

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

Applications

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- 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:
 - 1.2 any **prescribed** fee or charge; and
 - 1.3 any information and documents which may be **prescribed**, or reasonably requested by the **SRA**.
 - 1.4 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.
 - 1.5 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.

- 1.6** 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.
- 1.7** 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.
- 1.8** 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:
- 1.9** 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;
 - 1.10** the total decision period must not exceed 9 months; and
 - 1.11** the extension notice must set out the reasons for the extension.
- 1.12** 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.

Glossary terms

SRA

regulatory arrangements

prescribed

Notices

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- 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:

2.4 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;

2.5 if sent by ordinary post:

2.6 in the case of first class post, on the second working day after the day on which it was posted, and

2.7 in the case of second class post, on the fourth working day after the day on which it was posted.

Glossary terms

SRA

regulatory arrangements

Part 2: Reviews and appeals of decisions

Power to conduct a review

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3.1 The **SRA** may:

3.2 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;

3.3 review all or part of any regulatory decision reached by it, of its own initiative, under this Part.

3.4 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.

3.5 An application cannot be made for a review of:

- 3.6** a decision reached following a review or appeal;
- 3.7** a decision which has been made by agreement under rule 8.2 of the SRA Regulatory and Disciplinary Procedure Rules.
- 3.8** The **SRA** shall not, save in exceptional circumstances, review a decision more than one year after it was made.
- 3.9** An application for a review of a decision must be made within 28 days of:
- 3.10** notice being given of the decision, or reasons for the decision (if later); or
- 3.11** 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.
- 3.12** 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.

Glossary terms

SRA

person

Decisions on review

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- 4.1** A review will be determined by an authorised decision maker on consideration of written evidence alone.
- 4.2** On a review, 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:
- 4.3** uphold the original decision;
 - 4.4** overturn the decision in whole or in part;
 - 4.5** make any other decision which could have been made by the original decision maker; or
 - 4.6** remit the decision for further investigation or consideration.

Glossary terms

authorised decision maker

Appeals to the High Court or Tribunal

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- 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.

Glossary terms

Tribunal

court

Taking effect of decisions subject to review or appeal

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- 6.1** Unless specified otherwise, subject to rule 6.2, a decision takes effect:

- .2 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
- .3 if an application for a review or an appeal is made, on the date any review or appeal has been determined or discontinued.

6.4 The SRA may direct a decision to take immediate effect, where it considers that it is necessary in the public interest to do so.

Glossary terms

SRA

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

Individual authorisation

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As set out in the SRA Authorisation of Individuals Regulations:

- 1.1 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.
- 1.2 A decision made under regulation 3B.2(a) to refuse to recognise all or any part of an apprenticeship.
- 1.3 A decision under regulation 3B.2(b) to require further steps or training to be undertaken including imposing conditions.
- 1.4 A decision made under regulation 3E.2(a) to refuse to recognise all or part of a **period of recognised training**.
- 1.5 A decision made under regulation 3E.2(b) to require further steps or training to be undertaken including imposing conditions.
- 1.6 A decision made under regulation 5.1 to refuse to issue a certificate of satisfaction.
- 1.7 A decision made under regulation 5.2 not to be satisfied as to an individual's **character and suitability** to be a **solicitor**.

- 1.8** A decision made under regulation 5.3 to refuse to admit an individual as a solicitor after a certificate of satisfaction has been issued.
- 1.9** A decision made under regulation 5.6(a)(ii) to remove a solicitor's name from the roll.
- 1.10** A decision made under regulation 5.6(b) to refuse to remove a solicitor's name from the roll.
- 1.11** A decision made under regulation 5.9 to refuse to restore a solicitor's name to the roll.
- 1.12** 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.
- 1.13** 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.
- 1.14** 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.
- 1.15** A decision to refuse approval for the taking of steps specified in conditions under regulation 7.1(b).
- 1.16** 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.
- 1.17** A decision made under regulation 9.10 not to be satisfied in respect of a higher courts advocacy qualification.

Glossary terms

academic stage of training

vocational stage of training

period of recognised training

character and suitability

solicitor

register of European lawyers

register of foreign lawyers

lawyer

foreign lawyer

higher courts advocacy qualification

Education, Training and Assessment providers

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

- 1.1 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.
- 1.2 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.
- 1.3 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.
- 1.4 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.
- 1.5 A decision made under regulation 2.4(c) to require an **authorised training provider** to appoint a new **training principal**.
- 1.6 A decision made under regulation 6.3(b) to refuse to approve an organisation to provide higher rights of audience assessments.
- 1.7 A decision made under regulation 6.3(a) to grant the application of approval subject to such conditions as the **SRA** considers appropriate.
- 1.8 A decision made under regulation 6.5(a) to revoke the approval.
- 1.9 A decision made under regulation 6.5(b) to make the approval subject to such conditions as the **SRA** considers appropriate.

Glossary terms

approved education provider
authorised education provider
authorised training provider
SRA
training principal

Firm authorisation

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As set out in the SRA Authorisation of Firms Rules:

- 1.1 A decision made under rule 2.2 to refuse authorisation.

- 1.2 A decision made under rule 3.1 to impose conditions on authorisation.
- 1.3 A decision to refuse approval for the taking of steps specified in conditions under rule 3.3(c).
- 1.4 A decision under rule 4.3 or 4.4 to revoke or suspend a body's authorisation.
- 1.5 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.
- 1.6 A decision made under rule 13.1 to refuse approval of a person's designation as a manager, owner, or compliance officer.
- 1.7 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.
- 1.8 A decision made under rule 13.9 to withdraw approval of a person's designation as a manager, owner, or compliance officer.
- 1.9 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.

Glossary terms

person

manager

owner

compliance officer

material interest

licensed body

Regulatory and Disciplinary

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

- 1.1 A decision made under rule 3.1, save for a decision to make an application to the Tribunal under rule 3.1(g).
- 1.2 A decision made under rule 3.2(a) to impose interim conditions.
- 1.3 A decision made under rule 9.2 to publish a decision.

Glossary terms

Miscellaneous

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- 1.1 A decision made under rule 19.1 of the SRA Compensation Fund Rules not to make a grant of the whole or part of the amount applied for from the Fund.
- 1.2 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

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As set out in the SRA Authorisation of Firms Rules:

- 1.1 A decision made under rule 2.2 to refuse authorisation as a **licensed body**.
- 1.2 A decision made under rule 3.1 to impose conditions on the authorisation of a **licensed body**.
- 1.3 A decision in respect of a **licensed body** to refuse approval for the taking of steps specified in conditions under rule 3.3(c).
- 1.4 A decision made under rule 4.4 to revoke or suspend a **licensed body's** authorisation.
- 1.5 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.
- 1.6 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**.
- 1.7 A decision made under rule 13.8 to grant approval or conditional approval of the holding of a **material interest**

in a licensed body.

- 1.8** 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.

Glossary terms

licensed body

person

manager

owner

compliance officer

material interest

Regulatory and Disciplinary

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

- 1.1** A decision made under rule 3.1(a) to give a written rebuke.
- 1.2** A decision made under rule 3.1 (b) to direct the payment of a financial penalty together with the amount of that penalty.
- 1.3** 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.
- 1.4** A decision made under rule 3.1(d) to make an order to control a person's activities in connection with legal practice.
- 1.5** A decision made under 9.2 to publish a decision.

Glossary terms

person

HOLP

HOFA

manager

employee

licensed body

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

Individual Authorisation

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As set out in the SRA Authorisation of Individuals Regulations:

- 1.1** A decision made under regulation 3E.2(a) to refuse to recognise all or part of a period of recognised training.
- 1.2** A decision made under regulation 4.1 to refuse an application for admission as a solicitor made under legislation implementing the Establishment Directive in the UK.
- 1.3** A decision made under regulation 5.1 to refuse to issue a certificate of satisfaction.
- 1.4** A decision made under regulation 5.3 to refuse to admit an individual as a solicitor after a certificate of satisfaction has been issued.
- 1.5** A decision made under regulation 5.6(a)(ii) to remove a solicitor's name from the roll.
- 1.6** A decision made under regulation 5.6(b) to refuse to remove a solicitor's name from the roll.
- 1.7** A decision made under regulation 5.9 to refuse to restore a solicitor's name to the roll.
- 1.8** 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.
- 1.9** 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.
- 1.10** 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.
- 1.11** A failure to determine within 4 months an application for initial registration or revocation of registration in the register of European lawyers.

Glossary terms

period of recognised training

solicitor

Establishment Directive

UK

register of European lawyers

register of foreign lawyers

lawyer

foreign lawyer

Firm authorisation

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As set out in the SRA Authorisation of Firms Rules:

- 1.1 A decision made under rule 2.2 to refuse authorisation of a recognised body or recognised sole practice.
- 1.2 A decision made under rule 4.3 to revoke or suspend authorisation of a recognised body or recognised sole practice.
- 1.3 A decision made under 3.1 to impose conditions on authorisation of a recognised body or recognised sole practice.
- 1.4 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.

Glossary terms

recognised body

recognised sole practice

person

COLP

COFA

manager

owner

Miscellaneous

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1.1 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.

Glossary terms

solicitor

Supplemental notes

Made by the SRA Board on 30 May 2018.

Made under sections 2, 13, 28 and 31 of the Solicitors Act 1974, section 9 of the Administration of Justice Act 1985, section 89 of, and 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.