

## **Guidance**

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#### **Registered Foreign lawyers**

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Updated 13 February 2025 (Date first published: 23 July 2019)

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### **Status**

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

### **Who is this guidance for?**

This guidance is for registered foreign lawyers (RFLs) and lawyers wanting to apply for RFL status. It may also be relevant to other foreign lawyers in deciding whether they need to be registered or whether to do so where they have a choice.

### **Purpose of this guidance**

To enable foreign lawyers to understand:

- who can become an RFL
- what services an RFL can provide
- when a foreign lawyer might need to become an RFL
- how an RFL can qualify as a solicitor
- what rights and obligations an RFL has.

### **What is an RFL?**

An RFL is a 'foreign lawyer' who is registered with us. We hold and publish a register which includes the names of all RFLs.

A 'foreign lawyer' is defined in section 89 of the Courts and Legal Services Act 1990 (CLSA) as 'a person who is not a solicitor of England and Wales or a barrister but who is a member, and entitled to practise as such, of a legal profession regulated within a jurisdiction outside of England and Wales'.

### **When must I register as an RFL?**

If you are a foreign lawyer and want to become a manager or interest holder of an authorised law firm (other than a licensed body) in England and Wales, you must register with us as an RFL.

If you are a Scottish advocate or solicitor or a Northern Irish barrister or solicitor, you may be a manager or interest holder of an authorised firm of any type without registering as an RFL. However, you will need to be approved as a manager or interest holder first under rule 13.1 of the SRA Authorisation of Firms Rules.

If you are a registered European lawyer (REL), practising in England and Wales on a permanent basis, you cannot also be an RFL. See our [separate guidance for RELs \[https://higher-rights.sra.org.uk/solicitors/guidance/registered-european-lawyers/\]](https://higher-rights.sra.org.uk/solicitors/guidance/registered-european-lawyers/).

## **What services can RFLs offer?**

If you are an RFL, you can practise the law of your home state and advise on English and Welsh law, providing unreserved legal services and the services set out below:

- You can carry out or supervise any unreserved work – English and Welsh legal work, foreign legal work (including business or financial advice, or making business or financial arrangements) that the firm is entitled to do.
- Provided that the firm you work for is authorised to carry out such work, you may carry out advocacy before a first-tier immigration tribunal and the conduct and preparation of documents in immigration tribunal proceedings.
- You may assist in the conduct of litigation under the instructions and supervision of a person entitled to carry out that reserved legal activity and you may carry out the reserved legal activity of rights of audience in relation to such litigation if the proceedings are held in Chambers in the High Court or a county court and are not reserved family proceedings.
- You may carry out the reserved legal activity of reserved instrument activities but only at the discretion and under the supervision of a person who is entitled to carry out that reserved legal activity and who is your employer, a fellow employee or manager. This is, again, provided that the firm you work for is authorised to carry out such work.
- You can carry out or supervise foreign legal work, which is reserved to lawyers of your home jurisdiction, provided you can do this within the rules of your own profession.

It is important that you consider carefully whether you are legally permitted to carry out the work you intend to do under the Legal Services Act 2007 ('LSA'), our Standards and Regulations or other relevant legislation and that you satisfy any conditions that apply.

## **When do foreign lawyers not need to register as RFLs?**

If you want to work in England and Wales but do not wish to be a manager or interest holder of a relevant firm as above, and do not intend to carry out the legal activities that RFLs are permitted to do (see below), you will not need to become an RFL.

It is important that you consider carefully whether you are legally permitted to carry out the work you intend to do. The LSA sets out professional activities that are reserved to authorised persons and the exemptions that apply.

You will need to satisfy the conditions for exemption contained in the relevant paragraphs of Schedule 3 of the LSA. For example, you can do litigation work, and you can assist in the conduct of litigation under the supervision and instruction of an authorised person such as a solicitor or barrister. This is providing you do not formally conduct the litigation (carry out the formal steps in any proceedings). And that any rights of audience are exercised by you only in connection with such work.

Other legislation may restrict the professional activities that you may carry on. For example, you will not be able to conduct immigration work unless authorised by the Immigration Advice Authority (IAA) to do so.

Other legislation may restrict the professional activities that you may carry out. For example, you will not be able to conduct immigration work unless authorised by the IAA to do so.

You do not need to register if you will not be doing immigration work and:

- You are only an employee of an authorised body and do not carry out any reserved legal activities other than as allowed under the LSA exemptions (see above).
- You are an in-house lawyer, for example employed by a business to provide legal advice and services to that business, and do not carry out reserved legal activities.
- You work in a foreign law firm, and do not carry out reserved legal activities.

As a foreign lawyer, you do not need to be an RFL to be a manager or interest holder of a licensed body, or an unregulated legal business.

## **What type of firms can RFLs work in?**

You can work in all types of firms or as an in-house lawyer, but you cannot be a sole practitioner or [freelancer](https://higher-rights.sra.org.uk/solicitors/guidance/preparing-sole-practitioner-regulated-independent-solicitor/) [https://higher-rights.sra.org.uk/solicitors/guidance/preparing-sole-practitioner-regulated-independent-solicitor/].

## **How can RFLs become solicitors?**

A foreign qualified lawyer may seek to qualify as a solicitor through the Solicitors Qualifying Examination (SQE). You can read more about seeking admission via the [SQE \[https://higher-rights.sra.org.uk/become-solicitor/qualified-lawyers/\]](https://higher-rights.sra.org.uk/become-solicitor/qualified-lawyers/).

## How are RFLs regulated by the SRA?

Once you are registered with us, and if you are practising as an RFL in England and Wales, you must comply with our Standards and Regulations. These apply to your practice as an RFL and, if you are a manager of an authorised body, to the entity itself. It is important to familiarise yourself with these, as many of our rules will apply to you however you practise as an RFL, but, in particular:

- The [SRA Principles \[https://higher-rights.sra.org.uk/solicitors/standards-regulations/principles/\]](https://higher-rights.sra.org.uk/solicitors/standards-regulations/principles/) which set out the ethical standards we expect of regulated individuals apply to you at all times.
- The [SRA Code of Conduct for Solicitors, RELs, RFLs \[https://higher-rights.sra.org.uk/solicitors/standards-regulations/code-conduct-solicitors/\]](https://higher-rights.sra.org.uk/solicitors/standards-regulations/code-conduct-solicitors/) and RSLs will apply to you in full.
- If you are a manager of a firm that we regulate you will be individually liable with other managers for making sure that your firm complies with the [SRA Code of Conduct for Firms \[https://higher-rights.sra.org.uk/solicitors/standards-regulations/code-conduct-firms/\]](https://higher-rights.sra.org.uk/solicitors/standards-regulations/code-conduct-firms/). This includes making sure the firm has suitable arrangements in place to comply with all our rules and regulations and relevant statutory requirements. This will include compliance with our [Accounts Rules \[https://higher-rights.sra.org.uk/solicitors/standards-regulations/accounts-rules/\]](https://higher-rights.sra.org.uk/solicitors/standards-regulations/accounts-rules/), amongst others.
- As an employee of a firm that we regulate, you may also be subject to regulatory action if you are responsible for a serious breach of any of the rules and regulations which apply to your employer.

If you are practising as an RFL overseas, you will be subject to the [SRA Overseas and Cross-border Practice Rules \[https://higher-rights.sra.org.uk/solicitors/standards-regulations/overseas-cross-border-practice-rules/\]](https://higher-rights.sra.org.uk/solicitors/standards-regulations/overseas-cross-border-practice-rules/).

If you breach our rules you will be investigated in the same way as we investigate solicitors – by applying our [Enforcement Strategy \[https://higher-rights.sra.org.uk/sra/corporate-strategy/sra-enforcement-strategy/\]](https://higher-rights.sra.org.uk/sra/corporate-strategy/sra-enforcement-strategy/) and relevant rules. You may be subject to a range of sanctions and could be referred to the Solicitors Disciplinary Tribunal.

## Application to become an RFL

For an application to succeed, four basic requirements must be fulfilled:

- you must be a foreign lawyer (see above)



- the profession of which you are a member must be approved by the SRA (see below)
- your own professional rules must allow practice with solicitors in England and Wales
- you must satisfy us as to your character and suitability.

## **Approval of your profession by the SRA**

Under Schedule 14 to the CLSA, a foreign lawyer can become an RFL only if the SRA, 'is satisfied that the legal profession of which the applicant is a member is one which is so regulated as to make it appropriate for members of that profession to be managers of recognised bodies'.

If you are a member of more than one profession, only one needs to have been approved for you to be eligible for registration as an RFL.

The criteria a profession must satisfy to be registered are:

- the profession's members must be subject to a system of regulation as a profession of lawyers
- members must be required to complete a specified training
- members must be bound by an ethical code, and
- there must be disciplinary sanctions for breach of the ethical code which would extend to removal of the right to practise.

View a list of [jurisdictions and professions \[https://higher-rights.sra.org.uk/sra/regulatory-framework/professions-approved-by-the-sra-for-rfl-status/\]](https://higher-rights.sra.org.uk/sra/regulatory-framework/professions-approved-by-the-sra-for-rfl-status/) that we have already approved for RFL status.

Applications to approve a profession/jurisdiction which is not currently on the list are normally made by the relevant professional body.

## **Your own professional rules**

Your own professional rules must allow practice with solicitors in England and Wales. We will ask you to provide confirmation from your regulator that this is the case if we do not already hold that information.

## **Character and suitability**

We will require a certificate of good standing from each bar, law society or chamber of which you are a member (whether or not you are still practising as a member of that profession). This must be no more than three months old and should contain the following information:

- your date of admission
- that you are of good character and repute
- details of past or pending proceedings against you for behaviour amounting to professional or other misconduct



- whether you are currently entitled to practise as a lawyer of the relevant jurisdiction (including, for example, holding a practising certificate if one is required).

You must declare matters which may affect your character and suitability to be an RFL.

## **Continuing registration requirements as an RFL**

To remain on the register, you need to renew your registration annually and pay a fee. You must apply by 31 October for renewal, either as an individual or through your organisation's bulk renewal application. No certificate of good standing is required on renewal of registration.

Your registration can be revoked if you fail to apply for renewal of your registration. You can also apply to have your registration revoked if you no longer wish to be an RFL.

## **Further help**

If you require further assistance, please contact the [Professional Ethics helpline \[https://higher-rights.sra.org.uk/contactus\]](https://higher-rights.sra.org.uk/contactus).