**Withdrawal of residual client balances**

**Pursuant to rule 5.1(c) SRA Accounts Rules**

**Before submitting your application,** please use the checklist below to help you decide whether an application is required at this stage. The checklist addresses applications we often receive that are either not ready for submission or do not require SRA authorisation.

**CHECKLIST BEFORE SUBMITTING APPLICATION**

|  |  |  |  |
| --- | --- | --- | --- |
|  | Are the funds in the applicant firm’s client account? | **Yes** [ ]  Go to 2  | **No** [ ] The SRA has no power to deal with funds under the [SRA Accounts Rules](https://www.sra.org.uk/solicitors/standards-regulations/accounts-rules/) if they are not in the firm’s client account. Please contact the Professional Ethics team for guidance.  |
|  | Are the funds over £500? | **Yes** [ ]  Go to 3 if balance is owed to an individual, or 6 to a company.  | **No** [ ] SRA authorisation is not required – see [the prescribed circumstances](https://www.sra.org.uk/solicitors/standards-regulations/withdraw-client-money/).  |
| **Balance owed to an individual:**  |
|  | Do you have their name and a mailing address? | **Yes** [ ]  Go to 4 | **No** [ ] Go to 5 |
|  | Have you used the [DWP Letter Forwarding Service](https://www.gov.uk/government/publications/pensions-and-insurance-tracing-and-letter-forwarding-service), and received a response from the DWP? **Note:** using a tracing agent does not replace the requirement to do this.  | **Yes** [ ]  Go to 5 | **No** [ ] Please use the DWP letter forwarding service and wait for the response before applying.If the DWP successfully traces the individual, please wait at least four weeks before submitting the application. |
|  | If this is an estate matter, can you contact the Personal Representatives or Executors for instructions? You can check for [probate records online.](https://www.gov.uk/search-will-probate)  | **Yes** [ ]  Obtain their instructions. If you are the executors, you can authorise a donation to charity, no application is required – see [our guidance](https://www.sra.org.uk/solicitors/guidance/general-granting-authority-withdraw-residual-client-balances/).  | **No** [ ]  **N/A** [ ] Please review [our guidance](https://www.sra.org.uk/solicitors/guidance/general-granting-authority-withdraw-residual-client-balances/) and submit the application as necessary.  |
| **Balance owed to a company:** |
|  | Check Companies House - has the company been dissolved?  | **Yes** [ ]  The funds are [Bona Vacantia](https://www.gov.uk/government/organisations/bona-vacantia) under the Companies Act and payable directly to the Treasury Solicitor. **No application is** **required** if the Treasury Solicitor accepts the funds.  | **No** [ ] Please review [our guidance](https://www.sra.org.uk/solicitors/guidance/general-granting-authority-withdraw-residual-client-balances/) and submit the application as necessary. |

**APPLICATION FORM**

Please read the [guidance](https://www.sra.org.uk/solicitors/guidance/general-granting-authority-withdraw-residual-client-balances/) on our website before submitting this form to: professional.ethics@sra.org.uk, or Professional Ethics, SRA: The Cube, 199 Wharfside Street, Birmingham B1 1RN or DX720293 Birmingham 47.

|  |  |
| --- | --- |
|  | **Applicant firm information**  |
|  | Name of applicant firm: |  |
|  | Head office SRA number: |  |
|  | Name of appointed COFA: |  |
|  | Is the COFA aware of this application being made? | **Yes** [ ]  **No** [ ]  |
|  | Application contact name and email address: |  |
|  | Firm’s reference: |  |
|  | Please confirm the name of the client account in which the money is held: | **See checklist question 1.**  |
|  | Please confirm the funds are over £500: | **Yes** [ ]  **No** [ ] **See checklist question 2.** |
|  | **Information about the balance – one balance per application form** |
|  | Name of client or third party to whom the balance is owed: |  |
|  | Amount (over £500 only): |  |
|  | When did the firm start holding the balance? |  |
|  | Has the balance been transferred from another firm of solicitors? | **Yes** [ ]  **No** [ ]   |
| If yes, what is the name and SRA number of the firm from whom you took the balance? |
|  | Is there a file? | **Yes** [ ]  **No** [ ]   |
| If yes, what type of legal matter does the file relate to? |
|  | Do you have contact details for the legal owner of the balance and used those contact details? (i.e. email, letter, telephone?) | **Yes** [ ]  **No** [ ]   |
| If not, why do you think this is not an appropriate step?  |
|  | If you have a name and address for the legal owner of the balance, please confirm you have attached the DWP’s response.  | **Yes** [ ]  **No** [ ]  **See checklist question 4.** |
| If not, why do you think this is not an appropriate step?  |
|  | Have you tried to trace the legal owner of the balance via other methods such as internet searches, electoral roll, social media, etc? | **Yes** [ ]  **No** [ ]   |
| If not, why do you think this is not an appropriate step?  |
|  | Have you instructed enquiry agents?  | **Yes** [ ]  **No** [ ]   |
| If not, why do you think this is not an appropriate step?  |
|  | In estate matters: Are you in contact with the Personal Representatives or Executors? | **Yes** [ ]  **No** [ ]  **N/A** [ ]  |
| **See checklist question 5**. If you cannot identify the Personal Representatives or Executors, please proceed with application. |
|  | If the funds are due to a corporate entity: check Companies House, has the company been dissolved?  | **Yes** [ ]  **No** [ ]  **N/A** [ ]  |
| **See checklist question 6.** Please describe status of company: |
|  | Please use this space to include any additional information that you think is relevant to your application (e.g. background of the balance, summary of efforts taken to date to trace the legal owner of the balance): |   |