

SRA Amendments to Regulatory Arrangements (Miscellaneous) Rules 2013

Rules dated 13 March 2013 made by the Solicitors Regulation Authority Board.

Made under Part I, Part II, sections 79 and 80 of, and paragraph 6B of Schedule 1 to, the Solicitors Act 1974 and sections 9 and 9A of, and paragraphs 14A, 14B and 32 to 34 of Schedule 2 to, the Administration of Justice Act 1985, paragraphs 2 and 3 of Schedule 14 to the Courts and Legal Services Act 1990 and section 83 of, and Schedule 11 to, the Legal Services Act 2007, with the approval of the Legal Services Board under paragraph 19 of Schedule 4 to the Legal Services Act 2007.

Rule 1

In the SRA Code of Conduct 2011, in note (ii) to Chapter 6, replace “Financial Services Authority” with “Financial Conduct Authority”.

Rule 2

Appendix 5 to the SRA Accounts Rules 2011 shall be amended as follows:

- (a) replace "+44 (0) 1527 504450" with "+44 (0) 121 329 6800";
- (b) replace the address on the last page of the form with the following:

"Authorisation - Accountant's Reports
Solicitors Regulation Authority
The Cube
199 Wharfside Street
Birmingham
B1 1RN

OR

DX 720293 Birmingham 47".

Rule 3

The SRA Practice Framework Rules 2011 shall be amended as follows:

- (a) in rule 10.2(c)(iii), replace "paragraph (c) of the definition of "Private practice" in Appendix 4 to the SRA Indemnity Insurance Rules" with "paragraph (i)(E) of the definition of *private practice*";
- (b) in Guidance note (iii) to Rule 8, replace “Financial Services Authority” with “Financial Conduct Authority”, and replace “FSA” (in each case) with “FCA”.

Rule 4

The SRA Training Regulations 2011 Part 1 – Qualification Regulations shall be amended as follows:

- (a) in regulation 6.1(d), replace “*FILEX*” with “*Chartered Legal Executive*”;

- (b) in regulation 6.1(e), replace "MILEX" with "Graduate of CILEx";
- (c) in regulation 7.3, replace "FILEX" with "Chartered Legal Executive", "MILEX" with "Graduate of CILEx", and "ILEX" with "CILEx";
- (d) in the guidance note following regulation 22.2, insert a new paragraph (viii) as follows: "The *part time study training contract* may also be used where an *LPC* student has resits to complete within the allowed five year period.";
- (e) in regulation 29.2(b), replace "FILEX" with "Chartered Legal Executive";
- (f) in the title of Part 7, replace "FILEX, MILEX" with "CILEx";
- (g) in the title of regulation 30, replace "FILEX" with "Chartered Legal Executive";
- (h) in regulation 30.1, replace "FILEX" (in each case) with "Chartered Legal Executive";
- (i) in the title of regulation 31, replace "MILEX" with "Graduate of CILEx";
- (j) in regulation 31.1, replace "MILEX" with "Graduate of CILEx".

Rule 5

The SRA Suitability Test 2011 shall be amended as follows:

- (a) in guidance note (vi) at the end of section 1.3, replace "Serious motoring" with "Motoring";
- (b) in guidance note (i) at the end of section 2.2, replace "We will also perform a PNC check at the *student enrolment* stage and have reciprocal arrangements with other jurisdictions in order to gather similar information on lawyers from other countries." with "We also reserve the right to require applicants to provide a PNC check.";
- (c) in guidance note (ii) at the end of section 6.2, replace "will" with "may".

Rule 6

The SRA Financial Services (Scope) Rules 2001 shall be amended as follows:

- (a) in rules 1.1, 1.2(a), 2.1, 4.1(f), 5.6(b) and 6.3(b), replace "FSA" (in each case) with "FCA";
- (b) in rule 5.6(a), replace "FSA Register" with "Financial Services Register";
- (c) in note (i) to rule 1, replace "FSMA makes the FSA the single statutory regulator of financial services business" with "FSMA makes the FCA and the Prudential Regulation Authority (PRA) the statutory regulators of financial services business" and replace "FSA" with "FCA";
- (d) in note (i) to rule 2, replace "FSA" with "FCA" and replace "FSA's requirements" with "FCA's requirements";

- (e) in note (ii) to rule 4, replace "FSA" with "FCA"; and
- (f) in note (i) to rule 5, replace "FSA's Exempt Professional Firms (EPF) Register" with "FCA's Exempt Professional Firms (EPF) Register", and replace "FSA website - see www.fsa.gov.uk" with "FCA website - see www.fca.org.uk".

Rule 7

The SRA Financial Services (Conduct of Business) Rules 2001 shall be amended as follows:

- (a) in rules 1.1, 1.2, 2.2(a), 2.2(b), 3.1 and 3.2(a) of Part 1, replace "FSA" (in each case) with "FCA";
- (b) in rule 3.3 of Part 1, replace "Financial Services Authority" with "Financial Conduct Authority" and "www.fsa.gov.uk/register/home.do" with "www.fca.org.uk/register";
- (c) in paragraph 5 of Appendix 1, replace "FSA" with "FCA", "FSA's Supervision Manual" with "FCA's Supervision Manual", and "FSA's Professional Firms' Sourcebook" with "FCA's Professional Firms' Sourcebook";
- (d) in note (iii) to paragraph 1 of Appendix 1, replace "FSA" with "FCA"; and
- (e) in note (ii) to paragraph 3 of Appendix 1, replace "FSA" with "FCA".

Rule 8

The SRA Handbook Glossary 2012 shall be amended as follows:

- (a) after the definition of "charity" insert:

"Chartered Legal Executive
means a Fellow of the Chartered Institute of Legal Executives.";
- (b) after the definition of "extended indemnity period", insert:

"FCA
means the Financial Conduct Authority.";
- (c) delete the definition of "FILEX";
- (d) after the definition of "financial institution", insert:

"Financial Services Register
means the record maintained by the FCA as required by section 347 of FSMA and including those *persons* who carry on, or are proposing to carry on, *insurance mediation activities*.";
- (e) delete the definition of "FSA";

- (f) delete the definition of “**FSA Register**”;
- (g) after the definition of “**general prohibition**” insert:
 “**Graduate of CILEx**
 means a Graduate member of the Chartered Institute of Legal Executives.”;
- (h) delete the definition of “**MILEX**”; and
- (i) in the definition of “**non-mainstream regulated activity**”, replace “*FSA*” with “*FCA*”.

Rule 9

These amendment rules shall come into force on 1 April 2013 and are exempt from the Legal Services Board approval under the Exemptions Direction 1 Alterations falling below a de minimis line (paragraph 19(3) and (4) of Schedule 4 direction).