "for criminal offences" insert "which are not protected convictions or cautions".</p> <p>In guidance note (i) to section 8.3, delete "(as amended)".</p> <p>In guidance note (ii) to section 8.3,</p>

replace "If" with "This means that if", and delete "(as amended)".

After guidance note (iii) to section 8.3, insert new guidance notes as follows:

“(iv) Amendments made to the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 in May 2013 introduced "protected convictions" and "protected cautions". Questions we ask about convictions or cautions will, therefore, exclude protected convictions or cautions and failure to disclose will not be considered as prima facie evidence of dishonesty.

(v) A caution is a "protected caution" if:

(a) it was given other than for an offence listed in article 2A(5) of the Exceptions Order, and;

(b) where the person was aged:

(A) 18 or over at the time the caution was given, six years or more have passed since the caution was given, or;

(B) under 18 at the time the caution was given, two years or more have passed since the caution was given.

(vi) A conviction is a "protected conviction" if:

(a) it was given other than for an offence listed in article 2A(5) of the Exceptions Order;

(b) a sentence other than custody or service detention was imposed;

(c) the person has not been convicted of any other offence at any time, and;

(d) where the person was aged:

(A) 18 or over at the time

of the conviction, 11 years or more have passed since the date of conviction, or

(B) under 18 at the time of the conviction, five and a half years or more have passed since the date of conviction.

(vii) The DBS will filter any protected convictions and cautions, so they will not appear on standard disclosures.

(viii) The following individuals and roles are covered by the Exceptions Order and spent convictions and cautions, excluding protected convictions and cautions, must be disclosed:

(a) applicants seeking admission to the profession, i.e. applicants for *student enrolment, QLTSR certificates of eligibility*, and admission;

(b) *non-lawyer managers* in existing Legal Disciplinary Practices;

(c) *non-lawyer* owners who hold a *material interest* in a *licensed body*; and

(d) *COLPs* and *COFAs* of *licensed bodies*.

(ix) The following individuals and roles are not covered by the Exceptions Order and spent convictions and cautions should not be disclosed:

(a) former *solicitors* seeking restoration to the roll;

(b) *owners of recognised bodies*;

(c) *COLPs* and *COFAs* of *recognised bodies*;

(d) *owners of licensed bodies* who do not require approval under Schedule 13 to the *LSA*; and

	<p>(f) <i>managers of authorised bodies.</i>"</p> <p>After guidance note (ii) to section 10.1, insert new guidance note as follows:</p> <p>"(iii) For the avoidance of doubt, the guidance notes to section 8.3 also apply to Part 2 of the Suitability Test."</p>
SRA Compensation Fund Rules 2011	In rule 8.1(h) replace the references to "Legal Services Commission" and "Commission's" with, respectively, "Legal Aid Agency" and "Agency's".
SRA Disciplinary Procedure Rules 2011	<p>Delete "of a licensed body" in the following:</p> <p>Rule 2.1(d), rule 3.3, rule 3.4, rule 9.1, rule 9.2, rule 9.6, rule 12.1(b), rule 12.3, rule 14.1(a), rule 14.1(b), rule 14.1(c).</p>
SRA Handbook Glossary 2012	<p>In the definition of "appointed person" replace "1999," with "1999 or the Lord Chancellor (or any body established by the Lord Chancellor to provide or facilitate the provision of services) pursuant to the provisions of the Legal Aid, Sentencing and Punishment of Offenders Act 2012,".</p> <p>Delete the definition of "ARP default premium".</p> <p>In the definition of "disqualified" insert at the end:</p> <p>"and references to "disqualify" and "disqualification" should be construed accordingly".</p> <p>In the definition of "employee", replace "Legal Services Commission pursuant to the Access to Justice Act 1999" with "Lord Chancellor (or any body established by the Lord Chancellor to provide or facilitate the provision of services) pursuant to the provisions of the Legal Aid, Sentencing and Punishment of Offenders Act 2012,"</p> <p>In the definition of "employer", replace</p>

	<p>“Legal Services Commission pursuant to the Access to Justice Act 1999” with “Lord Chancellor (or any body established by the Lord Chancellor to provide or facilitate the provision of services) pursuant to the provisions of the Legal Aid, Sentencing and Punishment of Offenders Act 2012.”</p> <p>In paragraph (vii)(C) of the definition of "private legal practice", after "Legal Services Commission" insert "Review Panels, Legal Aid Agency".</p> <p>In paragraph (E)(III) of the definition of "private practice", after "Legal Services Commission" insert "Review Panels, Legal Aid Agency".</p> <p>Replace the definition of "related authorised body" with:</p> <p>"related authorised body</p> <p><i>means an authorised body or recognised sole practitioner's firm which has a manager, owner or sole practitioner in common with another authorised body or recognised sole practitioner's firm. "</i></p>
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- 1.2 These rules come into force on 1 October 2013 or the date of the approval of the Legal Services Board, whichever is the later.