



SRA Statutory Trust Rules

[/ Guidance, changes, terms, notes and tags \[https://higher-rights.sra.org.uk/solicitors/standards-regulations/statutory-trust-rules/?docId=12656629011\]](https://higher-rights.sra.org.uk/solicitors/standards-regulations/statutory-trust-rules/?docId=12656629011)

Introduction

These rules set out what the SRA does with money it takes possession of following an intervention into a firm's and/or an individual's practice. We hold this money on trust for the people it belongs to. This type of trust is called a statutory trust. The people that the money belongs to are beneficiaries of the trust. We have produced [guidance on the way that we deal with this money \[https://higher-rights.sra.org.uk/sra/decision-making/1\]](https://higher-rights.sra.org.uk/sra/decision-making/1).

This introduction does not form part of the SRA Statutory Trust Rules.

Part 1: General

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Rule 1: Holding statutory trust monies

[\[https://higher-rights.sra.org.uk/solicitors/standards-regulations/statutory-trust-rules/?contentId=1143332649\]](https://higher-rights.sra.org.uk/solicitors/standards-regulations/statutory-trust-rules/?contentId=1143332649)

1. The [SRA \[https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#SRA\]](https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#SRA) shall place all [statutory trust monies \[https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#statutory-trust-monies\]](https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#statutory-trust-monies) in an identifiable [statutory trust account \[https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#statutory-trust-account\]](https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#statutory-trust-account).
2. All interest earned on the funds held in any [statutory trust account \[https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#statutory-trust-account\]](https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#statutory-trust-account) shall be paid into that account.

Rule 2: Identifying beneficial entitlements

[\[https://higher-rights.sra.org.uk/solicitors/standards-regulations/statutory-trust-rules/?contentId=575879174\]](https://higher-rights.sra.org.uk/solicitors/standards-regulations/statutory-trust-rules/?contentId=575879174)

2. The [SRA \[https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#SRA\]](https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#SRA) will create a [reconciled list \[https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#reconciled-list\]](https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#reconciled-list) or a [best list \[https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#best-list\]](https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#best-list) in respect of [statutory trust monies \[https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#statutory-trust-monies\]](https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#statutory-trust-monies) held, using the information which it has available.



3. In creating a [reconciled list](https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#reconciled-list) [https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#reconciled-list] or a [best list](https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#best-list) [https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#best-list], any sums of money which are identified within a [statutory trust account](https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#statutory-trust-account) [https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#statutory-trust-account] as being payments on account of [fees](https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#fees) [https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#fees] or unpaid [disbursements](https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#disbursements) [https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#disbursements], or which are equivalent to the [costs](https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#costs) [https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#costs] incurred in a matter to which the funds relate, will be treated as due to the [client](https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#client) [https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#client] rather than the [intervened practitioner](https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#intervened-practitioner) [https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#intervened-practitioner], unless there is sufficient evidence of a bill or other written notification of [costs](https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#costs) [https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#costs] having been sent to the [client](https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#client) [https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#client].
4. The [SRA](https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#SRA) [https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#SRA] will attempt to contact all [persons](https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#person) [https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#person] identified as having a potential beneficial interest in the [statutory trust monies](https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#statutory-trust-monies) [https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#statutory-trust-monies] and invite them to submit a claim in accordance with rule 4.

Rule 3: Minimum level of funds

[<https://higher-rights.sra.org.uk/solicitors/standards-regulations/statutory-trust-rules/?contentId=8425699>]

3. The [SRA](https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#SRA) [https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#SRA] may set a minimum level of funds to which a [beneficiary](https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#beneficiary) [https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#beneficiary] may be entitled within a [statutory trust account](https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#statutory-trust-account) [https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#statutory-trust-account] below which it will not attempt to identify or locate potential [beneficiaries](https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#beneficiaries) [https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#beneficiaries] on the basis that, in the opinion of the [SRA](https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#SRA) [https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#SRA], it would be unreasonable or disproportionate to do so.
4. The level in rule 3.1 applies to the sum identified as relating to a particular [beneficiary](https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#beneficiary) [https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#beneficiary], after the application of any pro-rata adjustment which may be made under rule 6.2 but without including any interest under rule 7.3.



Part 2: Claims

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Rule 4: Claimants to money

[\[https://higher-rights.sra.org.uk/solicitors/standards-regulations/statutory-trust-rules/?contentId=453548922\]](https://higher-rights.sra.org.uk/solicitors/standards-regulations/statutory-trust-rules/?contentId=453548922)

4. Unless the [SRA](https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#SRA) agrees otherwise, every [claimant](https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#claimant) must submit to the [SRA](https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#SRA) a claim in the [prescribed](https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#prescribed) form accompanied by any documentation and other evidence as may be required by the [SRA](https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#SRA), and which must include, if requested by the [SRA](https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#SRA), a statement of truth.

Rule 5: Verification of claims

[\[https://higher-rights.sra.org.uk/solicitors/standards-regulations/statutory-trust-rules/?contentId=2033579095\]](https://higher-rights.sra.org.uk/solicitors/standards-regulations/statutory-trust-rules/?contentId=2033579095)

5. The [SRA](https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#SRA) may verify the individual potential beneficial entitlements claimed under rule 4 by examining all available evidence.

Rule 6: Shortfall in statutory trust account

[\[https://higher-rights.sra.org.uk/solicitors/standards-regulations/statutory-trust-rules/?contentId=1466125620\]](https://higher-rights.sra.org.uk/solicitors/standards-regulations/statutory-trust-rules/?contentId=1466125620)

6. In cases where a shortfall is revealed between [statutory trust monies](https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#statutory-trust-monies) held, and the beneficial entitlements shown in a [reconciled list](https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#reconciled-list) or [best list](https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#best-list), the [SRA](https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#SRA) may rectify the position, in whole or in part, by the use of other monies taken into its possession in consequence of the intervention to which that list relates.
7. Where, having applied additional funds under rule 6.1, a shortfall still exists on a [statutory trust account](https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#statutory-trust-account),



the [SRA](https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#SRA) [https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#SRA] will decide on the method for calculating how to distribute the funds that are available in the account to [beneficiaries](https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#beneficiary) [https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#beneficiary].

Rule 7: Distribution of beneficial entitlements

[<https://higher-rights.sra.org.uk/solicitors/standards-regulations/statutory-trust-rules/?contentId=898672145>]

7. In a case where the accounting records of the [intervened practitioner](https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#intervened-practitioner) [https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#intervened-practitioner] are [reconciled accounts](https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#reconciled-accounts) [https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#reconciled-accounts], payments to [beneficiaries](https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#beneficiary) [https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#beneficiary] will be made on the basis of the [reconciled list](https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#reconciled-list) [https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#reconciled-list].
8. In a case where the accounting records of the [intervened practitioner](https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#intervened-practitioner) [https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#intervened-practitioner] are not [reconciled accounts](https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#reconciled-accounts) [https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#reconciled-accounts], payments to [beneficiaries](https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#beneficiary) [https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#beneficiary] will be made on the basis of the [best list](https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#best-list) [https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#best-list].
9. Any interest which has accrued on a [statutory trust account](https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#statutory-trust-account) [https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#statutory-trust-account] under rule 1.2, will be distributed to [beneficiaries](https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#beneficiary) [https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#beneficiary] on a pro-rata basis in proportion to the payments made to them under rule 7.1 or 7.2.

Rule 8: Residual balances

[<https://higher-rights.sra.org.uk/solicitors/standards-regulations/statutory-trust-rules/?contentId=331218670>]

8. The [SRA](https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#SRA) [https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#SRA] may use any funds which remain in a [statutory trust account](https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#statutory-trust-account) [https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#statutory-trust-account] following the distribution to [beneficiaries](https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#beneficiary) [https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#beneficiary] under rule 7 to reimburse any costs, charges, or other expenses, which it has incurred in establishing the beneficial entitlements to the [statutory trust monies](https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#statutory-trust-monies) [https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#statutory-trust-monies] and in distributing the monies accordingly.
9. If funds remain in a [statutory trust account](https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#statutory-trust-account) [https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#statutory-trust-account]



after payment to [beneficiaries](https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#beneficiary) [https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#beneficiary] and the reimbursement of costs, charges and expenses in accordance with rule 8.1, the [SRA](https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#SRA) [https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#SRA] may transfer such remaining funds into the compensation fund held by the [SRA](https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#SRA) [https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#SRA] and any claim to such funds under these rules shall be extinguished.

Rule 9: Interim payments

[<https://higher-rights.sra.org.uk/solicitors/standards-regulations/statutory-trust-rules/?contentId=1911248843>]

9. The [SRA](https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#SRA) [https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#SRA] may make an interim payment to a [beneficiary](https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#beneficiary) [https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#beneficiary] before the full distribution of funds in a [statutory trust account](https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#statutory-trust-account) [https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#statutory-trust-account] takes place provided that the [SRA](https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#SRA) [https://higher-rights.sra.org.uk/solicitors/standards-regulations/glossary/#SRA] is satisfied that the payment can be made without prejudicing other claims to those funds.

Supplemental notes

Made by the SRA Board on 30 May 2018.

Made under paragraph 6B of Schedule 1 to the Solicitors Act 1974, paragraphs 32 to 34 of Schedule 2 to the Administration of Justice Act 1985, and paragraph 6 of Schedule 14 to the Legal Services Act 2007, governing the treatment of sums vested in the Law Society under paragraphs 6 or 6A of Schedule 1 to the Solicitors Act 1974 and under paragraphs 3 or 4 of Schedule 14 to the Legal Services Act 2007

SRA Statutory Trust Rules

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Tags

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Guidance

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This guidance is to help you understand your obligations and how to comply with them. We may have regard to it when exercising our regulatory functions.

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