

Notes on form REG3 2010/2011

- Notification of intention to apply for a practising certificate or registration as an REL, and
- Regulation 6 notification for an RFL

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Introduction

This form is the prescribed form for

- solicitors and registered European lawyers (RELs) who are subject to regulation 3 of the SRA Practising Regulations 2009, to notify the SRA of their intention to apply for a practising certificate (PC) or registration to be an REL, and
- registered foreign lawyers (RFLs) applying for renewal of their registration where any matters in regulation 3 which apply to them, in compliance with regulation 6.2(a).

Applicants need to complete the REG3 form in addition to an application for a practising certificate (PC) or registration (including a renewal).

Note that in these notes:

“the Practising Regulations” means the SRA Practising Regulations 2009,

“the Code” means the Solicitors’ Code of Conduct 2007.

Who needs to fill in this form

You **must** fill in this form if

- you wish to apply for/renew a practising certificate/registration, and
- any of the paragraphs in regulation 3.1 of the regulations apply to you. (For full details of regulation 3.1 see section 4 below.)

You may also fill in this form to tell us you do not want to renew your practising certificate/registration, or you can contact us by

- telephone on 0870 606 2555 (within the UK) or +44 (0)1527 504450 (international). Lines are open from 09.00–17.00 Monday to Friday, or
- email at contactcentre@sra.org.uk.

Frequently asked questions

Do I need to send original documents?

No, unless we specify that we need originals, please send copies of all documents. **We cannot return any documents.**

If documents that you need to submit are not available, you may send in your application but please provide details in your covering letter of the documents, why they are outstanding, and when you expect to be able to send them to us.

What if I have changed my name?

If you have changed your name, you will need to send us a copy of the documentation, for example your marriage certificate, deed of name change etc.

What do I do if any information on the form is incorrect?

Please note that this is only relevant for those individuals whose REG3 form is pre-printed.

We may include on the form details that we already hold about you. If this information is wrong, please put a line through it and write the correct information and the date that any changes came about.

If there isn't enough space on the form to add new information, please use a separate piece of paper and indicate which question you are referring to.

Please do not use liquid paper or obscure the original pre-printed information.

What if I need further help to fill in the form?

You can get help by emailing us at contactcentre@sra.org.uk or by calling 0870 606 2555 (within the UK) or +44 (0)1527 504450 (international). Lines are open from 09.00 – 17.00 Monday to Friday.

Section 1 – Personal details

Please state your full name as recorded in SRA records.

If your name has changed

Please ensure that you have attached to your application a **signed** copy of evidence—for example, a photocopy of your marriage certificate or a **certified** copy of a deed of name change.

SRA number

You can find your SRA number on your certificate of admission and on your practising certificate/registration.

Contact details

Please state your main practising address or the address you would prefer us to use for correspondence.

Please give us your email address and the telephone number you would prefer us to use when contacting you.

Section 2 – PC/registration

You can use this form to tell us that you do not wish to renew your PC/registration – but you may also tell us by email or telephone (see our contact details above).

2.1 - Please say if you want to apply for a PC/registration.

If you don't wish to apply then please provide the exact date you ceased to practise in order for us to update our records accurately. It would also be helpful if you could tell us the reasons why you do not wish to renew your PC/registration. If you have ceased to practise, please go straight to section 7 once you have completed section 2.1.

If you do want to apply for PC/registration please complete all remaining sections of the form.

2.2 - Conditions on your PC/registration

If you have condition(s) on your PC/registration and you would like us to consider removing the conditions, this question gives you the opportunity to explain your reasons why.

We do not guarantee that we will remove the conditions.

Section 3 – SRA Practising Regulations 2009

To complete this section, please refer to regulation 3.1 of the Practising Regulations as set out below.

We may already have listed some matters in this section. If so, please check that they are correct and, if not, amend the details. If no matters, or not all relevant matters, are listed please add the details of these. You should specify the relevant paragraph of regulation 3.1 and indicate the nature of the matter, for example:

- 3.1(g) Condition on my PC
- 3.1(b) Did not give a satisfactory explanation (January 2005)
- 3.1(k)(ii) Entered a PVA for my separate business.

Note – An application for replacement of a PC or for renewal of registration for an REL must be made **at least six weeks before** the replacement or renewal date ([see regulation 3.2\(a\)](#)).

Note – While RFLs are not subject to regulation 3.1, they are required under regulation 6.2(a) of the Practising Regulations to notify the SRA when any of the events listed in regulation 3.1 apply.

Regulation 3.1

“(a) The applicant has been:

- (i) reprimanded, made the subject of disciplinary sanction or made the subject of an order under section 43 of the Solicitors Act 1974, ordered to pay costs or made the subject of a recommendation to the Law Society or the SRA to consider imposing a condition, by the Solicitors Disciplinary Tribunal, or struck off or suspended by the Court;
 - (ii) made the subject of an order under section 43 of the Solicitors Act 1974 by the Law Society or the SRA or rebuked or fined under section 44D of that Act by the SRA;
 - (iii) made the subject of, or been a manager of a recognised body which has been the subject of, an intervention by the Law Society or the SRA; or
 - (iv) made the subject of a disciplinary sanction by, or refused registration with or authorisation by, another approved regulator, professional or regulatory tribunal, or regulatory authority, whether in England and Wales or elsewhere.
- (b) The SRA (or previously the Law Society) has requested an explanation from the applicant in respect of a matter relating to the applicant's conduct and has notified the applicant in writing that it does not regard the applicant's response, or lack of response, as satisfactory.
- (c) The applicant has failed to deliver within the period allowed an accountant's report required by rules made under section 34 of the Solicitors Act 1974.
- (d) The applicant's practising certificate or registration has been suspended and the suspension:
- (i) has come to an end;
 - (ii) was continuing when the applicant's last practising certificate or previous registration expired or was revoked; or
 - (iii) is continuing.
- (e) The applicant has been suspended from practice (or suspended from practice in the UK, if the applicant is a European lawyer), and the suspension has come to an end.
- (f) The applicant's last practising certificate or previous registration expired or was revoked whilst subject to a condition.
- (g) The applicant's practising certificate or registration is currently subject to a condition.
- (h) The applicant's right to practise as a lawyer of another jurisdiction or as a lawyer of England and Wales (other than as a solicitor) is subject to a condition or restriction.
- (i) The applicant has been restored to the roll or register, having previously been struck off.

- (j) The applicant is an undischarged bankrupt.
- (k) The applicant:
 - (i) has been adjudged bankrupt and discharged;
 - (ii) has entered into an individual voluntary arrangement or a partnership voluntary arrangement under the Insolvency Act 1986;
 - (iii) has been a manager of a recognised body which has entered into a voluntary arrangement under the Insolvency Act 1986;
 - (iv) has been a director of a company or a member of an LLP which has been the subject of a winding up order, an administration order or administrative receivership; or has entered into a voluntary arrangement under the Insolvency Act 1986, or has been voluntarily wound up in circumstances of insolvency.
- (l) The applicant lacks capacity (within the meaning of the Mental Capacity Act 2005) and powers under sections 15 to 20 or section 48 of that Act are exercisable in relation to the applicant.
- (m) The applicant has been committed to prison in civil or criminal proceedings and:
 - (i) has been released; or
 - (ii) has not been released.
- (n) The applicant has been made subject to a judgment which involves the payment of money, other than one:
 - (i) which is limited to the payment of costs; or
 - (ii) in respect of which the applicant is entitled to indemnity or relief from another person as to the whole sum; or
 - (iii) which the applicant has paid, and supplied evidence of payment to the SRA (or previously to the Law Society).
- (o) The applicant is currently charged with an indictable offence.
- (p) The applicant has been convicted of an indictable offence or any offence under the Solicitors Act 1974, the Financial Services and Markets Act 2000, the Immigration and Asylum Act 1999 or the Compensation Act 2006.
- (q) The applicant has been disqualified from being a company director.
- (r) The applicant has been removed from the office of charity trustee or trustee for a charity by an order within the terms of section 72(1)(d) of the Charities Act 1993.
- (s) The applicant has been the subject in another jurisdiction of any circumstance equivalent to those listed in (j) to (r)."

Section 4 – Character and suitability to act as a solicitor/REL/RFL

You must answer this in full. Please do not leave any questions blank or this will result in an incomplete application (see regulation 1.1 of the Practising Regulations).

There may be some duplication of information in section 3 of the form but this section is included to provide a fuller picture to help us assess character and suitability to practise. For example, you **do** need to declare matters even though they may already be listed in Section 3 of the form.

If you answer “Yes” to any of the questions in this section, please provide a full statement of events and attach securely to the application form.

Honesty, integrity or respect for law (Q 14) – You need to provide details as to whether you have ever been involved in “other conduct” which calls these matters into question. We expect you to interpret this question broadly. You must provide information about matters which are not the subject of another question on the form, but are or may be relevant to the consideration of your character and suitability—for example:

- a caution,
- a warning,
- an Anti-Social Behaviour Order,
- a charge/conviction relating to an offence which is not indictable, or
- an investigation or any disciplinary action by a professional/regulatory body since you were last issued with a practising certificate/registration.

You will need to provide **all documentation relating to such matter(s)**.

Spent convictions – please note that convictions which are “spent” under the Rehabilitation of Offenders Act 1974 must be disclosed by virtue of the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) (England and Wales) Order 2008.

Section 5 – Applications where regulation 3.1(j) and/or (k) apply.

Please send copies, not originals, of your documents. We cannot return any documents.

If more than one matter mentioned in regulation 3.1(j) and/or (k) apply please photocopy this section before completion.

In this section we ask about the nature of your financial difficulties to help us assess the risk involved in granting you a practising certificate, and whether, if granted, it is appropriate to attach conditions. Please note that, if we consider it to be in the public interest, we may attach conditions to a PC/registration and/or to the recognition of a recognised body.

5.1 – Please provide the date of the bankruptcy, insolvency matter or voluntary arrangement together with copies of supporting documents. The dates and examples of the types of relevant documents are as follows.

- Bankruptcy – the date of the bankruptcy order. Please provide a copy of the order.
- Voluntary arrangement – the date you or the organisation entered the arrangement. Please provide a copy of the arrangement.
- Winding up order – the date of the order. Please provide a copy of the order.
- Administration order – the date of the order. Please provide a copy of the order.
- Administrative receivership – the date the receiver was appointed. Please provide a copy of the appointment.
- Voluntary winding up – the date of the appointment of the liquidator. Please provide a copy of the appointment.

5.2 to 5.4 – If the insolvency matter or voluntary arrangement relates to an organisation e.g. a partnership, LLP or company (whatever the nature of the business), please provide the details requested so that we can identify whether the issue concerns a legal practice or an unrelated type of business.

Where we ask for the registration number of a body, please provide the Companies House number.

5.5 – Please indicate what the total amount of the liabilities in the bankruptcy was or, if the insolvency matter or voluntary arrangement relates to an organisation, indicate what were the liabilities of the organisation on the date specified in 5.1.

5.6 – If there were liabilities to clients, we need to know if all money has been repaid from the client account or whether money is still owed. If clients have not received all funds due to them, please prepare and submit a schedule showing in respect of each client the original liability and what amount of this has been paid so far.

5.7 – If there has been a distribution of funds to reduce the liabilities to creditors, or you expect that there will be, please indicate the level of this. If there has not been a distribution and you do not expect there to be one, please write N/A.

5.8 – Please give a brief summary of the background of the bankruptcy, insolvency matter or voluntary arrangement, including whether it was related in any way to your practice as a lawyer. Please also refer to any additional documents that you provide as background.

5.9 – If the voluntary arrangement has been fulfilled please let us know the date that this was completed. If the arrangement is continuing please say if you are complying with the terms of the arrangement or, if not, please give details.

5.10 – If your bankruptcy has been discharged, please provide a copy of the discharge.

5.11 – If applicable, please provide details of why you are subject to a bankruptcy restriction order.

5.12 – Please provide a summary of the present position.

Section 6 – Solicitors/REs/RFLs who do not hold a current PC or have a current registration

Please state whether you have practised or been held out as a solicitor/REL/RFL since you last held a PC or were registered in the register of European or foreign lawyers.

If you have practised without a PC or being registered please provide a full explanation of the work carried out and the specific time period(s) it relates to as we will need to take this into account when considering your application and whether any other action may be appropriate.

Section 7 – Applicant’s declaration

Your full name must be given and must be legible, and you must sign and date the declaration. If the declaration is not signed, it will be returned to you.

In signing the declaration you give consent to the SRA to make any further enquiries necessary in order to assess your application. The declaration relates to the entire form and any supplementary sheets you provide.

Section 8 – Fees

A fee of £200 is only payable for applications made under regulation 3.1(c).

Section 9 – Application checklist

Please refer to the checklist to ensure that you have completed the form and provided the information we need, so that we can deal with your application as quickly as possible.

Section 10 – Returning the form

Please make sure you complete all the relevant boxes on the form and have supplied all additional information required.

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

Please list details of all additional pages, other supporting documents and information on an enclosure list. Please mark each document clearly with the section of the form to which it relates.

Please send your form and all supporting documents to:

Operations Unit

Solicitors Regulation Authority

Ipsley Court

Berrington Place

Redditch

B98 0TD

or

DX 19114 Redditch