

# 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.

## 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;
  - (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, and any person to whom the application relates, if different, of any decision made in respect of the application. 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.

### Rule 2: Notices

- 2.1 Any notice under the *SRA regulatory arrangements* must be given in writing by sending it by post or by electronic mail to the recipient's last notified postal or electronic mail address, as appropriate.
- 2.2 The giving of notice will be deemed to have been effected:
  - (a) if sent by electronic mail or delivered or left at an address, on the day on which the notice is 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 The **SRA** shall not, save in exceptional circumstances, review a decision more than one year after it was made.

3.5 An application for a review of a decision must be made within 28 days of:

- (a) notice being given of the decision; or
- (b) any deemed refusal under 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 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.

#### Rule 4: Decisions on review

- 4.1 A review will be determined by an *authorised decision maker* on consideration of written evidence alone.
- 4.2 On a review, the adjudicator or adjudication panel, 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.

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

- 6.1 A decision takes effect on:
- (a) if no application for a review or appeal is made, the expiry of the date for bringing such an application under these rules;
  - (b) if an application for a review or an appeal is made, the date any review or appeal have been determined or discontinued,

unless rule 6.2 applies or the *SRA* directs otherwise on the basis that it is in the public interest that a decision should take immediate effect.

- 6.2 Decisions will take immediate effect where specified in the SRA Regulatory Arrangements or other legislation.

## Supplemental notes

Made by the SRA Board on [date]

Made under sections xxxx of the Solicitors Act 1974, section 9 of the Administration of Justice Act 1985, section 83(5)(h) of, and paragraph 20 of 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 [date]

Commencing on [date] and replacing the [xxxx]

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

### 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 training.
2. A decision made under regulation [3E.2(b)] to require further steps or training to be undertaken including imposing conditions.
3. A decision made under regulation [4.1] to refuse to issue a certificate of satisfaction.
4. A decision made under regulation [4.2] to refuse to admit an individual as a *solicitor* after a certificate of satisfaction has been issued.
5. A decision made under regulation [4.5 (a)(ii)] to remove a *solicitor's* name from the roll.
6. A decision made under regulation [4.8] to refuse to restore a *solicitor's* name to the roll.
7. A decision made under regulation [5 or 6] 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*.
8. A failure to make a decision under regulation [5] within four months in respect of an application for initial registration in the *register of European lawyers*.
9. A decision made under regulation [6.1(b)] to impose conditions on a practising certificate or the registration of a European *lawyer* or *foreign lawyer*.
10. A decision made under regulation [6.2(a)] to impose conditions requiring specified steps be taken, conducive to carrying out particular activities or holding particular roles.
11. A decision to refuse approval for the taking of steps specified in conditions under regulation [6.2(iii)].
12. A decision made under regulation [7.4] to revoke a practising certificate or withdraw registration in the *register of European lawyers* or the *register of foreign lawyers* save for where [7.4(b)] applies.
13. A decision made under regulation [9.8] not to be satisfied in respect of a *higher courts advocacy qualification*.

### Firm authorisation

As set out in the SRA Authorisation of Firms 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 [3.2(iii)].
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 of conditions on a body's authorisation.
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.

#### **Disciplinary and regulatory decisions**

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 an interim order.
3. A decision made under rule [9.2] to publish a decision.

#### **Miscellaneous**

1. A decision made under rule [23.1] of the SRA Compensation Fund Rules not to make a grant of the whole or part of the amount applied for from the Compensation 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 [3.2(iii)].
4. A decision made under rule [4.3 or 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 of conditions on a body's authorisation either on the application of the *authorised body*.
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

1. Our decision to disqualify a person from being employed by a *licensed body* if in relation to a licensed body the person intentionally or through neglect breaches a relevant duty to which they are subject; or causes or substantially contributes to, a significant breach of the terms of the licensed body's licence.

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.
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

1. Our refusal to grant permission to a solicitor to employ or remunerate in connection with their practice any person 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.

#### Individual Authorisation

As set out in the SRA Authorisation of Individuals Regulations:

1. A decision made under regulation [3F.1] to refuse admission as a solicitor.
2. A decision made under regulation [3G.1] to refuse an application for admission as a solicitor made under legislation implementing the *Establishment Directive* in the UK.
3. A decision made under regulation [6.1(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*.
4. A decision made under regulation [6.1(b)] to impose conditions on a practising certificate or the registration of a European *lawyer* or *foreign lawyer*.
5. A decision made under regulation [7.4] to revoke a practising certificate or withdraw registration in the *register of European Lawyers* or the *register of foreign lawyers*.
6. 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:

1. A decision made under rule [2.2] to refuse authorisation of a *recognised body* or *recognised sole practice*.
2. A decision made under rule [4.3] to revoke or suspend authorisation of a *recognised body* or *recognised sole practice*.
3. A decision made under [6.1b] to impose conditions on authorisation of a *recognised body* or *recognised sole practice*.
4. 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*.