

# Master of the Roll (Applications and Appeals) Regulations 2001

Regulations made by the Master of the Rolls on 29th June 2001.

## Commencement and repeal

1. These regulations come into force on 29th June 2001, whereupon the Master of the Rolls (Appeals and Applications) Regulations 1991 cease to have effect.

## Scope of the regulations

2. These regulations apply to applications and appeals to the Master of the Rolls in relation to matters before the Law Society or its Council or the Solicitors' Disciplinary Tribunal.

## Parties to an application or appeal

3. The Law Society shall always be made a respondent to the application or appeal, other than one initiated by the Society.

## Time limits

4. Where the relevant statute, regulation or rule makes no provision as to a time limit for making an application or appeal, an application or appeal may be made within four weeks of:
  - (a) the Law Society writing to notify the applicant or appellant of the Society's action or decision,
  - (b) expiry of the period within which the Society is required to take action under the statute, rule or regulation, or
  - (c) the filing of the findings of the Solicitors' Disciplinary Tribunal, as appropriate.
5. The Master of the Rolls may waive or abridge any time limit under these regulations.

## Procedure

6. The applicant or appellant shall deliver to the Clerk to the Master of the Rolls:
  - (a) a petition signed by the applicant or appellant setting out:

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- (i) the rule, regulation or statutory provision under which the Master of the Rolls has jurisdiction;
  - (ii) the relief sought;
  - (iii) the circumstances of the application or appeal and any other relevant matters;
  - (iv) the matters of fact relied on;
  - (v) any representations as to whether the hearing should be in public or in private; and
  - (vi) a statement that all the facts stated in the petition are true; and
- (b) in the case of an appeal against a decision of the Solicitors' Disciplinary Tribunal, copies of all documents referred to at the hearing before the Tribunal;

and shall within two days of delivering the petition and other documents to the Clerk to the Master of the Rolls deliver copies to the Law Society at the Law Society's Hall, and to any other respondent at his or her last known business or home address.

7. Any respondent may make written submissions to the Master of the Rolls on the substance of the application or appeal, or on the jurisdiction of the Master of the Rolls to deal with the application or appeal, or on whether the hearing should be in public or in private, within six weeks of receiving the copy petition and other documents. The respondent shall at the same time send copies of any such submissions to the applicant or appellant and to any other respondent.
8. Where the substantive issues raised by the application or appeal are the same as issues which the Master of the Rolls has already disposed of in an earlier application or appeal by the same applicant or appellant, the Master of the Rolls may refuse the application or appeal without a hearing, with or without an order as to costs.
9. The Master of the Rolls will appoint a time for hearing the application or appeal.
10. The hearing shall be in public unless:
  - (a) all parties to the application or appeal agree that all or part of the hearing shall be in private and the Master of the Rolls considers that this will not be contrary to the interests of justice; or
  - (b) the Master of the Rolls considers that there are exceptional circumstances which justify hearing all or part of the application or appeal in private.
11. On the hearing of the application or appeal the applicant or appellant and the respondent may appear in person, or by solicitor or counsel, or by a European lawyer registered with the Law Society or the Bar Council under regulation 17 of the European Communities (Lawyer's Practice) Regulations 2000, or in the case of a company by a director, or in the case of a limited liability partnership by a member, or in the case of the Law Society by a member of its staff.

12. On the hearing of the application or appeal no formal rules of evidence shall apply.
13. Where the relevant statute, regulation or rule makes no express provision as to the powers of the Master of the Rolls, the Master of the Rolls may make such order as he or she thinks fit.
14. The Master of the Rolls may make such order as to the costs of any application or appeal as he or she thinks fit.
15. Any direction or order made by the Master of the Rolls on an application or appeal shall be signed by the Master of the Rolls and shall be delivered to the Law Society at the Law Society's Hall by the Clerk to the Master of the Rolls. The Clerk to the Master of the Rolls shall send a copy of the direction or order to all other parties.