

# Solicitors Keeping of the Roll Regulations [2011]

## 1. Authority and date

These regulations, dated [the date of the approval of the Legal Services Board], commencing in accordance with the SRA Commencement, Repeals and Amendment Rules [2011], made by the Solicitors Regulation Authority Board, under sections 28, 79 and 80 of the Solicitors Act, with the approval of the Legal Services Board under paragraph 19 of Schedule 4 to the Legal Services Act 2007.

## 2A. The roll

The *SRA* shall continue to keep a list of all *solicitors* of the Senior Courts of England and Wales, called "the roll".

## 2B. Mode of keeping the roll

The roll will be kept in electronic form.

## 2C. Content of the roll

In respect of entries made or altered as from [6 October 2011], the roll must contain, in respect of each *solicitor*, the following information:

- (a) full name, including title;
- (b) date of birth;
- (c) registration number;
- (d) date of admission;
- (e) principal place of business in the case of a *practising solicitor*;
- (f) address for correspondence in the case of a non-practising *solicitor*;
- (g) a note about any suspension of the *solicitor* from *practice*, or suspension of the *solicitor's* practising certificate, or suspension of the *solicitor* from *practice* as a *sole practitioner*, or suspension of the *solicitor's* authorisation as a *recognised sole practitioner*, or the termination of any such suspension;
- (h) a note of any order of *the Tribunal* under section 47 of the *SA* in respect of the *solicitor* (or former *solicitor*), and a note of any order of the High Court or the Court of Appeal striking the *solicitor* off the roll; and
- (i) any other reasonable information, necessary for carrying out the *SRA's* statutory objectives, from time to time prescribed by the *SRA*.

## Guidance note

Because sole practitioners are not authorised by means of endorsement on their practising certificate after [31 March 2012] the roll shows only suspensions of authorisation occurring up to that date. For information on sole practitioner firms after that please refer to the register of authorised bodies (see rule 34 of the SRA Authorisation Rules).

### 2D. Public access to information

(a) Entries on the roll under (a), (c), (d), (e), (g) and (h) must be available for inspection by any member of the public during office hours without charge, except that the *SRA* may in exceptional circumstances, and if it considers that to do so would be in the public interest, withhold the address of a *solicitor's* principal place of business.

(b) The date on which a *solicitor's* name was

(i) removed from or

(ii) struck off

the roll must be made available to a member of the public on request.

### 3. Address for correspondence

When the *SRA* writes to any person under these regulations it shall write to the *solicitor's* last notified address.

### 4. Annual enquiry

The *SRA* shall once a year ask every *solicitor* without a practising certificate whether the *solicitor* wishes his or her name to remain on the roll.

### 5. Removal from the roll

The *SRA* may remove from the roll the name of any *solicitor* who:

(a) replies, following an enquiry under regulation 4, that he or she does not wish to remain on the roll; or

(b) fails to reply within eight weeks to an enquiry under regulation 4; or

(c) fails, within eight weeks of an enquiry under regulation 4, to pay the fee *prescribed* by regulation 13(a) for remaining on the roll; or

(d) applies to have his or her name removed from the roll; or

(e) has died.

### 6. Application for restoration to the roll

(a) A person whose name has been removed from the roll may apply to the *SRA* for his or her name to be restored to the roll.

(b) This regulation does not apply if:

- (i) *the Tribunal* has made an order prohibiting the restoration of the person's name to the roll except by order of *the Tribunal*; or
- (ii) the person's name has been struck off the roll.

#### 7. Application for change of name on the roll

A *solicitor* whose name has changed may apply to the *SRA* to change his or her name on the roll.

#### 8. Outstanding complaints

The *SRA* may refuse to remove from or restore to the roll the name of a *solicitor* or former *solicitor* against whom there is an outstanding complaint.

#### 9. Disciplinary proceedings

The *SRA* shall not remove from or restore to the roll the name of any *solicitor* or former *solicitor* against whom disciplinary proceedings are pending before the Supreme Court or *the Tribunal*.

#### 10. Notice of intention to remove name

Where regulation 5(b) or (c) applies, the *SRA* shall not remove a *solicitor's* name from the roll until it has notified the *solicitor* in writing that it intends to remove his or her name.

#### 11. Letter of confirmation or notice of refusal

The *SRA* shall write to a *solicitor* or former *solicitor*:

- (a) confirming that his or her name on the roll has been removed from, restored to or changed on the roll; or
- (b) giving notice that the *SRA* has refused to remove from, restore to or change his or her name on the roll.

#### 12. Forms

The *SRA* may prescribe forms for replies or applications to the *SRA* and in the case of an application under regulation 7 may require such evidence as it sees fit.

#### 13. Fees

- (a) Subject to paragraph (b) any reply, following an enquiry under regulation 4, that a *solicitor* wishes to remain on the roll must be accompanied by a fee of £20.
- (b) No fee is payable under regulation 4 by any *solicitor* whose name has been on the roll for 50 years or more or for such shorter *prescribed* period.
- (c) Any application under regulation 6 for restoration of a person's name to the roll shall be accompanied by the *prescribed* fee.

#### 14. Appeals

(a) Any person who is aggrieved because:

- (i) the *SRA* has removed his or her name from the roll; or
- (ii) the *SRA* refused to remove his or her name from the roll; or
- (iii) the *SRA* refused to change his or her name on the roll

may appeal to the High Court under this regulation.

(b) Any person aggrieved by the *SRA's* refusal to restore his or her name to the roll under regulation 6 may appeal to the High Court under section 8(4) of the *SA*.

(c) A person must invoke the *SRA's* own appeals procedure before appealing to the High Court under this regulation, and may invoke the *SRA's* own appeals procedure before appealing to the High Court under section 8(4) of the *SA*.

(d) Appeals under the *SRA's* own appeals procedure must be commenced within 28 days of notification of the *SRA's* initial decision.

(e) Unless otherwise provided in rules of Court or in the relevant decision, an appeal to the High Court must be commenced within 21 days after the date of the relevant decision, whether that is the *SRA's* initial decision or a decision under the *SRA's* own appeals procedure.

(f) Under sections 8(4B) and 28(3F) of the *SA* the decision of the High Court is final.

#### 15. Interpretation

- (a) All italicised terms in these regulations are to be interpreted in accordance with Chapter 14 (Interpretation) of the *SRA Code of Conduct [2011]*;
- (b) "*prescribed*" means prescribed by the *SRA* from time to time;
- (c) "*SA*" means the Solicitors Act 1974;
- (d) "*the Tribunal*" means the Solicitors Disciplinary Tribunal which is an independent statutory tribunal constituted under section 46 of the *SA*.

#### 16. Transitional provision

From [31 March 2012] in regulation 2C(g) the words "or suspension of the *solicitor* from *practice* as a *sole practitioner*, or suspension of the *solicitor's* authorisation as a *recognised sole practitioner*," shall be omitted.