

## Solicitors Recognised Bodies Regulations 2007

Professional Ethics

Dated 10 March 2007 and commencing on 1 July 2007

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## Solicitors' Recognised Bodies Regulations 2007

Rules dated 10 March 2007 commencing 1 July 2007 made with the concurrence of the Master of the Rolls under section 9(2) of the Administration of Justice Act 1985, making provision as to the form and manner of applications relating to recognition of a recognised body, and as to the list of recognised bodies, the duration of recognition and revocation of recognition.

### Regulation 1 – Applications for recognition and for renewal of recognition

- 1.1 Applications for initial recognition and for renewal of recognition must be made on the prescribed form, and accompanied by the prescribed fee and such information and documentation as the Solicitors Regulation Authority may require.
- 1.2 A recognised body wishing to continue in practice after the renewal date must send its application for renewal of recognition so as to be received by the Solicitors Regulation Authority on or before the renewal date.

- 1.3 A recognised body not wishing to renew its recognition must notify the Solicitors Regulation Authority on or before the renewal date that it does not seek renewal of recognition.

## **Regulation 2 – Discretion to grant or refuse applications**

- 2.1 The Solicitors Regulation Authority may grant an application for initial recognition or renewal of recognition, if satisfied that the applicant body corporate:
- (a) is registered under the Companies Act 1985 or the Limited Liability Partnerships Act 2000 either in England and Wales or in Scotland, or registered outside England, Wales and Scotland as a *societas Europaea*;
  - (b) complies with rule 14 (Incorporated practice) of the Solicitors' Code of Conduct in relation to its internal structure, direction and ownership;
  - (c) has a name that complies with rule 7 (Publicity) of the Solicitors' Code of Conduct; and
  - (d) complies with or is exempt from the Solicitors' Indemnity Insurance Rules as to qualifying insurance and top-up insurance.
- 2.2 The Solicitors Regulation Authority may refuse an application for initial recognition or renewal of recognition if:
- (a) the Authority is satisfied that a director, member or shareowner is not a suitable person to be engaged in the direction or ownership of a recognised body, by reason of that person's character, conduct or associations; or
  - (b) for any other reason the Authority thinks it proper in the public interest not to recognise the body.

## **Regulation 3 – Appeals**

- 3.1 If the Solicitors Regulation Authority refuses an application for initial recognition or renewal of recognition, the applicant is entitled to receive notice in writing of the grounds for refusal, and may appeal to the Master of the Rolls under paragraph 2 of Schedule 2 to the Administration of Justice Act 1985.
- 3.2 If the Solicitors Regulation Authority neither grants nor refuses recognition within three months of the date an application was received, the applicant may appeal to the Master of the Rolls under paragraph 2 of Schedule 2 to the Administration of Justice Act 1985 as if the application had been refused.

## **Regulation 4 – Duration of recognition and renewal date**

- 4.1 Recognition lasts for three years and continues in force until it is revoked.

- 4.2 Renewal of recognition commences on the day following the renewal date.
- 4.3 The renewal date following initial recognition is the last day of the last calendar month of the three-year period; and thereafter, the day before the end of each subsequent three-year period of recognition.

### **Regulation 5 – The list of recognised bodies**

- 5.1 The Solicitors Regulation Authority shall keep a list of recognised bodies.
- 5.2 The list of recognised bodies may be kept in electronic form and must contain, for each recognised body:
- (a) the recognised body's name;
  - (b) the recognised body's registered office;
  - (c) all the recognised body's practising addresses; and
  - (d) whether it is a company limited by shares, a company limited by guarantee, an unlimited company, an overseas company registered in England and Wales, an overseas company registered in Scotland, a *societas Europaea*, or an LLP.
- 5.3 The Solicitors Regulation Authority must make a copy of any entry in the list available for inspection on request by any member of the public.

### **Regulation 6 – Certificates of recognition**

- 6.1 Once a body is granted initial recognition or its recognition is renewed, the Solicitors Regulation Authority shall issue a certificate of recognition.
- 6.2 Each certificate of recognition shall state, in respect of the recognised body:
- (a) its name;
  - (b) its registered office (or its principal practising address in England and Wales, if it is a company or LLP incorporated in Scotland, an overseas company, or a *societas Europaea* registered outside England and Wales);
  - (c) whether it is a company limited by shares, a company limited by guarantee, an unlimited company, an overseas company registered in England and Wales, an overseas company registered in Scotland, a *societas Europaea*, or an LLP;
  - (d) that it is recognised by the Solicitors Regulation Authority as suitable to provide legal services;
  - (e) the date from which recognition is granted or renewed; and
  - (f) the next renewal date.

## **Regulation 7 – Revocation of recognition**

- 7.1 Recognition may be revoked at any time, if:
- (a) the Solicitors Regulation Authority is satisfied that recognition was granted as a result of error or fraud; or
  - (b) the Authority is satisfied that the body would not be eligible to be recognised if it were at that time applying for initial recognition.

## **Regulation 8 – Expiry of recognition**

- 8.1 Recognition will automatically expire if a recognised body ceases to be registered, either:
- (a) under Part I of the Companies Act 1985 as an unlimited company, a company limited by shares or a company limited by guarantee;
  - (b) under section 690A or 691 of the Companies Act 1985 as an oversea company incorporated in an Establishment Directive state;
  - (c) under the Limited Liability Partnerships Act 2000 as an LLP; or
  - (d) as a *societas Europaea*.
- 8.2 Recognition will automatically expire if a winding-up order or administration order is granted under Part II of the Insolvency Act 1986, or a resolution is passed for voluntary winding-up, or an administrative receiver is appointed, in respect of a recognised body.
- 8.3 Recognition will expire if:
- (a) the renewal date stated on the last certificate of recognition has passed;
  - (b) the Solicitors Regulation Authority has not received an application for renewal of recognition and all required fees, information and documentation; and
  - (c) the Solicitors Regulation Authority has decided that recognition will not be renewed.

## **Regulation 9 – Interpretation**

- 9.1 All terms in these regulations are to be interpreted in accordance with rule 24 (Interpretation) of the Solicitors' Code of Conduct.

## **Regulation 10 – Waivers**

- 10.1 In any particular case or cases the Board of the Solicitors Regulation Authority shall have power to waive in writing the provisions of these regulations for a particular purpose or purposes expressed in such waiver, and to revoke such waiver.