

Release notes for SRA Handbook, Version 4

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21 June 2012

The fourth version of the Handbook was published on 21 June 2012.

The changes are summarised in these Release notes for Version 4. For the dates on which the changes are effective, see below. The notes give a brief update only and you will need to refer to the Handbook itself for full details. Any sets of rules or regulations not referred to below remain unchanged in this version.

SRA Handbook Glossary 2012

In conjunction with the new SRA Quality Assurance Scheme for Advocates (Crime) Notification Regulations, additional defined terms ("criminal advocacy" and "SRA Quality Assurance Scheme for Advocates (Crime) Notification Regulations") have been included and changes have been made to the definition of "you". These changes are effective from 2 July 2012.

Authorisation and Practising Requirements

This section contains SRA authorisation and practising requirements for firms and individuals, and SRA training requirements.

The following rules, regulations and guidance notes have been subject to amendment, or are new.

SRA Practice Framework Rules 2011

These set the framework for firms and individuals regulated by the SRA. Rule 4 contains the regulatory provisions relating to solicitors, and other individuals regulated by the SRA, working in an in-house capacity. The central pivot, set out in Rule 4.1, is to restrict the provision of in-house services primarily to the employer. This sits within the context of the legal requirements in section 15 of the Legal Services Act ("LSA") although prior to this release Rule 4.1 did not reference these.

There are certain important exceptions to the general position, also contained in Rule 4, to facilitate the provision of specified services to certain linked clients. Rule 4.12 sets out the exceptions for those working in-house for associations and at Rule 4.12(a) there was a restriction on providing any reserved legal activities to members of the employer association.

There were also limited transitional provisions in Rule 22, effective until 21 June 2012. Rule 22.7(a) applied this transitional period to Rule 4.12(a), which in the meantime had no effect.

Rule 4.1 has been amended to clarify who is affected by the in-house provisions, and to highlight the exceptions to acting only for the employer.

In addition clarificatory wording has been added as sub-paragraph 4.1(b) which underlines the need for those working as in-house lawyers not to act in reserved matters for the public unless the employer has authorisation itself under the LSA. The effect is to clarify the purpose and limitations of the rule in relation to the statutory position under section 15 of the LSA and therefore to minimise the risk of uncertainty by highlighting the inability of the rules to permit what the law does not.

The other amendments relate to associations. These are the removal of Rule 4.12(a) to delete the automatic regulatory restriction preventing those working for associations carrying out reserved work. In conjunction with this, the related transitional provision in Rule 22.7(a) was deleted.

These changes are effective from 21 June 2012.

SRA Authorisation Rules for Legal Services Bodies and Licensable Bodies 2011

Rule 8.5 requires all authorised bodies to have in place a designated compliance officer for legal practice ("COLP") and a designated compliance officer for finance and administration ("COFA") who have been approved by the SRA. On 31 March 2012 all existing recognised bodies were transitioned to be regulated under the AR and are now subject to Rule 8.5.

Recognised bodies, which were already recognised on 31 March 2012, have the benefit of a grace period - see Rule 22.7. The grace period allows firms to be treated as being in compliance with Rule 8.5 even though they do not have an approved COLP and COFA in place.

The change for Version 4 is to amend the end date of the grace period within Rule 27.4 from 31 October 2012 to 31 December 2012.

This change is effective from 21 June 2012.

SRA Practising Regulations 2011

Regulation 4.8 (which was inserted on 18 April 2012) requires all recognised sole practitioners to have in place a designated COLP and COFA who have been approved by the SRA.

Sole practitioners who were recognised as such by 18 April 2012 have the benefit of a grace period - see Regulation 19.5. The grace period allows firms to be treated as being in compliance with Regulation 4.8 even though they do not have an approved COLP and COFA in place.

The change for Version 4 is to amend the end date of the grace period within Regulation 19.5 from 31 October 2012 to 31 December 2012.

This change is effective from 21 June 2012.

SRA Quality Assurance Scheme for Advocates (Crime) Notification Regulations 2012

The new notification regulations are an interim measure to ensure that all solicitors wishing to conduct criminal advocacy under the upcoming Quality Assurance Scheme for Advocates notify us. Regulations to implement the scheme in full will be made in due course.

These regulations are effective from 2 July 2012.