

## Practising Certificate Regulations 1995

Made on 19<sup>th</sup> January 1995 by the Master of the Rolls with concurrence of the Lord Chancellor and the Lord Chief Justice under sections 14(2) and 28 of the Solicitors Act 1974, regulating solicitors' practising certificates and applications for them.

### Commencement

1. These regulations replace the Practising Certificate Regulations 1976 in relation to all practising certificates, and applications for practising certificates, for any period commencing on or after 1<sup>st</sup> November 1995.

### Requests for information

2. In addition to information supplied on any prescribed form under these regulations, solicitors must supply to the Law Society such information as to their practice as solicitors as the Society shall from time to time reasonably require for the purpose of processing applications.

### Replacement date and conditions

3. The replacement date for every practising certificate shall be the 31<sup>st</sup> October following the issue of the applicant's current practising certificate.
4. Every practising certificate shall specify its commencement date, its replacement date, and any conditions imposed by the Law Society.

### Applications for practising certificates

5. Any application made or certificate or notice given to the Law Society under these regulations must be on the prescribed form, correctly completed, and accompanied by such additional information, documents and references as the Society shall specify.
6. Every application for a practising certificate must be accompanied by:
  - a) the fee payable in respect of the certificate under section 11 of the Solicitors Act 1974;
  - b) if appropriate, any fee payable under section 12A of the Solicitors Act 1974; and

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- c) any annual contribution to the Solicitors' Compensation Fund, and any special levy payable by the applicant under Schedule 2 to the Solicitors Act 1974.
7. 1) Every application for a practising certificate which is to follow on immediately from the applicant's current practising certificate must reach the Law Society on or before the replacement date.
- 2) If no application is received from a solicitor with a current practising certificate by the replacement date the Law Society may terminate that solicitor's current practising certificate.

### Advance notice of application

8. 1) Unless the Law Society or the Master of the Rolls otherwise orders, a solicitor to whom section 12 of the Solicitors Act 1974 applies must give at least six weeks' notice of his or her intention to apply for a practising certificate.
- 2) Any notice under this regulation must, unless the Law Society in writing dispenses with this requirement, be accompanied by a certificate of fitness completed by two practising solicitors to whom the applicant is personally known. The certificate may not be completed by a solicitor who is the applicant's relative, employee, fellow employee junior in rank or a person to whom section 12 of the Solicitors Act 1974 applies, or by two solicitors who are the applicant's partner, former partner, employer or fellow employee.
- 3) Any such notice must also be accompanied by such additional information, documents and references as the Law Society shall specify.

### Obligations on completing prescribed form

9. Every applicant must ensure that all details relating to him or her given on any form prescribed under these regulations are correct and complete.
10. Every form submitted under these regulations must be personally signed by the applicant unless
- a) another solicitor has been given written permission by the Law Society, in exceptional circumstances, to sign on the applicant's behalf; or
  - b) the form used is completed on behalf of a number of applicants in one practice, and the person signing the form is a solicitor authorised by the practice, and has the consent of all the persons named in the form, to sign on their behalf.
11. If any form submitted under these regulations is signed by a person other than the applicant, the person signing the form must take reasonable steps to ensure that all details given on the form are correct and complete.

## Delivery of practising certificate

12. Every practising certificate shall be sent by post to the applicant at the applicant's principal practising address or to such other address as may be specified by or on behalf of the applicant to the Law Society.

## Interpretation

13. The Interpretation Act 1978 shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

14. In these regulations:

“practice” means a solicitor’s practice, and includes a multi-national partnership, a recognised body, the in-house legal department of a non-solicitor and an overseas partnership or corporate practice of solicitors and other lawyers; and

“prescribed form” means a form or forms prescribed from time to time by the Law Society with the concurrence of the Master of the Rolls.