Withdrawal of residual client balances



Read the **Statement of prescribed circumstances** on our website for balances of £500 and below

**Use this form to apply for an authority to withdraw funds from client account for balances over £500**

* Rule 2.5 SRA Accounts Rules states that you are required to ensure that client money is returned promptly to the client, or the third party for whom the money is held, as soon as there is no longer any proper reason to hold those funds.
* Please complete the form with as much information as possible. Failure to provide enough information/steps you have taken will delay a decision on your application.
* What are reasonable steps to return the money to the rightful owner? This will vary depending on the situation. Factors affecting what will be considered reasonable include, but are not limited to, age of the balance, the amount held, the client details available in respect of a balance and the costs associated with a particular tracing method. We will require more intensive tracing efforts for larger or more recent residual balances, or for balances where more details are held about the client.
* Where you incur out-of-pocket expenses (such as tracing agent’s fees), these can be considered by a decision maker, if the attempts to trace the client have not been successful.

**Application/Information Form**

**SRA Accounts Rules**

Please submit evidence of all steps taken to trace client, e g DWP search result, tracing agent etc

Copies of ledger cards or bank statements should ***not*** be enclosed.

|  |  |  |  |
| --- | --- | --- | --- |
| **Checklist of attempts made**  **to trace the client or other proper recipient of money in client account** | | | |
| **Name of your client (if known):** | **Client Ref:** | **Amount (over £500 only)** | |
| **Does the money belong to your client?** | **YES/NO** | **If no, who does the money belong to?** | |
| **How long have funds been held?:** |  | **Type of file e.g.conveyancing, matrimonial etc** | |
| **Is the money in client account? YES/NO**  **Name of client a/c in which the money is held?** |  | If no (see criteria)  **See (i)** |  |
| **Has this balance been transferred from another firm of solicitors?** | **Yes/no** | **Name of firm and SRA number from whom you took the balance** |  |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Steps to be taken** | **Yes / No** | **If no, why not appropriate** | **If yes, what was the result** | |
| Do you have a file, either paper or electronic? | **Yes/No** | If no, where is the file? |  | |
| 1. Do you have a postal address? (this does not need to be current) | **Yes / No** | If yes, please use the DWP letter forwarding service and wait for a response **before** applying to Professional Ethics. We will require this as a bare minimum if you hold an address. |  | |
| 1. Have you written to the address(es) held? | **Yes / No** | Has the post been returned? **YES/NO** |  | |
| Is file available to be checked? | **Yes / No** | If no – Where is the file? |  | |
| Please try:   * All phone numbers * Electoral roll **(See (ii)** * Third parties, family, employer, bank etc * Telephone directory * Internet/social media |  |  |  | |
| Can you confirm that you have used the Department for Work and Pensions at [www.dwp.gov.uk/lfs](http://www.dwp.gov.uk/lfs)  DWP Letter Forwarding Service  **See (iii)** | **YES/NO** |  | Please provide DWP result | |
| Has a newspaper advert been placed?(For larger amounts) | **YES/NO** | If not, why do you think this is not an appropriate step? |  | |
| Have you instructed enquiry agents?(for larger amounts) | **YES/NO** | If not, why do you think this is not an appropriate step? |  |
| In estate matters: Are you in contact with the Personal Representatives or Executors? **See (iv)** |  |  |  |
| Corporate Clients – Is your client a Company?  Have you checked Companies House? Is the money payable to the Treasury Solicitors? (see criteria)**See (v)** | **YES/NO** |  |  |
| Additional details you may think is relevant to your application | | | |

1. *The SRA have no power to deal with monies the SRA Accounts Rules if money is not in client account. For further advice please contact Professional Ethics Tel 0370 606 2577*
2. *Look for name in the area. If only small number are positive – consider contacting all to trace the rightful owner of the money.*
3. *The DWP require a name and an address (not necessarily current) (although NI no and date of birth is helpful)*
4. *If you are the executors/pr’s you can authorise a donation to charity. We would advise an indemnity to be sought from the charity.*
5. *If your client is a company that has been dissolved, the funds will be bona vacantia under the Companies Act and payable directly to the Treasury Solicitor*

Name of applicant firm ..................................Head Office SRA No………………………………

Contact Name ......................................................................Telephone number:......................

(person dealing with application)

Name of appointed COFA ..........................................................................................................

Address of firm …………………………………..……………………………………………………..

…………………………………………………………………………………………………………….

**…………………………………………………………………………………………………………….**

**On all correspondence lease quote our reference number (*if known*) Ref………………**

**Please return form(s) to:** [Professional.ethics@sra.org.uk](mailto:Professional.ethics@sra.org.uk) or Professional Ethics, SRA. The Cube, 199 Wharfside Street, Birmingham B1 1RN or DX720293 Birmingham 47