



## **SRA Amendment to Regulatory Arrangements (Regulatory Reform Programme) Rules 2015**

Rules made by the Solicitors Regulation Authority Board on 9 September 2015

under Part I, Part II, sections 79 and 80 of the Solicitors Act 1974 and sections 9 and 9A of the Administration of Justice Act 1985 and section 89 of, and Schedule 14 to, the Courts and Legal Services Act 1990 and section 83 of, and schedule 11 to, the Legal Services Act 2007,

approved by the Legal Services Board under paragraph 19 of Schedule 4 to the Legal Services Act 2007 on 29 October 2015. [Note: some provisions were approved by the LSB on 27 January 2016 – see under Rule 2 below]

### **Rule 1**

The instruments referred to in column 1 of the table set out in Schedule 1 shall be amended in accordance with the corresponding entry in column 2.

### **Rule 2**

These amendment rules shall come into force on 1 November 2015. [Note: some provisions were approved by the LSB on 27 January 2016 and came into force on 1 April 2016. These provisions are annotated as “In force on 1 April 2016”]

**Schedule 1 to the SRA Amendment to Regulatory Arrangements (Regulatory Reform Programme) Rules 2015**

(1) Instrument	(2) Provision
<p><b>SRA Handbook Glossary 2012</b></p>	<p>1. After the definition of “appointed representative”, insert:</p> <p>“<b>Apprenticeship Standard for a Solicitor (England)</b> means the standard approved by the Department for Business, Innovation and Skills in November 2014 and as varied from time to time.”</p> <p>2. After the definition of “legal services body” insert:</p> <p>“<b>Level 7 Higher Apprenticeship in Legal Practice (Wales)</b> means the standard approved by the Welsh Government in March 2015 and as varied from time to time.”</p>
<p><b>SRA Code of Conduct 2011</b></p>	<p>1. After outcome 2.5, insert:</p> <p>“<b>O(2.6)</b> you have appropriate arrangements in place to ensure that you monitor, report and, where appropriate, publish workforce diversity data.</p> <p>Note: For more information on collecting, reporting and publishing diversity data, including compliance with data protection legislation, please see guidance.”</p> <p>2. In indicative behaviour <b>IB(2.1)</b>, after the words “having a written equality and diversity policy” insert “(which may be contained within one or more documents, including one or more other policy documents, as appropriate)”.</p>
<p><b>SRA Practising Regulations 2011</b></p>	<p>Replace regulation 3.1(k)(iii) with:</p> <p>“(iii) has at any time during the last 36 months of trading of a recognised body, a licensed body or an authorised non-SRA firm 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, been a manager of that recognised body, licensed body or authorised non-SRA firm;”</p>
<p><b>SRA Training Regulations 2014 - Qualification and Provider Regulations</b></p>	<p>1. Replace regulation 2.1(a) with:</p> <p>“(a) <i>you</i> have completed:</p>

	<p>(i) the <i>academic stage</i> and <i>vocational stage</i>; or (ii) an apprenticeship;”</p> <p>2. Delete 2.1(b).</p> <p>3. In 2.2 replace “2.1(a) or (b)” with “2.1(a)(i)”.</p> <p>4. After regulation 2.4, insert:</p> <p>“<b>2.5</b> You will have completed an apprenticeship for the purposes of 2.1(a)(ii) if you have met the requirements set out in the assessment plan for the <i>Apprenticeship Standard for a Solicitor (England)</i> or set out in the Apprenticeship Framework specified in the <i>Level 7 Higher Apprenticeship in Legal Practice (Wales)</i>, including successfully passing an assessment which is either conducted by the SRA or approved by the SRA as suitable for the purpose.”</p> <p>5. In regulation 5.1 after “Subject to regulation 2.2,” insert, “and unless you fall within 2.1(a)(ii)”.</p>
<p><b>SRA Authorisation Rules for Legal Services Bodies and Licensable Bodies 2011</b></p>	<p>1.Delete rule 4.2. [In force on 1 April 2016]</p> <p>2. Replace rule 4.3 with “The SRA may grant the application in relation to one or more reserved legal activity.” [In force on 1 April 2016]</p> <p>3. Replace rule 8.6(a)(ii) with:</p> <p>“(ii) any <i>manager</i> of a <i>body corporate</i> which is a <i>manager</i> of the <i>authorised body</i>;”</p> <p>4. In the guidance notes to rule 8, after guidance note (vii) insert:</p> <p>“(vii)(A) The obligations to record non-material breaches under Rule 8.5(c)(i)(C) and Rule 8.5(e)(i)(B) do not require a record to be kept in any particular form nor do they require the COLP or COFA to make a separate record of each non-material breach of which a record already exists in the firm's papers. How such breaches are recorded and monitored is a matter for firms to decide as part of their compliance plan bearing in mind that it is necessary for a firm to be able to detect patterns of non-material breaches which when taken together amount to material non-compliance which the firm is required to report. (Licensed bodies also need to bear in mind the obligations upon the COLP and COFA to report non-material failures as part of the annual information report).”</p> <p>5. In rule 13.2(c) delete the words “at least seven days”.</p>

	<p>6. In rule 13.2(d) after the words “the SRA has not” insert “previously”.</p> <p>7. After rule 13.2 insert:</p> <p><b>“13.3</b> The SRA will deem a <i>person</i> to be approved as suitable to be a <i>compliance officer</i> of an <i>authorised body</i> under this Part if:</p> <ul style="list-style-type: none"><li>(a) that <i>person</i> is an individual who is a <i>sole practitioner</i> or a <i>lawyer</i> who is a <i>manager</i> of the <i>authorised body</i>;</li><li>(b) the <i>authorised body</i> has an annual turnover of no more than £600,000;</li><li>(c) the SRA is notified of the appointment of the <i>person</i> as a <i>compliance officer</i> on the <i>prescribed</i> form, correctly completed, in advance of the appointment commencing;</li><li>(d) that <i>person</i> is not subject to a regulatory investigation or finding, including a <i>discipline investigation</i> of which they have received notice, a <i>disciplinary decision</i> or a <i>SRA finding</i>, or an application to or a finding of the <i>Tribunal</i>, or any equivalent investigation or finding of another regulatory body;</li><li>(e) notwithstanding the generality of sub paragraph (d), the SRA has not previously refused or withdrawn its approval of that <i>person</i> to be a <i>compliance officer</i> under rule 17; and</li><li>(f) the <i>person</i> is not a <i>compliance officer</i> of any other <i>authorised body</i>.”</li></ul> <p>8. Delete rule 14.3.</p> <p>9. In rule 14.4 delete the words “, and separately to the candidate,”.</p> <p>10. In rule 14.8 after “including a deemed approval under Rule 13.2” insert “or 13.3”.</p> <p>11. In rule 17.1 after “including a deemed approval under Rule 13.2” insert “or Rule 13.3”.</p> <p>12. In rule 18.1 after the words “approved by the SRA” insert “(including a deemed approval under Rule 13.3)”.</p> <p>13. Delete rule 22.1(a)(iii). [In force on 1 April 2016]</p>