

Annex 4.1

SRA Application, Notice, Review and Appeal Rules

Introduction

These rules make provision for all notices given by the SRA and applications made to it under the SRA's rules and regulatory arrangements. They also make provision for internal reviews and external appeals against our disciplinary and regulatory decisions.

This introduction does not form part of the SRA Application, Notice, Review and Appeal Rules.

Part 1: Applications and notices

Rule 1: Applications

- 1.1 An application made under the SRA's regulatory arrangements must be made in writing, where appropriate, in the prescribed form correctly completed, and be accompanied by:
 - (a) any prescribed fee or charge; and
 - (b) any information and documents which may be prescribed, or reasonably requested by the SRA.
- 1.2 If you make an application to the SRA, you do not need to submit all payments, information, and documents simultaneously, but the application will only be made once the SRA has received all of the payments, information and documents relating to it.
- 1.3 You must ensure that all details provided in connection with any application you make to the SRA are correct and complete. You must notify the SRA as soon as you become aware of any changes to any information supplied.
- 1.4 As soon as reasonably practicable, the SRA shall give notice to the applicant of the decision made in respect of their application, and shall give notice of the decision to any other person to whom the application relates. If the application is refused, the SRA will provide reasons for the decision and will inform the applicant and any other person to whom the application relates, of any right they may have to apply for a review or appeal of the decision.
- 1.5 The SRA shall give notice to an applicant for authorisation under the SRA Authorisation of Firms Rules, of the decision in respect of their application before the end of the decision period, which is the period of 6 months beginning with the day on which the application is made.
- 1.6 The SRA may, on one occasion, give the applicant a notice (an "extension notice") extending the decision period in rule 1.5 by such period as may be specified in the notice but:

- (a) an extension notice must only be given before the time when the decision period in rule 1.5 would end, but for the extension notice;
 - (b) the total decision period must not exceed 9 months; and
 - (c) the extension notice must set out the reasons for the extension.
- 1.7 If the SRA has not notified the applicant of its decision within the decision period in rule 1.5 or as extended by rule 1.6, then for the purpose of any rights of review or appeal under Part 2 of these rules, the application is deemed to have been refused under rule 2.2 of the SRA Authorisation of Firms Rules and that decision to have been notified to the applicant on the last day of the decision period in rule 1.5 or as extended in rule 1.6. This does not prevent the SRA subsequently granting or refusing the application.

Rule 2: Notices

- 2.1 Any notice under the SRA's regulatory arrangements must be given in writing by delivering it, or sending it by post or by electronic mail, to the recipient's last notified postal or electronic mail address, as appropriate.
- 2.2 If the intended recipient of a notice is represented, the notice may instead be given by sending or delivering it to the representative's practising or business address, or electronic mail address.
- 2.3 The giving of notice will be deemed to have been effected:
- (a) if sent by electronic mail or delivered or left at an address before 4.30pm on a working day, on that day, or in any other case on the next working day after the day on which it was sent, delivered or left;
 - (b) if sent by ordinary post:
 - (i) in the case of first class post, on the second working day after the day on which it was posted, and
 - (ii) in the case of second class post, on the fourth working day after the day on which it was posted.

Part 2: Reviews and appeals of decisions

Rule 3: Power to conduct a review

- 3.1 The SRA may:
- (a) where an administrative error in, or in relation to any decision comes to the SRA's attention, correct the error without the need to undergo a review under this Part;
 - (b) review all or part of any regulatory decision reached by it, of its own initiative, under this Part.

- 3.2 Subject to rule 3.3, the SRA may review all or part of any of the regulatory decisions set out in annex 1 on the application of the person who is the subject of the decision.
- 3.3 An application cannot be made for a review of:
- (a) a decision reached following a review or appeal;
 - (b) a decision which has been made by agreement under rule 8.2 of the SRA Regulatory and Disciplinary Procedure Rules.
- 3.4 Subject to rule 3.7, the SRA shall not, save in exceptional circumstances, review a decision more than one year after it was made.
- 3.5 An application by a person who is the subject of a decision for a review of that decision must be made within 28 days of:
- (a) notice being given of the decision, or reasons for the decision (if later); or
 - (b) any deemed refusal under rule 1.7 or regulation 19 of the European Communities (Lawyer's Practice) Regulations 2000,
- and must explain the grounds of review and provide reasons and any evidence in support.
- 3.6 Subject to rule 3.7, if the SRA decides to review a decision on its own initiative, it must give any person who is the subject of the decision, notice of its decision to conduct a review and an opportunity to provide written representations on the appropriate outcome under rule 4.2.
- 3.7 Rules 3.4 and 3.6 do not apply where the SRA decides to review a decision made under rule 3.1(g) of the SRA Regulatory and Disciplinary Procedure Rules to make an application to the Tribunal.

Rule 4: Decisions on review

- 4.1 A review will usually be determined by an authorised decision maker on consideration of written evidence alone. An adjudicator or adjudication panel may at their sole discretion invite the relevant person to be interviewed by an authorised decision maker accompanied by their representative (if any).
- 4.2 Subject to rule 4.3, on a review (save for a review of a decision made under rule 3.1(h) of the SRA Regulatory and Disciplinary Procedure Rules), the authorised decision maker, as appropriate may, where they consider the original decision was materially flawed or there is new information which would have had a material influence on the decision:
- (a) uphold the original decision;
 - (b) overturn the decision in whole or in part;
 - (c) make any other decision which could have been made by the original decision maker; or

- (d) remit the decision for further investigation or consideration.
- 4.3 On a review of a decision made under rule 3.1(g) of the SRA Regulatory and Disciplinary Procedure Rules to make an application to the Tribunal, the authorised decision maker may also overturn the decision where they consider that the conditions in rule 6.1 of the SRA Regulatory and Disciplinary Procedure Rules are no longer met.
- 4.4 On a review of a decision made under rule 3.1(h) of the SRA Regulatory and Disciplinary Procedure Rules, the authorised decision maker, as appropriate may exercise any of the powers set out at rule 4.2, where they consider that:
- (a) the person had complied with the requirements made under rule 11.1(b) of those rules; or
 - (b) the person had taken all reasonable steps to ensure they receive SRA communications but did not receive the notification under rule 11.1 of those rules.
- 4.5 A review of a decision made by an adjudicator may only be carried out by another adjudicator or an adjudication panel. A review of a decision made by an adjudication panel may only be carried out by another adjudication panel.
- 4.6 A review will not be conducted by the authorised decision maker who made the decision under review. For avoidance of doubt this does not apply in respect of corrections under rule 3.1(a).

Rule 5: Appeals to the High Court or Tribunal

- 5.1 Unless otherwise provided in the relevant statute, or rules of the Tribunal, court or of the Legal Services Board, any appeal to the High Court or Tribunal against a decision set out in annex 2 or 3, as appropriate, must be commenced within the period of 28 days from the date of notification of the decision that is subject to appeal.

Rule 5A: Appeals by authorised CILEX lawyers to an adjudication appeal panel

- 5A.1 An *authorised CILEX lawyer* may appeal to an adjudication appeal panel against a decision set out in annex 4.
- 5A.2 A panel considering an appeal under this section shall not include panel members who made the decision which is the subject of the appeal.
- 5A.3 An appeal under rule 5A must be issued within the period of 28 days from the date of notification of the decision that is subject to appeal.
- 5A.4 The adjudication appeal panel considering an appeal may:
- (a) uphold the original decision;
 - (b) overturn the decision in whole or in part;
 - (c) make any other decision which could have been made by the original decision maker; or
 - (d) remit the decision for further investigation or consideration.

- 5A.5 The **SRA** must appoint and maintain a list of individuals to act as members of the adjudication appeal panel.
- 5A.6 The adjudication appeal panel must comprise a Chair and two other members from the list maintained under rule 5A.5. There must always be at least one lay member and a **legally qualified** member on each panel.
- 5A.7 In determining an appeal, the adjudication appeal panel may admit any evidence it considers fair and relevant to the case before it, whether or not such evidence would be admissible in civil proceedings.
- 5A.8 An appeal made under rule 5A will be a review of the decision that is being appealed against.
- 5A.9 Hearings of the adjudication appeal panel are to be held in private unless a request for a hearing in public is granted by the adjudication appeal panel.
- 5A.10 A party may be represented at a hearing by any person, but the adjudication appeal panel may refuse to permit a particular person to assist or represent a party if the adjudication appeal panel is satisfied that there are good and sufficient reasons for doing so.
- 5A.11 The adjudication appeals panel must provide written reasons for their decision.
- 5A.12 The adjudication appeal panel may determine an appeal without convening a hearing, on the basis of any documents or written representations provided by the parties, where:
 - (a) the adjudication appeal panel has notified the parties of its intention to do so; and
 - (b) the parties have consented.

Rule 6: Taking effect of decisions subject to review or appeal

- 6.1 Unless specified otherwise, subject to rule 6.2, a decision takes effect:
 - (a) if no application for a review or appeal is made, on the expiry of the date for bringing such an application under these rules; and
 - (b) if an application for a review or an appeal is made, on the date any review or appeal has been determined or discontinued.
- 6.2 The **SRA** may direct a decision to take immediate effect, where it considers that it is necessary in the public interest to do so.

Annex 1: Decisions made by the SRA which are subject to review

Individual authorisation – solicitors

As set out in the SRA Authorisation of Individuals Regulations:

1. A decision made under regulation 1.1(b) not to be satisfied that an individual holds a degree or qualifications or experience which are equivalent to a degree.
2. A decision made under regulation 3.1(a) not to be satisfied that an individual holds a legal professional qualification that is recognised by the SRA, which confers rights to practise in England and Wales or in an overseas jurisdiction.
3. A decision made under regulation 3.1(b) not to be satisfied that an individual holds a degree or qualifications or experience which are equivalent to a degree.
4. A decision made under regulation 3.2 to refuse to grant an individual an exemption from all or part of the assessment under regulation 1.1(a).
5. A decision made under regulation 3A.2 not to be satisfied that an individual has completed all or any part of the academic stage of training or the vocational stage of training by equivalent means.
6. A decision made under regulation 3B.2(a) to refuse to recognise all or any part of an apprenticeship.
7. A decision under regulation 3B.2(b) to require further steps or training to be undertaken including imposing conditions.
8. A decision made under regulation 3E.2(a) to refuse to recognise all or part of a period of recognised training.
9. A decision made under regulation 3E.2(b) to require further steps or training to be undertaken including imposing conditions.
10. A decision made under regulation 5.1 to refuse to issue a certificate of satisfaction.
11. A decision made under regulation 5.2 not to be satisfied as to an individual's character and suitability to be a solicitor.
12. A decision made under regulation 5.3 to refuse to admit an individual as a solicitor after a certificate of satisfaction has been issued.
13. A decision made under regulation 5.6(a)(ii) to remove a solicitor's name from the roll.
14. A decision made under regulation 5.6(b) to refuse to remove a solicitor's name from the roll.
15. A decision made under regulation 5.9 to refuse to restore a solicitor's name to the roll.
16. A decision made under regulation 7.1(a) to refuse an application for a practising certificate, or registration or renewal of registration in the register of European lawyers or the register of foreign lawyers.
17. A failure to make a decision under regulation 6.1 within four months in respect of an application for initial registration in the register of European lawyers.

18. A decision made under regulation 7.1(b) to impose conditions on a practising certificate or the registration of a European lawyer or foreign lawyer.
19. A decision to refuse approval for the taking of steps specified in conditions under regulation 7.1(b).
20. A decision made under regulation 8.4 to revoke a practising certificate or withdraw registration in the register of European lawyers or the register of foreign lawyers save for where 8.4(b) applies.
21. A decision made under regulation 9.10 not to be satisfied in respect of a higher courts advocacy qualification.

Individual authorisation – authorised CILEX lawyers

As set out in the SRA Authorisation of CILEX Lawyers Regulations:

1. A decision made under regulation 1.1(d) not to be satisfied as to an individual's character and suitability to be a CILEX Lawyer.
2. A decision made under regulation 2.1 (a) not to be satisfied that an individual has completed at least 2,300 hours work that contributes to the provision of legal services.
3. A decision made under regulation 2.1(c) not to be satisfied that an individual has met the knowledge and competence requirements or work based learning outcomes, as appropriate.
4. A decision made under regulation 3 that an individual does not meet the requirements for eligibility for a practising rights certificate.
5. A decision made under regulation 5.1(a) to refuse an application for a practising rights certificate.
6. A decision made under regulation 5.1(b) to suspend or impose conditions on a practising rights certificate.
7. A decision to refuse approval for the taking of steps specified in conditions under regulation 5.3 (c.).
8. A decision made under regulation 7.1 to revoke a practising rights certificate.

Education, Training and Assessment providers

As set out in the SRA Education, Training and Assessment Provider Regulations:

1. A decision made under regulation 1.4(b) or 2.3(b) to refuse to grant approved education provider, authorised education provider or authorised training provider status.

2. A decision made under regulation 1.4(a) or 2.3(a) to grant the application for approval or authorisation subject to such conditions and for such period as the SRA considers appropriate.
3. A decision made under regulation 1.5(a) or 2.4(a) to revoke approved education provider, authorised education provider or authorised training provider status.
4. A decision made under regulation 1.5(b) or 2.4(b) to make approval or authorisation subject to such conditions as the SRA considers appropriate.
5. A decision made under regulation 2.4(c) to require an authorised training provider to appoint a new training principal.
6. A decision made under regulation 6.3(b) to refuse to approve an organisation to provide higher rights of audience assessments.
7. A decision made under regulation 6.3(a) to grant the application of approval subject to such conditions as the SRA considers appropriate.
8. A decision made under regulation 6.5(a) to revoke the approval.
9. A decision made under regulation 6.5(b) to make the approval subject to such conditions as the SRA considers appropriate.

Education, Training and Assessment providers

[To complete details of any assessment approvals]

Firm authorisation

As set out in the SRA Authorisation of Firms Rules (as amended by the SRA Authorisation of Firms (amendment in respect of CILEX lawyers) Rules:

1. A decision made under rule 2.2 to refuse authorisation.
2. A decision made under rule 3.1 to impose conditions on authorisation.
3. A decision to refuse approval for the taking of steps specified in conditions under rule 3.3(c).
4. A decision under rule 4.3 or 4.4 to revoke or suspend a body's authorisation.
5. A decision made under rule 12.1 to extend, revoke or vary any terms or conditions on a body's authorisation or to refuse an application to do so.
6. A decision made under rule 13.1 to refuse approval of a person's designation as a manager, owner, or compliance officer.
7. A decision made under rule 13.8 to grant conditional approval of a person's designation or the holding of a material interest in a licensed body.
8. A decision made under rule 13.9 to withdraw approval of a person's designation as a manager, owner, or compliance officer.
9. A failure to decide an application for authorisation of a licensed body or approval of a manager, owner, or compliance officer within the decision period.

Regulatory and Disciplinary

As set out in the SRA Regulatory and Disciplinary Procedure Rules:

1. A decision made under rule 3.1, save for a decision to make an application to the Tribunal under rule 3.1(g).
2. A decision made under rule 3.2 to impose interim conditions or interim suspension.
- 2A. A decision made under rule 7.2 that a disqualification should remain in force.
3. A decision made under rule 9.2 to publish a decision.

Miscellaneous

1. A decision made under the SRA Compensation Fund Rules 2019 or the SRA Compensation Fund Rules 2021 not to make a grant of the whole or part of the amount applied for from the Fund.
2. Any decisions in respect of which there is a right of external appeal as set out in annex 2 or 3, that are not covered above.

Annex 2: Decisions made by the SRA with a right of appeal to the Tribunal

Firm authorisation

As set out in the SRA Authorisation of Firms Rules:

1. A decision made under rule 2.2 to refuse authorisation as a licensed body.
2. A decision made under rule 3.1 to impose conditions on the authorisation of a licensed body.
3. A decision in respect of a licensed body to refuse approval for the taking of steps specified in conditions under rule 3.3(c).
4. A decision made under rule 4.4 to revoke or suspend a licensed body's authorisation.
5. A decision made under rule 12.1 to extend, revoke or vary any terms or conditions on a licensed body's authorisation or to refuse an application to do so.
6. A decision made under rule 13.1 to refuse approval of a person's designation as a manager, owner, or compliance officer of a licensed body.
7. A decision made under rule 13.8 to grant approval or conditional approval of the holding of a material interest in a licensed body.
8. A decision made under rule 13.9 to withdraw approval of a person's designation as a manager, owner, or compliance officer of a licensed body.

Regulatory and Disciplinary

As set out in the SRA Regulatory and Disciplinary Procedure Rules:

1. A decision made under rule 3.1(a) to give a written rebuke.
2. A decision made under rule 3.1 (b) to direct the payment of a financial penalty together with the amount of that penalty.
3. A decision made under rule 3.1(c) to disqualify a person from acting as a HOLP, HOFA, manager or employee of a licensed body.
4. A decision made under rule 3.1(d) to make an order to control a person's activities in connection with legal practice.
- 4A. A decision made under rule 7.2 that a disqualification should remain in force.
5. A decision made under 9.2 to publish a decision.

Annex 3: Decisions made by the SRA with a right of appeal to the High Court

Individual Authorisation

As set out in the SRA Authorisation of Individuals Regulations:

1. A decision made under regulation 3E.2(a) to refuse to recognise all or part of a period of recognised training.
2. A decision made under regulation 4.1 to refuse an application for admission as a solicitor made under Part V of the European Communities (Lawyer's Practice) Regulations 2000.
3. A decision made under regulation 5.1 to refuse to issue a certificate of satisfaction.
4. A decision made under regulation 5.3 to refuse to admit an individual as a solicitor after a certificate of satisfaction has been issued.
5. A decision made under regulation 5.6(a)(ii) to remove a solicitor's name from the roll.
6. A decision made under regulation 5.6(b) to refuse to remove a solicitor's name from the roll.
7. A decision made under regulation 5.9 to refuse to restore a solicitor's name to the roll.
8. A decision made under regulation 7.1(a) to refuse an application for a practising certificate, or registration or renewal of registration in the register of European lawyers or the register of foreign lawyers.
9. A decision made under regulation 7.1(b) to impose conditions on a practising certificate or the registration of a European lawyer or foreign lawyer.
10. A decision made under regulation 8.4 to revoke a practising certificate or withdraw registration in the register of European lawyers or the register of foreign lawyers.
11. A failure to determine within 4 months an application for initial registration or revocation of registration in the register of European lawyers.

Firm authorisation

As set out in the SRA Authorisation of Firms Rules:

12. A decision made under rule 2.2 to refuse authorisation of a recognised body or recognised sole practice.
13. A decision made under rule 4.3 to revoke or suspend authorisation of a recognised body or recognised sole practice.
14. A decision made under 3.1 to impose conditions on authorisation of a recognised body or recognised sole practice.
15. A decision made under rule 13.9 to withdraw approval of a person's designation as a COLP, COFA, manager or owner of a recognised body or recognised sole practice.

Miscellaneous

1. A refusal to grant permission to a solicitor to employ or remunerate in connection with their practice any individual who to their knowledge has been disqualified from practising as a solicitor as a result of being struck off the roll; or who is suspended from practice as a solicitor; or whose practising certificate is suspended as a result of being an undischarged bankrupt.

Annex 4 Decisions made by the SRA relating to Authorised CILEX lawyers with a right of appeal to the appeals panel

As set out in the SRA Authorisation of CILEX Lawyers Regulations:

1. A decision made under regulation 1.1(d) not to be satisfied as to an individual's character and suitability to be an *authorised CILEX lawyer*.
2. A decision made under regulation 2.1 (a) not to be satisfied that an individual has completed at least 2,300 hours of work that contributes to the provision of legal services.
3. A decision made under regulation 2.1(c) not to be satisfied that an individual has met the knowledge and competence requirements or work based learning outcomes, as appropriate.
4. A decision made under regulation 3 that an individual does not meet the requirements for eligibility for a *practising rights certificate*.
5. A decision made under regulation 5.1(a) to refuse an application for a *practising rights certificate*.
6. A decision made under regulation 5.1(b) to suspend or impose conditions on a *practising rights certificate*.
7. A decision to refuse approval for the taking of steps specified in conditions under regulation 5.3 (c.).

8. A decision made under regulation 7.1 to revoke a *practising rights certificate*.
9. A decision made under regulation 12 to refuse to restore an *authorised CILEX lawyer*.

Firm authorisation

As set out in the SRA Authorisation of Firms Rules (as amended by the SRA Authorisation of Firms (amendment in respect of CILEX lawyers) Rules:

1. A decision made under rule 2.2 to refuse authorisation of an *authorised CILEX body*.
2. A decision made under rule 4.3 to revoke or suspend authorisation of an *authorised CILEX body*.
3. A decision made under 3.1 to impose conditions on authorisation of an *authorised CILEX body*.
4. A decision made under rule 13.9 to withdraw approval of a person's designation as a COLP, COFA, manager or owner of an *authorised CILEX body*.

Regulatory and Disciplinary

As set out in the SRA Regulatory and Disciplinary Procedure Rules:

1. A decision made under rule 3.1(d), (f), (h) and (i)
2. A decision made under rule 3.2(c) to imposed interim conditions or interim suspension
3. A decision made under rule 7.2 that a disqualification should remain in force.
4. A decision made under rule 9.2 to publish a decision.