

Notes on Form NM1

Notification of a new manager

About form NM1

Please use this form to notify us of any new manager joining your firm. You can also use this form to notify us of any new corporate managers (legally qualified bodies).

For all solicitor, registered European lawyer (REL) and registered foreign lawyer (RFL) non-partners/non partner equivalents (e.g. Assistants, Consultants, Associates, Employees, etc.), please use the practice change form which can be found on our website (go to www.sra.org.uk/practicechange).

If you need to notify us of a manager leaving your firm, please email their details and specific leaving date to

- operations@sra.org.uk.

How to use form NM1

Please photocopy this form if you are providing details for more than one new manager.

Please answer all questions and complete all the relevant sections.

If you make an error during completion of the form, please put a line through any deletions. Do not use liquid paper.

The declaration must be signed before submitting the form.

***Please note rule 14.07(2)(c) of the amended Solicitors' Code of Conduct 2007.**

“(2) A recognised body must notify the Solicitors Regulation Authority within seven days of any change to:

(c) its managers;”

Surname/Forename

Please complete either field to provide the name of the legally qualified body.

Date joined new firm

Please provide the **specific** date the legally qualified body became a corporate manager at the firm.

Name of firm

Please give the name of the firm where the legally qualified body will be a corporate manager.

Firm SRA number

Please give the SRA number of firm where the legally qualified body will be a corporate manager.

Name of previous SRA regulated firm/Date left previous SRA regulated firm

If the legally qualified body has previously been a corporate manager of another SRA regulated firm, please provide the name of this firm and the specific date it ceased to be a manager at this firm.

Section 2 – Manager details – continued

This section is split into four separate sections: 2(a), 2(b), 2(c) and 2(d).

You must fully complete **ONE** of these sections if the new manager named in section 1 is either;

Section 2(a) – Exempt European lawyer

A member of an Establishment Directive profession

- (a) registered with the Bar Standards Board; or
- (b) based entirely at an office or offices outside England and Wales,

who is not a lawyer of England and Wales (whether entitled to practise as such or not).

A member of an Establishment Directive profession will be exempt from registration as an REL or RFL (i.e. can be an EEL) if he or she is registered as the equivalent of an REL with the Bar Standards Board, or is based entirely outside of England and Wales, provided he or she is not also a lawyer of England and Wales.

“Exempt European lawyer” or EEL is the term now used in place of “non-registered European lawyer” (non-REL). Most of the lawyers who have to date been recorded on SRA records as non-RELS will now be recorded as EELs—but the definition of “exempt European lawyer” is different, and in particular:

- a European lawyer who is also qualified as a lawyer of England and Wales (e.g. as a notary public) **is not** an EEL;
- a European lawyer who is registered with the Bar Standards Board **is** an EEL (provided he or she is not a lawyer of England and Wales).

Registered with the Bar Standards Board?

A European lawyer can be an EEL if he or she is registered with the Bar Standards Board as the equivalent of a REL, unless he or she is also a lawyer of England and Wales.

Lawyer of England and Wales?

A European lawyer cannot be an EEL if he or she is also a lawyer of England and Wales. This is the case, wherever the lawyer is based, and even if the lawyer is not entitled to practise as a lawyer of England and Wales.

Section 2(b) – Other lawyer

“Other lawyer” refers to a lawyer of England and Wales (other than a solicitor) who is regulated by at least one of the approved regulators.

Lawyers who can be managers

Type of lawyer	Approved regulator
Barrister	Bar Council (through the Bar Standards Board)
Legal executive	Institute of Legal Executives (through ILEX Professional Standards Ltd)
Licensed conveyancer	Council for Licensed Conveyancers
Patent agent	Chartered Institute of Patent Attorneys (through the Intellectual Property Regulation Board)
Trade mark agent	Institute of Trade Mark Attorneys (through the Intellectual Property Regulation Board)
Law costs draftsman	Association of Law Costs Draftsman
Notary public	Faculty Office of the Archbishop of Canterbury

Is the individual entitled to practise and not subject to a condition or restriction?

We are seeking confirmation that the firm has complied with the requirements of **rule 14.02(1)(c)(ii)** of the Code of Conduct 2007.

“14.02(1)(c) A recognised body must not take on a new manager without first being satisfied of that manager’s eligibility, by [...]

- (ii) *obtaining (and retaining, for production to the Solicitors Regulation Authority if required) in respect of any lawyer authorised by an approved regulator but not by the SRA, written confirmation from the approved regulator to the effect that the lawyer is authorised by that approved regulator, entitled to practise and not subject to a condition or other restriction which would preclude that person becoming a manager”.*

Please note – if an “other lawyer” is authorised by more than one approved regulator, please give details of all legal qualifications and approved regulators. This would include, for example, a legal executive who is also a member of an establishment directive profession and is registered with the Bar Standards Board. In this case, please also provide the European professional title and jurisdiction of qualification.

If you answer “no” to this section, we will be unable to proceed with the application form. To add a new “other” lawyer manager to your firm, you must demonstrate that you have obtained the relevant information in compliance with rule 14.02(1)(c).

Section 2(c) – Approved non-lawyer

An individual non-lawyer is a person who is not a lawyer practising as such, but is approved under regulation 3 of the SRA Recognised Bodies Regulations 2009.

An individual **MUST** be approved under regulation 3 to be a non-lawyer manager of a firm regulated by the SRA. If the individual is not approved under regulation 3, please refer to our website for application form NL1 (www.sra.org.uk/NL1).

Individuals needing approval under regulation 3 of the Recognised Bodies Regulations fall into three categories:

- non-lawyers, i.e. individuals who are not members (practising or non-practising) of a legal profession of England and Wales, an Establishment Directive profession, or a foreign legal profession whose members are eligible to become RFLs;
- members of a foreign legal profession whose members are not eligible to become RFLs;
- non-practising barristers and non-practising members of other legal professions, who are prevented by professional rules or training regulations from changing status so as to be able to seek approval as practising lawyers.

Rule 14.02(1)(c)(iii) of the Code of Conduct 2007

“A recognised body must not take on a new manager without first being satisfied of that manager’s eligibility, by:

obtaining (and retaining, for production to the Solicitors Regulation Authority if required), in respect of any individual who is entitled to be a manager only by virtue of approval under regulation 3 of the Recognised Bodies Regulations written confirmation:

- (a) from the Authority that the individual concerned is approved under regulation 3; and*
- (b) from the individual concerned details of any event which the body will have to declare when next renewing its recognition, which has occurred in relation to that individual since he or she was last a manager of a recognised body renewing its recognition.”*

If you answer ‘no’ to this question on the form, we will be unable to proceed with this notification until such information (above) has been obtained.

Section 2(d) – Legally qualified body

A legally qualified body can be a recognised body, an authorised non-SRA firm or a European corporate practice.

Structure and composition

The SRA is able to recognise a firm with a relatively complex structure, involving various tiers of ownership, provided that the structure and composition of all bodies in the firm satisfy the requirements of rule 14, and at least 75 per cent of the ultimate beneficial ownership in the recognised body is in the hands of lawyers.

Rule 14.04(1)(f) of the Code permits a body corporate which is a legally qualified body to be a partner. **Rule 24** of the Code defines a legally qualified body as:

“24.01 [...] a body which would meet the services requirement in 14.01(1) and is:

- (a) a recognised body;*
- (b) an authorised non-SRA firm of which individuals who are, and are entitled to practise as, lawyers of England and Wales, lawyers of Establishment Directive professions or RFLs make up at least 75% of the ultimate beneficial ownership; or*
- (c) a European corporate practice.”*

European corporate practice

This is defined in rule 24 but is essentially a body corporate (including in this context a partnership with legal personality) which was formed and functions in an Establishment Directive state but not in England and Wales, and has at least 75 per cent ownership and control by lawyers.

Type of body

Only a company, an LLP incorporated in England and Wales or Scotland, or a partnership with legal personality (see below) can be a legally qualified body. Please specify the type of body.

Partnership with legal personality

Whether a partnership has its own legal identity will depend on the jurisdiction under whose law it is formed. Examples of partnerships which have separate legal identities are a general partnership formed under the law of Scotland, a limited liability partnership formed under the law of Jersey, and a general partnership or limited liability partnership formed under the law of Texas or California. Examples of partnerships which do not have separate legal identities are a general partnership or a limited partnership formed under the law of England and Wales, and a general partnership or limited liability partnership formed under the law of New York. A general partnership or limited liability partnership formed under Delaware law has legal personality unless the partners exercise their right to opt out of that status.

Authorised non-SRA firm

If the legally qualified body is an authorised non-SRA firm, please specify the approved regulator of the body.

Main office address

Please give the main office address of the body, which should be the registered office (including country of incorporation) of a corporate body. If the body does not practise from its registered office, please write "non-practising office" against that address and provide details separately of the main practising address. Please note that the registered office of a recognised body must be a practising address of the firm.

Contact details

We do not ask for a contact name or details about the composition of legally qualified bodies, but ask for the website address so that, if we need to make contact or find out more about the body, we can obtain details from the website. If the body does not have a website, please write N/A – we will contact you for further details of the legally qualified body if we need them.

3. Firm's declaration

Knowingly or recklessly giving the SRA information which is false or misleading in a material particular, or failure to inform the SRA of materially significant information of which the firm is aware, may lead to disciplinary action by the SRA or revocation of the body's recognition.

The SRA reserves the right to carry out or to request you to carry out fresh checks in relation to the firm's compliance with the SRA's rules and relevant legal requirements.

Who may sign?

The form must be signed by a solicitor or an REL who is an existing manager in the firm and who is authorised by all partners of the firm to make the declarations in section 3.

If there are no individual managers in the firm, the form may be signed by a solicitor or an REL manager of a body corporate manager of the firm, similarly authorised by all managers.

Signing the form

When you have completed the form on behalf of the firm, please clearly and accurately state your full name and SRA number, and sign and date the declaration.