

Better Information, more choice: Post consultation rules

June 2018

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SRA Roll, Registers and Publication Regulations

These regulations set out the nature and contents of the registers and the roll that the SRA is required to keep. They contain certain information about the individuals and firms that the SRA regulates and how we make this information available to the public.

The roll and registers

- 1.1 The **SRA** shall keep in electronic form:
- (a) the roll;
 - (b) a register of all **solicitors** who hold practising certificates;
 - (c) the **register of European lawyers**;
 - (d) the **register of foreign lawyers**; and
 - (e) a register of **authorised bodies**.

Information in respect of individuals

- 2.1 The roll and registers in 1.1(b) and (c) shall contain the following information in respect of each individual included in the same:
- (a) their full name;
 - (b) their authorisation number;
 - (c) the date of their admission as a **solicitor** or commencement of their registration, as appropriate;
 - (d) in respect of **solicitors** that hold a current practising certificate, the fact that they do so and the commencement date of the certificate;
 - (e) in respect of **solicitors** whose practising certificate has expired, the expiry date;
 - (f) their main practising address;
 - (g) the name of all organisations through which they practise, and whether the organisation is authorised by the **SRA**, by another **approved regulator**, or is not authorised under the **LSA**. If they are not practising through an organisation, the fact that this is the case, and whether they are practising in accordance with regulation 10.2(a) of the SRA Authorisation of Individuals Regulations or the circumstances set out in 10.2(b)(ii) to (vii) of the same;

- (h) if they are not practising, an address for correspondence;
- (i) details of:
 - (i) any conditions on their practising certificate or registration to which they are subject;
 - (ii) any current suspension of their practising certificate or registration is suspended;
 - (iii) any other decision subject to publication under rule 9.2 of the SRA Regulatory and Disciplinary Procedure Rules;
 - (iv) any other order made by the *Tribunal*; and
 - (v) the exercise by the SRA of any powers of *intervention* in relation to the *solicitor's* practice.

Information in respect of authorised bodies

3.1 The register of *authorised bodies* under regulation 1.1(e) shall contain the following information in respect of each body included within it:

- (a) the name under which the body is authorised;
- (b) the body's authorisation number;
- (c) the body's main practising address in the *UK*;
- (d) all the body's other practising addresses including addresses of its *overseas practices*;
- (e) any previous name under which the body has been authorised by the *SRA*;
- (f) any other trading styles used by the body;
- (g) the date from which the body's authorisation has effect;
- (h) the *prescribed* categories of work that the body provides;
- (i) the *reserved legal activities* that the body is authorised to carry on;
- (j) whether the body is a *recognised body*, a *recognised sole practice* or a *licensed body*;

- (k) details of:
 - (i) any current condition to which the body's authorisation is subject;
 - (ii) any suspension or revocation of the body's authorisation;
 - (iii) any other decision subject to publication under rule 9.2 of the SRA Regulatory and Disciplinary Procedure Rules;
 - (iv) any other order made by the *Tribunal*; and
 - (v) the exercise by the *SRA* of any powers of *intervention* in relation to the body.

3.2 For each *licensed body* the register of *authorised bodies* must contain:

- (a) the name of the individual who is designated as the body's *HOLP*, together with details of the *approved regulator* with whom that person is authorised;
- (b) the name of the individual who is designated as the body's *HOFA*; and
- (c) the body's registered office and registered number if it is an *LLP* or *company* and if it is a *charity*, its *charity* number.

General provisions

4.1 The *SRA* may include in the roll or registers such other *prescribed* information it considers conducive to help it meet the *regulatory objectives*.

4.2 The *SRA* shall keep and publish lists of:

- (a) orders made by the *Tribunal* and disciplinary or regulatory decisions made under the SRA Regulatory and Disciplinary Procedure Rules, in respect of individuals who are not *solicitors*, *RELS* or *RFLs* (including former *solicitors*, *RELS* or *RFLs*); and
- (b) individuals whose practising certificate has expired or who have been struck off the roll, or whose registration has been revoked, together with details of any relevant decision.

Publication of information

5.1 The *SRA* shall publish all entries on the roll or registers, except for any address included under regulation 2.1(h).

- 5.2 If the **SRA** considers that it would be in the public interest to do so, it may withhold from publication any or all of the information subject to publication under regulation 5.1.
- 5.3 The **SRA** may publish such further information or classes of information as it may consider in the public interest to do so.

Supplemental notes

Made by the SRA Board on 30 May 2018.

Made under section 28 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.

SRA Transparency Rules

Introduction

These rules set out the information authorised firms, and individuals providing services to the public from outside authorised firms, should make available to clients and potential clients.

The rules aim to ensure people have accurate and relevant information about a solicitor or firm when they are considering purchasing legal services and will help members of the public and small businesses make informed choices, improving competition in the legal market.

Costs information

- 1.1 An **authorised body**, or an individual practising in the circumstances set out in regulation 10.2(b)(i) to (vii) of the SRA Authorisation of Individuals Regulations, who publishes as part of its usual business the availability of any of the services set out at rule 1.3 to individuals or at rule 1.4 to businesses, must, in relation to those services, publish on its website cost information in accordance with rule 1.5 and 1.6.
- 1.2 Rule 1.1 does not apply to publicly funded work.
- 1.3 The services in relation to individuals are:
 - (a) The conveyance of residential real property or real estate which comprise:
 - (i) freehold or leasehold sales or purchases; or
 - (ii) mortgages or re-mortgages;
 - (b) the collection and distribution of money, property and other assets belonging to a person following their death, where these are within the **UK** and the matters are not contested;
 - (c) the preparation and submission of immigration applications, excluding asylum applications;
 - (d) the provision of advice and representation at the First-tier Tribunal (Immigration and Asylum Chamber) in relation to appeals against Home Office visa or immigration decisions, excluding asylum appeals;
 - (e) the provision of advice and representation at the Magistrates Court in relation to summary only road traffic offences dealt with at a single hearing;
 - (f) the provision of advice and representation to employees in relation to the bringing of claims before the Employment Tribunal against an employer for unfair dismissal or wrongful dismissal.
- 1.4 The services in relation to businesses are:
 - (a) the provision of advice and representation to employers in relation to defending claims before the Employment Tribunal brought by an employee for unfair dismissal or wrongful dismissal;
 - (b) debt recovery up to the value of £100,000;

- (c) the provision of advice and assistance and representation in relation to licensing applications for business premises.

1.5 Costs information must include:

- (a) the total cost of the service or, where not practicable, the average cost or range of costs;
- (b) the basis for your charges, including any hourly rates or fixed fees;
- (c) the experience and qualifications of anyone carrying out the work, and of their supervisors;
- (d) a description of, and the cost of, any likely **disbursements**, and where the actual cost of a **disbursement** is not known, the average cost or range of costs;
- (e) whether any fees or **disbursements** attract VAT and if so the amount of VAT they attract;
- (f) details of what services are included in the price displayed, including the key stages of the matter and likely timescales for each stage, and details of any services that might reasonably be expected to be included in the price displayed but are not; and
- (g) if you use conditional fee or damages-based agreements, the circumstances in which **clients** may have to make any payments themselves for your services (including from any damages).

1.6 Cost information published under this rule must be clear and accessible and in a prominent place on your website.

Complaints information

- 2.1 An **authorised body**, or an individual practising in the circumstances set out in regulation 10.2(b)(i) to (vii) of the SRA Authorisation of Individuals Regulations, must publish on its website details of its complaints handling procedure including, details about how and when a complaint can be made to the **Legal Ombudsman** and to the **SRA**.

Publication

- 3.1 An **authorised body**, or an individual practising in the circumstances set out in regulation 10.2(b)(i) to (vii) of the SRA Authorisation of Individuals Regulations, that does not have a website, must make the information set out in Rules 1 to 2 available on request.

Regulatory information

- 4.1 An **authorised body** must display in a prominent place on its website (or, in the case of a **licensed body**, the website relating to its legal services, if separate) its **SRA** number and the **SRA's** digital badge.

- 4.2 An *authorised body's* letterhead and e-mails must show its *SRA* authorisation number and the words "authorised and regulated by the Solicitors Regulation Authority".
- 4.3 A *solicitor*, an *REL* or *RFL* who is providing legal services to the public or a section of the public other than through a firm that is regulated by the *SRA*:
- (a) where they are not required to meet the *MTC*, must before engagement inform all *clients* of this fact and specify that alternative insurance arrangements are in place if this is the case (together with information about the cover this provides, if requested); and
 - (b) where applicable, must inform all *clients* that they will not be eligible to apply for a grant from the SRA Compensation Fund.
- 4.4 Rule 4.3 does not apply to a *solicitor*, an *REL* or *RFL* that is working in an *authorised non-SRA firm* or a *non-commercial body*.

Supplemental notes

Made by the SRA Board on 30 May 2018.

Made under section 31 of the Solicitors Act 1974, section 9 of the Administration of Justice Act 1985 and section 83 of, and Schedule 11 to, the Legal Services Act 2007.