

SRA Commencement, Repeals and Amendment (No. 2) Rules 2011

Rules dated 8 September 2011, made by 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 sections 21(2), 83 and 93 of, and Schedule 11 to and paragraph 6 of Schedule 14 to, the Legal Services Act 2007.

Subject to the approval of the Legal Services Board under paragraph 19 of Schedule 4 to the Legal Services Act 2007 and coming into force on the 8 September 2011.

Commencement of regulatory arrangements

1. The instrument referred to in Column (1) of the table set out below shall be commenced on the day specified in Column (2) opposite it:

(1) Instrument	(2) Commencement date
SRA Principles 2011	6 October 2011
SRA Code of Conduct 2011	6 October 2011
SRA Accounts Rules 2011	6 October 2011
SRA Admission Regulations 2011	6 October 2011
SRA Authorisation Rules for Legal Services Bodies and Licensable Bodies 2011	In respect of licensable bodies, on the designation of the Law Society as a licensing authority under Part 1 of Schedule 10 to the Legal Services Act 2007; and in respect of legal services bodies, 31 March 2012.
SRA Compensation Fund Rules 2011	6 October 2011
SRA Cost of Investigations Regulations 2011	6 October 2011
SRA Disciplinary Procedure Rules 2011	6 October 2011

SRA European Cross-border Practice Rules 2011	6 October 2011
SRA Higher Rights of Audience Regulations 2011	6 October 2011
SRA Indemnity (Enactment) Rules 2011	1 October 2011
SRA Indemnity Rules 2011	1 October 2011
SRA Intervention Powers (Statutory Trust) Rules 2011	6 October 2011
Solicitors Keeping of the Roll Regulations 2011	6 October 2011
SRA Practice Framework Rules 2011	6 October 2011
SRA Practising Regulations 2011	6 October 2011
SRA Property Selling Rules 2011	6 October 2011
SRA Recognised Bodies Regulations 2011	6 October 2011
SRA Suitability Test 2011	6 October 2011
SRA Training Regulations 2011 Part 1 – Qualification Regulations Part 2 – Training Provider Regulations Part 3 – CPD Regulations	6 October 2011
SRA Qualified Lawyers Transfer Scheme Regulations 2011	6 October 2011

Repeal of regulatory arrangements

2. The instrument referred to in Column (1) of the table below shall be repealed on the day specified in Column (2) opposite it, subject to the savings provisions made under the provisions specified in Column (3):

(1) Instrument	(2) Repeal date	(3) Savings provisions
SRA Commencement, Repeals and Amendment Rules 2011	8 September 2011	
Solicitors' Accounts Rules 1998	6 October 2011	
Solicitors' Admission Regulations 2009	6 October 2011	
Solicitors' Code of Conduct 2007	6 October 2011	15.1 of the SRA Code of Conduct 2011 Rule 22.7(c) of the SRA Practice Framework Rules 2011
Solicitors' Compensation Fund Rules 2009	6 October 2011	Rule 24 SRA Compensation Fund Rules 2011
Solicitors' (Cost of Investigations) Regulations 2009	6 October 2011	Regulation 8.1 of the SRA Cost of Investigations Regulations 2011
SRA Disciplinary Procedure Rules 2010	6 October 2011	Rule 16.2 of the SRA Disciplinary Procedure Rules 2011
SRA Guidelines on the assessment of character and suitability	6 October 2011	
Solicitors' Higher Rights of Audience Regulations 2010	6 October 2011	

SRA Intervention Powers (Statutory Trust) Rules 2009	6 October 2011	
SRA Practising Regulations 2009	6 October 2011	
Solicitors (Keeping of the Roll) Regulations 1999	6 October 2011	
SRA Recognised Bodies Regulations 2009	6 October 2011	
SRA Recognised Bodies Regulations 2011	31 March 2012	Rule 27.1(b) of the SRA Authorisation Rules for Legal Services Bodies and Licensable Bodies 2011
Solicitors' Training Regulations 2009	6 October 2011	
SRA Qualified Lawyers Transfer Scheme Regulations 2010	6 October 2011	

Amendment of regulatory arrangements

3.1 Save for those amendments provided for in rules 3.2 and 3.3 of these Rules, the instruments in the SRA Handbook shall be amended in accordance with the SRA Handbook annexed to these Rules.

3.2 The instrument referred to in Column (1) of the table below shall be amended in accordance with the SRA Handbook annexed to these Rules on the day specified in Column (2).

(1) Instrument	(2) Amendment date
Solicitors' Financial Services (Scope) Rules 2001	6 October 2011
Solicitors' Financial Services (Conduct of Business) Rules 2001	6 October 2011

3.3 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 Principles 2011	<p>The following wording shall be inserted after Paragraph 7.2:</p> <p>“7.3 The <i>Principles</i> shall not apply to <i>licensed bodies</i> until such time as the <i>Society</i> is designated as a <i>licensing authority</i> under Part 1 of Schedule 10 to the <i>LSA</i> and all definitions shall be construed accordingly.</p> <p>7.4 References in the preamble to:</p> <p>(a) the <i>Principles</i> being made under section 83 of the Legal Services Act 2007, and</p> <p>(b) <i>licensed bodies</i> and their <i>managers</i> and <i>employees</i>,</p> <p>shall have no effect until such time as the <i>Society</i> is designated as a <i>licensing authority</i> under Part 1 of Schedule 10 to the <i>LSA</i>.”</p>
SRA Code of Conduct 2011	<p>The following wording shall be inserted after 15.3:</p> <p>“15.4 The SRA Code of Conduct shall not apply to <i>licensed bodies</i> until such time as the <i>Society</i> is designated as a <i>licensing authority</i> under Part 1 of Schedule 10 to the <i>LSA</i> and all definitions shall be construed accordingly.</p> <p>15.5 References:</p> <p>(a) in the preamble, to:</p> <p>(i) the Code being made under section 83 of the Legal Services Act 2007, and</p> <p>(ii) <i>licensed bodies</i> and their <i>managers</i> and <i>employees</i>, and</p> <p>(b) in Chapter 10, to:</p> <p>(i) an application for a licence (O(10.2)), and</p> <p>(ii) the role of COLP and COFA (O(10.12) and IB (10.8)),</p>

	<p>shall have no effect until such time as the <i>Society</i> is designated as a <i>licensing authority</i> under Part 1 to Schedule 10 of the <i>LSA</i>.</p> <p>15.6 In Chapter 8, the provision in IB(8.2) relating to multi-disciplinary practices, shall have no effect until such time as the <i>Society</i> is designated as a <i>licensing authority</i> under Part 1 of Schedule 10 to the <i>LSA</i>."</p>
<p>SRA Accounts Rules 2011</p>	<p>The following wording shall be inserted after Rule 53.2:</p> <p>"53.3 These rules shall not apply to <i>licensed bodies</i> until such time as the <i>Society</i> is designated as a <i>licensing authority</i> under Part 1 of Schedule 10 to the <i>LSA</i> and all definitions shall be construed accordingly.</p> <p>53.4 In these rules:</p> <p>(a) references in the preamble to:</p> <p>(i) the rules being made under paragraph 20 of Schedule 11 to the Legal Services Act 2007; and</p> <p>(ii) <i>licensed bodies</i> and their <i>managers</i> and <i>employees</i>; and</p> <p>(b) references to the <i>COFA</i> in rule 6 and in the Appendices;</p> <p>shall have no effect until the <i>Society</i> is designated as a <i>licensing authority</i> under Part 1 of Schedule 10 to the <i>LSA</i>."</p>
<p>SRA Practice Framework Rules 2011</p>	<p>In the preamble, for the words "in accordance with the SRA Commencement, Repeals and Amendment Rules [2011]" substitute "on 6 October 2011".</p> <p>In Rule 22.3(b) for "[31 October 2012]" substitute "the end of the transitional period under Part 2 of Schedule 5 to the <i>LSA</i>".</p> <p>Rule 22.4 shall be omitted and Rule 22.5 shall be renumbered as Rule 22.4.</p> <p>The following wording shall be inserted after Rule 22.4:</p> <p>"22.5 These rules shall not apply to <i>licensable bodies</i> until such time as the <i>Society</i> is designated as a <i>licensing authority</i> under Part 1 of</p>

	<p>Schedule 10 to the <i>LSA</i> and all definitions shall be construed accordingly.</p> <p>22.6 In these rules references:</p> <p>(a) in the preamble to the rules being made under section 83 and Schedule 11 to the Legal Services Act 2007;</p> <p>(b) to <i>COLPs</i> and <i>COFAs</i>; and</p> <p>(c) to the approval of <i>managers</i>, owners, <i>COLPs</i> and <i>COFAs</i>;</p> <p>shall have no effect until such time as the <i>Society</i> is designated as a <i>licensing authority</i> under Part 1 of Schedule 10 to the <i>LSA</i>.</p> <p>22.7 Until the 180th day after the date on which the <i>Society</i> is designated as a <i>licensing authority</i> under Part 1 of Schedule 10 to the <i>LSA</i>:</p> <p>(a) Rule 4.12(a) shall have no effect;</p> <p>(b) Rule 4.13 (insurers) shall have no effect;</p> <p>(c) Rule 13.06 (insurers) of the Solicitors' Code of Conduct 2007 shall continue to have effect; and</p> <p>(d) references to Rule 4.13 shall be treated as references to Rule 13.06 of the Solicitors' Code of Conduct 2007."</p>
<p>SRA Authorisation Rules for Legal Services Bodies and Licensable Bodies 2011</p>	<p>In the preamble, for the words "in accordance with the SRA Commencement, and Repeals and Amendment Rules [2011]" substitute "in respect of licensable bodies, on the designation of the Law Society as a licensing authority under Part 1 of Schedule 10 to the Legal Services Act 2007; and in respect of legal services bodies, on 31 March 2012."</p> <p>In Rule 27:</p> <p>(a) in 27.1 remove the words "in accordance with the SRA Commencement, Repeals and Amendment Rules [2011]";</p> <p>(b) in 27.1(a) for "[10 August 2011]" substitute "the designation of the <i>Society</i> as a <i>licensing authority</i> under Part 1 of Schedule 10 to the <i>LSA</i>" and remove the words</p>

	<p>"applications for <i>authorisation</i> from"</p> <p>(c) in 27.1(b) remove the words "applications for <i>authorisation</i> from".</p>
<p>SRA Practising Regulations 2011</p>	<p>In the preamble, for the words "in accordance with the SRA Commencement, Repeals and Amendment Rules [2011]" substitute "on 6 October 2011".</p> <p>The following wording shall be inserted after Regulation 18:</p> <p>“Regulation 19 – Transitional provisions</p> <p>19.1 In these regulations references to <i>licensed bodies</i> shall have no effect until such time as the <i>Society</i> is designated as a <i>licensing authority</i> under Part 1 of Schedule 10 to the <i>LSA</i> and all definitions shall be construed accordingly.</p> <p>19.2 Regulation 10.1(d)(iii) shall have no effect until such time as the <i>Society</i> is designated as a <i>licensing authority</i> under Part 1 of Schedule 10 to the <i>LSA</i>.</p> <p>19.3 Until such time as the <i>Society</i> is designated as a <i>licensing authority</i> under Part 1 of Schedule 10 to the <i>LSA</i>, references in Regulation 3.1(a) to compliance officers of a <i>licensed body</i> (3.1(a)(iii)) or of an <i>authorised body</i> (3.1(a)(vii) and (viii)) shall have no effect.</p> <p>19.4 Until such time as the <i>Society</i> is designated as a <i>licensing authority</i> under Part 1 of Schedule 10 to the <i>LSA</i>, the reference in Regulation 3.1(a)(viii) to revocation or suspension under the <i>SRA Authorisation Rules</i> shall have no effect."</p>
<p>SRA Recognised Bodies Regulations 2011</p>	<p>In the preamble, for the words "in accordance with the SRA Commencement, Repeals and Amendment Rules [2011]" substitute "on 6 October 2011".</p> <p>The following wording shall be inserted after Regulation 19:</p> <p>“Regulation 20 - Transitional provisions</p> <p>20.1 In these regulations references to <i>licensed bodies</i> shall have no effect until such time as the <i>Society</i> is designated as a <i>licensing</i></p>

	<p><i>authority</i> under Part 1 of Schedule 10 to the <i>LSA</i> and all definitions shall be construed accordingly.</p> <p>20.2 In these regulations references to <i>compliance officers</i> shall have no effect until such time as the <i>Society</i> is designated as a <i>licensing authority</i> under Part 1 of Schedule 10 to the <i>LSA</i>.”</p>
SRA Suitability Test 2011	<p>The following wording shall be inserted after paragraph 2 in the Interpretation and Definitions section:</p> <p>“3 In this test, the reference in the preamble to those seeking to become authorised role holders in accordance with rules 8.5 and 8.6 of the <i>SRA Authorisation Rules</i>, fulfilling the duties under Sections 89, 90, 91 and 92 of the Legal Services Act 2007 shall have no effect until such time as the <i>Society</i> is designated as a <i>licensing authority</i> under Part 1 of Schedule 10 to the <i>LSA</i>.</p> <p>4 This test shall not apply to <i>licensable bodies</i> until such time as the <i>Society</i> is designated as a <i>licensing authority</i> under Part 1 of Schedule 10 to the <i>LSA</i> and all definitions shall be construed accordingly.</p> <p>5 Part 2 of this test shall have no effect until such time as the <i>Society</i> is designated as a <i>licensing authority</i> under Part 1 of Schedule 10 to the <i>LSA</i>.”</p>
Solicitors Keeping of the Roll Regulations 2011	<p>In the preamble, for the words "in accordance with the SRA Commencement, Repeals and Amendment Rules [2011]" substitute "on 6 October 2011".</p>
SRA Indemnity Insurance Rules 2011	<p>The following wording shall be inserted after Rule 3.2:</p> <p>“3.3 These Rules shall not apply to <i>licensed bodies</i> until such time as the <i>Society</i> is designated as a <i>licensing authority</i> under Part 1 of Schedule 10 to the <i>LSA</i> and all definitions shall be construed accordingly.</p> <p>3.4 In these Rules, references to the Rules being made under paragraph 19 of Schedule 11 to the Legal Services Act 2007 shall have no effect until the <i>Society</i> is designated as a <i>licensing authority</i> under Part 1 of Schedule 10 to the <i>LSA</i>.”</p>

<p>SRA Indemnity (Enactment) Rules 2011</p>	<p>The following wording shall be inserted after Rule 2.5:</p> <p>"2.6 In these Rules the terms in italics will have the meaning set out in Rule 3.1 of the SRA Indemnity Rules 2011 annexed hereto.</p> <p>Rule 3: Transitional Provisions</p> <p>3.1 These Rules shall not apply to <i>licensed bodies</i> until such time as the <i>Society</i> is designated as a <i>licensing authority</i> under Part 1 of Schedule 10 to the <i>LSA</i> and all definitions shall be construed accordingly.</p> <p>3.2 References to these Rules being made under paragraph 19 of Schedule 11 to the Legal Services Act 2007 shall have no effect until such time as the <i>Society</i> is designated as a <i>licensing authority</i> under Part 1 of Schedule 10 to the <i>LSA</i>."</p>
<p>SRA Indemnity Rules 2011</p>	<p>The following wording shall be inserted after Rule 3.4:</p> <p>"3.5 These Rules shall not apply to <i>licensed bodies</i> until such time as the <i>Society</i> is designated as a <i>licensing authority</i> under Part 1 of Schedule 10 to the <i>LSA</i> and all definitions shall be construed accordingly.</p> <p>3.6 References to these Rules being made under paragraph 19 of Schedule 11 to the Legal Services Act 2007 shall have no effect until such time as the <i>Society</i> is designated as a <i>licensing authority</i> under Part 1 of Schedule 10 to the <i>LSA</i>."</p>
<p>SRA Compensation Fund Rules 2011</p>	<p>The following wording shall be inserted after Rule 25.2:</p> <p>"25.3 These rules shall not apply to <i>licensed bodies</i> until such time as the <i>Society</i> is designated as a <i>licensing authority</i> under Part 1 of Schedule 10 to the <i>LSA</i> and all definitions shall be construed accordingly.</p> <p>25.4 In these rules references in the preamble to the rules being made under sections 21(2) and 83(5)(e) of, and paragraph 19 of Schedule 11 to, the Legal Services Act 2007 shall have no effect until the <i>Society</i> is designated as a <i>licensing authority</i> under Part 1 of Schedule 10 to the <i>LSA</i>."</p>

<p>SRA Intervention Powers (Statutory Trust) Rules 2011</p>	<p>The following wording shall be inserted after Rule 11:</p> <p>“12: Transitional Provisions</p> <p>12.1 These rules shall not apply to <i>licensed bodies</i> until such time as the <i>Society</i> is designated as a <i>licensing authority</i> under Part 1 of Schedule 10 to the <i>LSA</i> and all definitions shall be construed accordingly.</p> <p>12.2 In these rules references in the preamble to the rules being made under paragraph 6 of Schedule 14 to the Legal Services Act 2007 shall have no effect until the <i>Society</i> is designated as a <i>licensing authority</i> under Part 1 of Schedule 10 to the <i>LSA</i>.”</p>
<p>SRA Disciplinary Procedure Rules 2011</p>	<p>The following wording shall be inserted after Rule 16:</p> <p>“Rule 17 – Transitional Provisions</p> <p>17.1 These rules shall not apply to <i>licensed bodies</i> until such time as the <i>Society</i> is designated as a <i>licensing authority</i> under Part 1 of Schedule 10 to the <i>LSA</i> and all definitions shall be construed accordingly.</p> <p>17.2 The rules shall not apply to the exercise of disciplinary powers in relation to:</p> <p>(a) <i>licensed bodies</i>, or <i>managers</i> or employees of <i>licensed bodies</i>; or</p> <p>(b) former <i>managers</i> or employees of <i>licensed bodies</i></p> <p>until such time as the <i>Society</i> is designated as a <i>licensing authority</i> under Part 1 of Schedule 10 to the <i>LSA</i>.</p> <p>17.3 In these rules references in the preamble to the rules being made under section 83 and Schedule 11 of the Legal Services Act 2007 shall have no effect until such time as the <i>Society</i> is designated as a <i>licensing authority</i> under Part 1 of Schedule 10 to the Legal Services Act 2007.”</p>

<p>SRA Cost of Investigations Regulations 2011</p>	<p>The following wording shall be inserted after regulation 8:</p> <p>“Regulation 9 - Transitional Provisions</p> <p>9.1 These regulations shall not apply to <i>licensed bodies</i> until such time as the <i>Society</i> is designated as a <i>licensing authority</i> under Part 1 of Schedule 10 to the <i>LSA</i> and all definitions shall be construed accordingly.</p> <p>9.2 In these regulations references in the preamble to the Rules being made:</p> <p>(a) subject to the coming into force of relevant provisions of an Order made under section 69 of the Legal Services Act 2007, SI []; and</p> <p>(b) under section 83 of the Legal Services Act 2007</p> <p>shall have no effect until the <i>Society</i> is designated as a <i>licensing authority</i> under Part 1 of Schedule 10 to the <i>LSA</i>.”</p>
<p>SRA Financial Services (Scope) Rules 2001</p>	<p>The following wording shall be inserted after rule 7.3:</p> <p>“7.4 The rules shall not apply to <i>licensed bodies</i> until such time as the <i>Society</i> is designated as a <i>licensing authority</i> under Part 1 of Schedule 10 to the <i>LSA</i> and all definitions shall be construed accordingly.</p> <p>7.5 In these rules references in the preamble to the Rules being made under section 83 of the Legal Services Act 2007 shall have no effect until the <i>Society</i> is designated as a <i>licensing authority</i> under Part 1 to Schedule 10 of the <i>LSA</i>.”</p>
<p>SRA Financial Services (Conduct of Business) Rules 2001</p>	<p>The following wording shall be inserted after rule 12.2:</p> <p>“12.3 These rules shall not apply to <i>licensed bodies</i> until such time as the <i>Society</i> is designated as a <i>licensing authority</i> under Part 1 of Schedule 10 to the <i>LSA</i> and all definitions shall be construed accordingly.</p> <p>12.4 In these rules references in the preamble to the Rules being made under section 83 of the Legal Services Act 2007 shall have no effect until the <i>Society</i> is designated as a <i>licensing authority</i> under</p>

	Part 1 of Schedule 10 to the <i>LSA</i> .”
SRA European Cross-border Practice Rules 2011	<p>The following wording shall be inserted after Rule 10:</p> <p>“11 Transitional Provisions</p> <p>11.1 These rules shall not apply to <i>licensed bodies</i> until such time as the <i>Society</i> is designated as a <i>licensing authority</i> under Part 1 of Schedule 10 to the <i>LSA</i> and all definitions shall be construed accordingly.</p> <p>11.2 References in the preamble to the rules being made under section 83 of the Legal Services Act 2007 shall have no effect until such time as the <i>Society</i> is designated as a <i>licensing authority</i> under Part 1 of Schedule 10 to the <i>LSA</i>.”</p>