

SRA BOARD

6 June 2023



CLASSIFICATION – PUBLIC

SRA Regulatory Arrangements (Miscellaneous) (Amendment) Rules [2023]

Rules made by the Solicitors Regulation Authority Board [] 2023.

Made under sections 2, 13, 28, 31, 32, 33A, 34 and 37 of the Solicitors Act 1974, section 89 of, and paragraphs 2 and 3 of Schedule 14 to, the Courts and Legal Services Act 1990, section 9 of the Administration of Justice Act 1985 and section 83 of, and Schedule 11 to, the Legal Services Act 2007.

Rule 1

Regulation 10.2 of the SRA Authorisation of Individuals Regulations shall be amended as follows:

- (a) delete “or” at the end of regulation 10.2(a);
- (b) delete “,” at the end of regulation 10.2(b)(vii)(B) and replace with “; or”; and
- (c) insert regulation 10.2(c) as follows:

“the only *reserved legal activity* undertaken by you when practising on your own is administering oaths or statutory declarations and you meet the following conditions:

- (i) you do not charge a fee for administering oaths or statutory declarations other than the statutory fee; and
- (ii) you do not provide the services of administering oaths or statutory declarations by way of business.”

Rule 2

The SRA Roll, Register and Publication Regulations shall be amended as follows:

- (a) in regulation 2.1(g) after “this is the case, and” insert “, subject to regulation 2.2.”;
- (b) in regulation 2.1(g) after “SRA Authorisation of Individuals Regulations or” insert “in”;
- (c) in regulation 2.1(g) delete “(ii) and replace with “(i)”; and
- (d) insert regulation 2.2 as follows:

“Where a *solicitor* or an *REL* practises in accordance with regulation 10.2(a) of the SRA Authorisation of Individuals Regulations or in the circumstances set out in regulation 10.2(b)(i) to (vii) of the same, the fact that they practise in this way does not need to be included in the roll or the registers under regulation 2.1(g) if all legal services, when practising in this way, are provided pro bono.”

SRA BOARD

6 June 2023



CLASSIFICATION – PUBLIC

Rule 3

The SRA Authorisation of Firms Rules shall be amended as follows:

- (a) in rule 13.2(a) after “*solicitor*” insert “who holds a current practising certificate”;
and
- (b) in rule 13.7(c) delete “.” and insert “save that in the case of an *owner*, approval expires when the *person* ceases to be an *interest holder* or a *partner*, as appropriate.”.

Rule 4

In paragraph 5.6 of the SRA Code of Conduct for Solicitors, RELs and RFLs, after “*reserved legal activities*” insert “for the public or a section of the public”.

Rule 5

The SRA Accounts Rules shall be amended as follows:

- (a) delete rule 2.1(d) and replace with:

“in respect of your *fees* and any unpaid *disbursements* if held or received prior to the delivery of a bill, or other written notification, for the same once these have been incurred.”;
- (b) in rule 4.3 insert “Subject to rule 4.4,” at the beginning of the rule and replace “Where” with “where”;
- (c) delete rule 4.3(a) and replace with:

“you must give the *client* or the paying party a bill, or other written notification, of the *costs* incurred;”
- (d) in rule 4.3(c):
 - (i) after “must be for” insert “no more than”;
 - (ii) after “bill” insert “,” and delete “of *costs*”; and
 - (iii) after “written notification” insert “,”;
- (e) insert rule 4.4 as follows:

“Rule 4.3 does not apply where you withdraw *client money* from a *client account* in full or partial reimbursement of money spent by you on behalf of the *client*, or the third party for whom the money is held.”; and
- (f) delete rule 10.1 and replace with:

SRA BOARD

6 June 2023



CLASSIFICATION – PUBLIC

“If, in the course of practice, you operate a *client's* own account as signatory, Part 2 of these rules does not apply but you keep a:

- (a) central register of the *clients'* own accounts that you operate;
- (b) separate record of the transactions carried out by you or on your behalf in respect of the *client's* own account; and
- (c) record of your bills and other written notifications of *costs* relating to that *client's* matter ”.

Rule 6

In the SRA Glossary, in the definition of “solicitor” delete “save that in the SRA Indemnity Insurance Rules and the *MTC* this includes a person who practises as a solicitor whether or not the person has in force a practising certificate, and also includes practice under home title of a former *REL* who has become a solicitor”.

Rule 7

These rules come into force on 1 November 2023 or the date of approval by the Legal Services Board, whichever is the later.