

## **Guidance**

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## **Administering oaths or statutory declarations outside your normal practice**

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## **Status**

This notice is to help you understand your obligations and how to comply with them. We will have regard to it when exercising our regulatory functions.

## **Purpose of this statement**

Concerns have been raised about the restrictions that are placed on solicitors and registered European lawyers (RELs) who normally practise through an SRA authorised body, an authorised non-SRA firm (together described below as an authorised firm) or any other business and want to be able to administer oaths or statutory declarations outside their normal practice. Administering oaths or statutory declarations is a reserved legal activity under the Legal Services Act 2007 and we impose more restrictions on the conduct of such activities than we do on the conduct of activities that are not reserved legal activities.

Regulation 10.2(b) of the SRA Authorisation of Individuals Regulations (AIRs) sets out the conditions that must be met where a solicitor or REL (who would otherwise be regarded as acting as a sole practitioner) carries on reserved legal activities. These conditions include that the solicitor or REL must have practised for a minimum of three years since admission or registration and must take out and maintain indemnity insurance that provides adequate and appropriate cover.

This means that junior solicitors or RELs (who have practised for less than three years) are unable to administer oaths or statutory declarations outside an authorised firm. This would have been allowed before the SRA Standards and Regulations came into force on 25 November 2019.

We are also aware that solicitors or RELs who have practised for three years or more may have been deterred from administering oaths or statutory declarations outside their normal practice because of the requirements to take out and maintain indemnity insurance that provides adequate and appropriate cover, and to notify us that they are practising in this way.

We do not consider it to be in the public interest to prevent or deter solicitors or RELs from administering oaths or statutory declarations where this is done on an ad hoc basis rather than as part of a business. This is a low-risk activity that provides a useful service and we are not aware of it causing any problems when it was previously allowed.

We also do not consider it necessary for us to be notified before this activity can be undertaken. Therefore, this statement is to give comfort to solicitors or RELs wishing to administer oaths or statutory declarations.

## **What you can do**

This applies to you if you are a solicitor or registered European lawyer (REL) who would otherwise be regarded as acting as a sole practitioner and whose practice is not a recognised sole practice. Where the only reserved legal activity undertaken by you when practising on your own is administering oaths or statutory declarations, we will not regard you as being in breach of regulation 10.1 of the AIRs and, notwithstanding your level of post qualification experience, you will not need to meet the conditions in regulation 10.2(b) of the AIRs provided that you:

- do not charge a fee for administering oaths or statutory declarations other than the statutory fee and
- do not provide the services of administering oaths or statutory declarations by way of business.

If you administer oaths or statutory declarations in circumstances where you meet the conditions in (a) and (b) above then you will not need to notify us that you are practising in this way and the fact that you are doing so will not need to be included on the Solicitors Register.

## **Further help**

If you require further assistance, please contact the [Professional Ethics helpline \[https://www.sra.org.uk/contactus\]](https://www.sra.org.uk/contactus).