

Rule 22 – Waivers

Solicitors’ Code of Conduct 2007

Professional Ethics

Dated 10 March 2007 and commencing on 1 July 2007

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22.01

- (1) In any particular case or cases the Board of the Solicitors Regulation Authority shall have power to waive in writing the provisions of these rules for a particular purpose or purposes expressed in such waiver, to place conditions on and to revoke such waiver.
- (2) In spite of (1) above, the Board of the Solicitors Regulation Authority shall not have power to waive any of the provisions of the following rules:
 - (a) rule 1 (Core duties);
 - (b) 3.01 to 3.05 (conflict of interests, excluding provisions relating to alternative dispute resolution, conveyancing and property selling);
 - (c) rule 4 (Confidentiality and disclosure);
 - (d) rule 6 (Equality and diversity);
 - (e) 15.01, 15.03, 15.04, 15.18, 15.22, 15.23 and 15.24 (overseas practice provisions which apply provisions that cannot be waived for practice in England and Wales);
 - (f) rule 18 (Property selling);
 - (g) rule 22 (Waivers);
 - (h) rule 23 (Application); and
 - (i) rule 24 (Interpretation).

Guidance to rule 22 – Waivers

1. If you apply for a waiver, you will need to show that your circumstances are exceptional in order for it to be granted. Advice may be obtained from the Professional Ethics Guidance Team.
2. The list in 22.01(2) should not be taken as an indication that any other rule may be waived in any circumstances. A waiver cannot be granted where to do so would run counter to the overall purpose of the rule. For example, it is difficult to foresee circumstances in which many of the provisions of rule 2 (Client relations) would be waived.
3. The Board of the Solicitors Regulation Authority has confirmed that every existing waiver of the Solicitors' Practice Rules 1990, the Solicitors' Overseas Practice Rules 1990 or the Solicitors' Incorporated Practice Rules 2004 will be extended as a like waiver of the Solicitors' Code of Conduct 2007 for a period of two years from 1 July 2007, or until the date of expiry specified in the waiver if earlier. Every such waiver will expire at the end of the two-year extension period, or earlier if an earlier date of expiry is specified in the waiver. Before then, you will need to consider whether to apply for a new waiver of the Solicitors' Code of Conduct 2007. It is recommended that applications should be made at least four months before expiry.