

Notes to form RFs12

Completing the application form for notification of intention to apply for a practising certificate

Who needs to fill in this form

You **must** fill in this form if

- you wish to apply for a practising certificate, **and**
- any of the paragraphs in section 12 of the Solicitors Act 1974 (see below) apply to you.

You may also fill in this form to tell us you do **not** want to renew your practising certificate, or you can contact us by

- telephone on 0870 606 2555 (within the UK) or +44 (0)1527 504450 (international)
- email at contactcentre@sra.org.uk.

Section 12 of the Solicitors Act

Section 12 (1) of the Solicitors Act 1974 applies to any solicitor who applies for a practising certificate in one or more of the following situations:

- (a) for the first time; or
- (b) not having held a practising certificate free of conditions since the date of his admission; or
- (c) when, on what would be the commencement date for the certificate, if it were granted, a period of twelve months or more will have elapsed since he held a practising certificate in force; or
- (d) after the Tribunal has ordered a penalty or costs to be paid by him or that he be reprimanded; or
- (e) after he has been invited by the Society to give an explanation in respect of any matter relating to his conduct and has failed to give an explanation in respect of that matter which the Council regard as sufficient and satisfactory, and has been notified in writing by the Society when he has so failed; or

For alternative formats, email contactcentre@sra.org.uk or telephone 0870 606 2555.

- (ee) when having been required by section 34(1) to deliver an Accountant's Report to the Society, he has not delivered that report within the period allowed by section 34(2); or
- (f) when, having been suspended from practice, the period of his suspension has expired; or
- (g) when, having had his name removed from or struck off the roll, his name has been restored to the roll; or
- (h) while he is an undischarged bankrupt; or
- (i) after having been adjudged bankrupt and discharged or after having entered into a composition with his creditors or a deed of arrangement for the benefit of his creditors; or
- (j) while he is a patient as defined by section 94 of the Mental Health Act 1983 (which relates to the judge's functions in relation to the patient), or while he is a person as to whom powers have been exercised under section 104 of the Mental Health Act 1959 or section 98 of the said Act of 1983 (which relates to the judge's powers in cases of emergency); or
- (k) after having been committed to prison in civil or criminal proceedings; or
- (l) after having had given against him any judgment which involves the payment of money, not being a judgment
 - (i) limited to the payment of costs; or
 - (ii) as to the whole effect of which upon him he is entitled to indemnity or relief from some other person; or
 - (iii) evidence of the satisfaction of which has been produced to the Society.

What you will need?

To fill in the form correctly, you will need

- your current practising certificate, if you hold one, and
- your indemnity insurance certificate, if required under the Solicitors' Indemnity Insurance Rules. (See www.sra.org.uk/indemnity)

We will ask for various other documents, depending on the answers you give.



Unless we specify that we need originals, please send copies of all documents.
We cannot return any documents.

Bankruptcy/composition with creditors/deed of arrangement

If you are an undischarged or discharged bankrupt, or have entered into a composition with your creditors or a deed of arrangement, you will need

- your deed of arrangement with creditors, or
- your bankruptcy order and
- your bankruptcy restriction order, if you're subject to one.

Criminal offences

If you have been convicted of any offence in any court in the UK or elsewhere since you were issued with your last practising certificate (other than a motoring offence that didn't result in your disqualification), you will need an **original** PNC (Police National Computer) check that is no older than 21 days.

Character and suitability

If there are any matters which may call into question your character and suitability to act as a solicitor, or if you have been under investigation for any matters or criticised, censured, suspended or been the subject of any other disciplinary action by a professional / regulatory body since you were last issued with a practising certificate, you will need **any documentation relating to the matter(s)**.


Name changes

If you have changed your name, you will need to send us a copy of the documentation.

What to do if there is incorrect information on the form

Your most up-to-date records may be already printed on the form. If this information is wrong, please put a line through it and write the correct information and the date that any changes came about.

If there isn't enough space on the form to write in new information, use a separate piece of paper and indicate which question you are referring to.

 Please do not use liquid paper or obscure the original pre-printed information.

If you need help filling in the form

If there are any questions you don't understand and that are not explained in these notes, you can get help by emailing contactcentre@sra.org.uk or calling 0870 606 2555 (within the UK) or +44 (0)1527 504450 (international).

Section 1—Personal Details

If your name has changed

Use Section 9 'Additional information' to write your new name and the date that it changed.

Also attach a **signed** copy of proof to the form—for example, a photocopy of your marriage certificate or a **certified** copy of a deed poll.

SRA number

You can find your SRA number on your certificate of admission and on your practising certificate.

Contact details

State your main practising address or the address you would prefer us to use for correspondence.

Write the email address and phone number you would prefer us to use when contacting you.

Section 2—Practising Certificate

Use this section to tell us if you want to apply for a practising certificate or not.

2.2 Commencement date

Your practising certificate can only commence on or after the date on which a decision is made to grant your application.

2.4 Replacement date

The replacement date can be found at the bottom of your most recent practising certificate.

2.5 Conditions on your practising certificate

If you have a conditional practising certificate (under section 12(4)(b) of the Solicitors Act 1974) and you would like us to consider removing the conditions, this question gives you the opportunity to explain your reasons why.

We do not guarantee that we will remove the conditions.

Section 3—Solicitors Act 1974 section 12

To complete this section, refer to section 12 of the Solicitors Act, above. State the reference of any paragraph that you are subject to—for example, 12(1)(f) or 12(1)(l).

You do **not** need to write the description or provide further details here.

Section 4—Applications made under section 12(1)(h) and (i)

i Send copies, not originals, of your documents. We cannot return any documents.

4.1 – 4.4 Bankruptcy information

The information we need can be found on the composition with your creditors or the deed of arrangement.

4.5 Reason for financial difficulties

We ask you if your financial difficulties are attributable to your practice as a solicitor to help us assess the risk involved in granting you a practising certificate.

Section 5—Indemnity insurance

i **Your practising certificate will be delayed if you do not comply with the Solicitors' Indemnity Insurance Rules.**

This section checks whether the Solicitors' Indemnity Insurance Rules apply to you. If you believe they do not apply to you, you must complete section 5C to tell us why you are exempt.

The rules are published at www.sra.org.uk/indemnity. They define what we mean by “principal” on this form.

The indemnity rules do not apply to

- in-house solicitors, e.g. solicitors employed in local government, commerce or industry, and
- solicitors whose practice consists only of providing services without remuneration for friends, relatives, companies wholly owned by the practitioner's family, or for registered charities, or administering oaths.

5A, 5B Insurance

State your insurer's name. The list of qualifying insurers can be found on the SRA website www.sra.org.uk/code-of-conduct/indemnity#insurers. Do not state the name of your broker.

If you are insured through the Assigned Risks Pool (ARP), enter “ARP” as your insurer.

5C Indemnity Insurance Requirement

If you fall within the definition of “employee” in the Solicitors' Indemnity Insurance Rules, you are covered by your employer's qualifying insurance policy.

You only fall within the definition of “appointed person” in the Solicitors' Indemnity Insurance Rules in the context of publicly funded criminal work.

If you have any questions about indemnity insurance, you can email ProfessionalIndemnity@sra.org.uk.

Section 6—Details of activities since admission or since holding your last practising certificate

If you do not hold a current practising certificate, you **must** complete this section. This is so we can confirm that you have not been practising without a certificate, which is a criminal offence.

If you hold a current practising certificate, go to section 7.

If you are a practising solicitor you **must** hold a practising certificate. This includes those practising overseas. The requirements of practice and a discussion of what we regard as “practising” can be found in rule 20 of the Code of Conduct at www.sra.org.uk/rule20.

A discussion of what may constitute being “**held out**” can be found in paragraphs 5–8 of the guidance to Rule 20.

i If you are not sure if you have practised, or if you are practising without a certificate and you need confidential guidance, you can talk to one of our Professional Ethics advisors on 0870 606 2577 (inside the UK), 09.00 to 17.00 Monday to Friday or you can email professional.ethics@sra.org.uk.

6.1–6.3 How you were held out

The question “by what description were you held out?” seeks to find out how your firm described you to clients, courts and other third parties.

6.2 Employment in England / Wales by non-solicitor organisations.

Information on the exemption under section 88 of the Solicitors Act 1974 can be found in guidance notes 3 and 4 of Rule 20 of the Code of Conduct at www.sra.org.uk/rule20.

Information about in-house solicitors is in guidance note 13 of Rule 20 of the Code of Conduct at www.sra.org.uk/rule20.

6.3 Solicitors practising overseas

The interpretation of “overseas” is included in Rule 24 of the Code of Conduct which can be found at www.sra.org.uk/rule24.

Section 7—Character and suitability to act as a solicitor

The Solicitors’ Act 1974 requires us to assess your character and suitability to act as a solicitor.

7.1 PNC Check

A “**PNC Check**” is a Police National Computer check, which gives us information about criminal records, i.e. convictions, cautions, reprimands, and warnings.

Section 8—Fees

See www.sra.org.uk/rfs12 for fees, procedure and service levels.

Section 9—Additional Information

This section is for any additional information you may need to give us in relation to the questions on the form.

Please state which question you are referring to when writing in the 'Additional information' section.

Continue on a separate sheet if necessary.

Section 10—Declaration

 You **must** sign and date this section - if you don't, it will be returned to you.

The declaration relates to the whole form and any supplementary sheets you provide.