



Solicitors
Regulation
Authority

AD15 Notes

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Introduction

About the form

You can use this form to:

- apply for admission to the roll of solicitors in England and Wales,
- advise us if you do not want to become a member,
- check that the contact details we currently hold for you are correct,
- apply for your first practising certificate.

Section 1A Solicitors Act 1974 requires that any solicitor employed in private practice in England and Wales (E & W) in connection with the provision of any legal service needs a practising certificate.

How to use the form

- Please check that the information already pre-printed on the form is correct, including spelling.
- Make any changes that are necessary and provide dates of when the changes were made. Please put a line through any deletions. Do not use liquid paper.
- Add missing or extra information in the appropriate boxes.

How to contact us

Throughout the guidance we may refer you to different departments within the SRA for assistance. The contact details for these departments are listed below.

If you need any assistance completing this form please contact information Services on 0370 606 2555. Our lines are open from 08.00 to 18.00 Monday, Wednesday, Thursday, Friday and 09.30 to 18.00 Tuesday. If you are calling from overseas please call +44(0)121 329 6800. Please note calls may be monitored/recorded for training purposes. Alternatively, you may contact us via e-mail at contactcentre@sra.org.uk.

If you are not sure if you need a practising certificate you should refer to the information online at www.sra.org.uk. If this does not deal with your enquiry then contact Professional Ethics on 0370 606 2577. Our lines are open from 09.00 to 17.00, Monday to Friday. Alternatively you may contact us via e-mail at professional.ethics@sra.org.uk. Professional Ethics calls are strictly confidential and are recorded for training purposes/quality control only.

Frequently asked questions

Where do I send the form and fee?

Please send your form and appropriate fee to:

Authorisation
Solicitors Regulation Authority
The Cube
199 Wharfside Street
Birmingham
B1 1RN

or DX 720293 Birmingham 47

Alternatively by fax on +44 (0)121 616 1999, if payment is made by bank transfer.

Please note that any payment received without an accompanying application form will be held for a maximum of 30 days before being returned to the sender.

How can I pay?

You can pay the full amount by cheque, postal order or bank transfer. Please note we do not accept payment via credit or debit cards.

If the cheque is not signed or payment is not enclosed, we will return the form to you.

Who should I make the cheque payable to?

Please make your cheque payable to the **Law Society** and put your SRA number on the back of the cheque (see “Section 1” personal details of the form for your SRA number). All foreign cheques need to be endorsed i.e. signed and dated by the drawer. Please note it may take up to 8 weeks for a foreign cheque to clear our account and your application will not be processed until cleared funds have been received. The SRA does not accept postal orders drawn outside the United Kingdom (UK).

Will I receive a receipt for the cheque and form?

The SRA does not automatically issue receipts for application forms or cheques.

What do I do if I have changed my name?

You should write your new name and the date the change became effective in “Section 1” personal details. Also attach a signed copy of proof, for example a certified copy of a deed poll or a photocopy of your marriage certificate.

The Establishment Directive

In February 1998 the European Parliament and Council passed the Establishment of Lawyers Directive (the Directive). Its main purpose is to help lawyers from one member state (the Home state¹) - to practise in another member state (the host state²).

Becoming a registered European lawyer (REL) entitles EU lawyers to practise law on a permanent basis in any other member state, under their home state professional title, provided that they register with a competent authority³ in the host state and comply with the rules of conduct of the local profession. The rights of practice include the right to:

- practise in partnership with host state lawyers where joint practice is permitted in the host state;
- advise on host state law (which includes community law);
- undertake activities reserved to host state lawyers, subject to certain limitations.

In addition:

It gives lawyers registered under the Directive the right, after three years practice of host state law, to apply for admission to the host state legal profession without having to pass an examination.

The purpose of this information sheet is to provide information on this route to admission as a solicitor in England and Wales, which will help you when completing the application form (AD15).

Who can take advantage of this route to admission?

You can only apply for admission as a solicitor in England and Wales by this route if:

- you are a member of one of the legal professions listed in the Directive; and
- you are an EU national; and
- as an established EU lawyer you have been practising as a lawyer in the law of the United Kingdom “on a permanent basis” in the UK for three years or more.
- you are registered with the SRA as a REL.

If you are registered with a professional body other than the SRA you must first register with the SRA before your application for admission as a solicitor can be considered.

¹A lawyer's home state is his or her state of qualification

²A lawyer's host state is the state where he or she is practising

³The Law Society of England and Wales is one of the two competent authorities for EU lawyers in the jurisdiction of England and Wales - the other is the Bar of England and Wales. Applicants may also have registered with professional bodies in Scotland or Northern Ireland.

Application under Articles 10.1 and 10.3

What experience do I need to have had in order to apply for admission by this route?

As a REL you will have been entitled to practise the law of the United Kingdom (UK) on a permanent basis under your home state professional title.

To be eligible for admission as a solicitor of England and Wales under the Directive the activities pursued for the last three years must have been those of an **established** EU lawyer. "Provision of services", however effective or regular, will not qualify.

Periods of practise before the implementation of the Directive on 14 March 2000 will be counted towards the period of three years practise required for the purposes of admission under this procedure. However you must first register with the Law Society of England and Wales before your application for admission as a solicitor can be considered.

How can I establish my eligibility to be admitted under the provisions (Article 10) of the Directive?

Article 10 of the Directive explains the different ways in which applicants can seek admission to the solicitors' profession. There are two ways in which the application can be considered, under Article 10.1 or 10.3.

Application under Article 10.1

To be eligible under Article 10.1, you must show that you have "effectively and regularly" pursued in the UK, for a period of at least three years, an activity in the law of the UK including Community law.

Therefore to qualify under Article 10.1, you must demonstrate to the SRA that you have practised in the law of the UK, that is to say in the law of England and Wales or Scotland or Northern Ireland to include Community law for a period of at least three years.

Activities in UK law including Community law would include;

- the conduct of any matter which could proceed before any court, tribunal or inquiry, whether or not proceedings are commenced;
- advocacy before any court, tribunal or inquiry;
- instructing counsel;
- acting as a professional executor or trustee in England and Wales;
- drafting any will or trust deed;
- giving legal advice;
- any activity reserved to solicitors (whether solely or together with other persons) by the Solicitors Act 1974 or any other statute; and
- drafting any legal documents not covered in the points above.

Application under Article 10.3

If you have not practised UK law “effectively and regularly” for three years, Article 10.3 allows the SRA a limited degree of discretion. This enables the SRA to take into account the effective and regular professional activity pursued during the three year period, together with any knowledge and professional experience of the law of the UK. This may be acquired through attendance at lectures or seminars on that law, including the rules regulating professional practice and conduct.

You may be unable to fulfil the requirements of Article 10.1 in that you have not been able to pursue an activity in the UK and in the law of the UK including Community law, for a period of at least three years.

If you have “effectively and regularly” pursued a professional activity in the UK for a period of at least three years, you may still apply for admission under Article 10.3.

However, some period of effective and regular practise of UK law including Community law must be shown in order to satisfy Article 10.3. Normally the SRA would expect this to be a least two years.

Professional activities under Article 10.3 include all of the activities listed above under Article 10.1 in addition to:

- similar activities in non-UK law;
- “(wo)man of affairs” activities coming within the scope of practising solicitors and registered European lawyers such as Investment Business or Estate Agency.

If you do apply under Article 10.3, or in some cases under Article 10.1, you may be subject to an interview with the SRA. This is to verify the “effective and regular” nature of the activity pursued, both in UK law including Community law and more generally to assess your ability to continue the activity.

Suitability Test

We must be satisfied as to your character and suitability to be a solicitor before you are admitted to the roll. The questions in Section 6 of the AD15 are based on the criteria set out in the SRA Suitability Test 2011: <http://www.sra.org.uk/solicitors/handbook/suitabilitytest/content.page>. You must disclose all material information. Failure to disclose material information will be treated as prima facie evidence of dishonest behaviour. You are therefore encouraged to provide all information in respect of your character and suitability, even if you are unsure whether it is 'material'. You must also disclose spent cautions and convictions, unless they are protected cautions or convictions.

If you disclose any issues that may affect your character and suitability, you must provide full details, including, where appropriate, supporting independent evidence. We will then undertake an assessment of the information you have provided. <http://www.sra.org.uk/students/student-enrolment/character-suitability-guidance.page>.

We are aware that we receive applications in respect of overseas candidates and that some of the terminology used in the form, particularly in respect of criminal offences and financial behaviour, may not be exactly analogous to terminology relevant in the home jurisdiction. We would ask that you carefully consider the terminology of the Suitability Test in the context of your home jurisdiction and provide as much information as possible about any issues which call into question your character and suitability.

If the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 is applicable to your occupation, profession or role, you must declare all convictions and cautions, even if they are deemed to be spent in accordance with the Act, unless they are protected convictions or cautions.

If you fall within the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 and you fail to disclose information about convictions and/or cautions for criminal offences which are not protected convictions or cautions, whether they are spent or unspent, we will consider this as amounting to prima facie evidence of dishonest behaviour.

- (i) The provisions of the Rehabilitation of Offenders Act 1974 and the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 will be taken into account by us in considering any application you make.
- (ii) This means that if you fall within the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, the fact that the conviction is spent, and the time that has passed since the conviction was given, together with any other material circumstances will be taken into account by us when determining any application made by you.
- (iii) A period of rehabilitation, particularly after we have decided to refuse your application, will not in itself result in automatic admission/authorisation. We need you to show, through a period of good behaviour, that you have taken steps to rehabilitate yourself by your own volition.
- (iv) Amendments made to the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 in May 2013 introduced "protected convictions" and "protected cautions". Questions we ask about convictions or cautions will, therefore, exclude protected cautions or convictions and failure to disclose will not be considered as prima facie evidence of dishonesty.
- (v) A caution is a "protected caution" if:
 - (a) it was given other than for an offence listed in article 2A(5) of the Exceptions Order, and;
 - (b) where the person was aged:
 - (A) 18 or over at the time the caution was given, six years or more have passed since the caution was given, or;
 - (B) under 18 at the time the caution was given, two years or more have passed since the caution was given.

- (vi) A conviction is a “protected conviction” if:
 - (a) it was given other than for an offence listed in article 2A(5) of the Exceptions Order;
 - (b) a sentence other than custody or service detention was imposed;
 - (c) the person has not been convicted of any other offence at any time, and;
 - (d) where the person was aged:
 - (A) 18 or over at the time of the conviction, 11 years or more have passed since the date of conviction, or
 - (B) under 18 at the time of the conviction, five and a half years or more have passed since the date of conviction.
- (vii) The DBS will filter any protected convictions and cautions, so they will not appear on standard disclosures.
- (viii) The following individuals and roles are covered by the Exceptions Order and spent convictions and cautions, excluding protected convictions and cautions, must be disclosed:
 - (a) applicants seeking admission to the profession, i.e. applicants for student enrolment, QLTSR certificates of eligibility, and admission;
 - (b) non-lawyer managers in existing Legal Disciplinary Practices;
 - (c) non-lawyer owners who hold a material interest in a licensed body;
 - (d) COLPs and COFAs of licensed bodies.
 - (e) Applications for registration as a registered European lawyer and registered foreign lawyer.
- (ix) The following individuals and roles are not covered by the Exceptions Order and spent convictions and cautions should not be disclosed:
 - (a) former solicitors seeking restoration to the roll;
 - (b) owners of recognised bodies;
 - (c) COLPs and COFAs of recognised bodies;
 - (d) owners of licensed bodies who do not require approval under Schedule 13 to the LSA;
 - (e) managers of authorised bodies.

How to apply

Applicants must send us:

- i the completed application form,
- ii the prescribed fee,
- iii the names and addresses of two referees,
- iv a certificate of attestation which is less than three months old; this certificate will be in the same format as the certificate which you submitted for registration with the SRA as a European lawyer. A new certificate will be required if the certificate of attestation, which you used for your last registration with the SRA is more than three months old. The certificate must be in English.

Application for admission under Article 10 must be made on the application form (AD15). If you need more than one form you can photocopy it or Information Services will send you additional forms upon request.

Each applicant must give us a certificate of attestation from each of his or her home law societies or bars. Certificate(s) of attestation should be supplied for each of the jurisdictions in which you are admitted.

The certificate must not be more than three months old and should confirm:

- i your date of admission,
- ii whether or not there is any probationary training period required after admission in your home jurisdiction,
- iii that your name is held on a register and that you are entitled to practise,
- iv that there are no disciplinary orders or pending proceedings against you (or details of any such orders or proceedings).

Pre-admission screening

You need to complete the pre-admission screening with Atlantic Data Ltd, which includes a Standard Disclosure and Barring Service check. You may also need to obtain an overseas criminal records check, if you have lived outside of the UK for a period of 12 months during the last five years. Please see our website page <http://www.sra.org.uk/trainees/admission/dbs-check.page> for further details.

Fees

The total fee for your application for admission is £500. This is comprised of a fee for £400 for assessment of your application together with a £100 admission fee. The fee for your DBS disclosure is £42.

What happens next?

Once all the relevant documentation concerning your application for admission under the Directive has been received, your application will be considered by the SRA.

Applicants under Article 10.3 may be called for interview to verify the “effective and regular” nature of the activities they have pursued.

When the SRA has agreed that you have met the requirements under the Directive for admission and we are satisfied as to your character and suitability to be admitted as a solicitor, we will tell you your proposed admission date.

Your admission certificate will be sent to you on your admission.

Applying for a practising certificate

A person who, during employment in private practice, applies to be admitted as a solicitor needs to apply simultaneously for a practising certificate if that employment is to continue - see Section 1A of the Solicitors Act 1974 and the Guide to Professional Conduct of Solicitors 1999 2.03 page 33.

As a registered European lawyer you are entitled, upon admission to your first practising certificate free of charge.

If your practising details will change upon admission from section 2 of this application, please indicate this here.

Reminder checklist

To help us to process your application promptly, please check the following:

- the form is signed and dated,
- any additional sheets are clearly labelled and attached securely to the form,
- the cheque is signed, dated and securely attached with your SRA number on the reverse,
- any relevant documentation is enclosed; including certificate(s) of attestation from your home Bar or Law Society,
- that you have completed the pre-admission screening application.

The completed application form (AD15) and remittance of £500 must be sent to The Finance Department, Solicitors Regulation Authority, The Cube, 199 Wharfside Street, Birmingham B1 1RN or DX 720293 Birmingham 47. Please make cheques payable to the **Law Society**.