

Solicitors' Training Regulations 2009

The Training Regulations 2009 were amended on 1 September 2010 to reflect changes introduced by the SRA Qualified Lawyers Transfer Scheme Regulations 2010.

The Training Regulations 1990 were replaced by the Solicitors' Training Regulations 2009 on 1 July 2009 as part of a general updating of the rules to introduce firm-based regulation and legal disciplinary practices as provided for in the Legal Services Act 2007.

Regulations dated 1 July 2009

made by the Solicitors Regulation Authority Board under sections 2, 79 and 80 of the *Solicitors Act 1974* with the approval of the Secretary of State under Schedule 4 to the Courts and Legal Services Act 1990, and

made, where requisite, by the Master of the Rolls under section 28 of the *Solicitors Act 1974* and article 3 of the Legal Services Act 2007 (Commencement No. 5, Transitory and Transitional Provisions) Order 2009 with the concurrence of the Secretary of State and the Lord Chief Justice under article 3 of the Legal Services Act 2007 (Commencement No. 5, Transitory and Transitional Provisions) Order 2009.

PART I - INTRODUCTORY

1. Commencement and repeal

(1)

These regulations came into force on 1 July 2009.

(2)

The Training Regulations 1990 shall cease to have effect on that date.

2. Interpretation and definitions

(1)

The *Interpretation Act 1978* applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

(2)

Words and phrases not expressly defined in these regulations, unless the context otherwise requires, bear the same meaning as they bear in the

Solicitors Act 1974.

(3)

In these regulations:

"academic stage of training" means that stage of the training of an entrant to the solicitors' profession which is completed by satisfying regulation 6;

"Common Professional Examination Course" means a course, including assessments and examinations, approved by the JASB for the purposes of completing the academic stage of training;

"continuing professional development" means a course, lecture, seminar or other programme or method of study (whether requiring attendance or not) that is relevant to the needs and professional standards of solicitors and complies with guidance issued from time to time by the SRA;

"Diploma in Law" means a graduate diploma in law or second degree awarded by:

(i)

a university in the United Kingdom or the Republic of Ireland;

(ii)

an institution in England or Wales empowered by the Privy Council to award degrees;

(iii)

a polytechnic or college authorised to award the degrees of the Council of National Academic Awards before its dissolution on 31 March 1993;

(iv)

the College of Law;

(v)

an overseas university or college approved by the SRA;

being of such standard as the SRA determines and following a course of study which is acceptable to the SRA and which includes:

(a)

the study of the Foundations of Legal Knowledge; and



(b)

the passing of appropriate set in those foundations;

"Exempting Law Degree" means a qualifying law degree incorporating a Legal Practice Course;

"FILEX" means a Fellow of the Institute of Legal Executives;

"Foundations of Legal Knowledge" means those foundations of law the study of which is prescribed by the SRA and the Bar Standards Board for the purpose of completing the Academic Stage of Training by undertaking a Common Professional Examination Course or Qualifying Law Degree and passing the assessments and examinations set during that course;

"Integrated Course" means a course of such standard as the SRA determines and approves incorporating study of the Foundations of Legal Knowledge and a Legal Practice Course;

"the JASB" means the Joint Academic Standards Board set up pursuant to resolutions passed by the SRA Board and by the Bar Standards Board;

"Justices' Clerk's Assistant" bears the meaning contained in the Assistants to Justices' Clerks Regulations 2006;

"Legal Practice Course" means a course the satisfactory completion of which is recognised by the SRA as satisfying in part the vocational stage of training;

"Professional Skills Course" means a course the satisfactory completion of which is recognised by the SRA as satisfying in part the vocational stage of training;

"qualifying employment" means employment, after attaining the age of 18 years, on legal duties under the supervision of a solicitor;

"qualifying law degree" means:

(i)

a degree awarded by a university in the United Kingdom or the Republic of Ireland;

(ii)

a degree awarded by an institution in England or Wales empowered by the Privy Council to award degrees;

(iii)

a degree conferred by the Council for National Academic Awards before its dissolution on 31 March 1993; and

(iv)

a Licence in Law conferred by the former University College of Buckingham before the College was granted university status;

being of such a standard as the SRA determines following a course of study which is acceptable to the SRA with regard to the provision of adequate learning resources and which includes:

(a)

the study of the Foundations of Legal Knowledge; and

(b)

the passing of appropriate assessments set in those foundations; or

(v) such other degree or qualification as the SRA considers the equivalent of the qualifications listed above;

"part-time study contract" means a written contract between a training establishment and a trainee solicitor who follows a Common Professional Examination Course, Legal Practice Course, Integrated Course, or a course leading to a Qualifying Law Degree, Exempting Law Degree, or Diploma in Law on a part-time basis and references to "training contract" in these regulations shall include part-time study contract;

"registered European lawyer" means a lawyer registered with the SRA pursuant to EC Directive 98/5/EC;

"SRA" means the Solicitors Regulation Authority;

"trainee solicitor" means any person receiving training under a training contract;

"training contract" means a written contract between one or more training establishments and a trainee solicitor which complies with these regulations;

"training establishment" means a body, firm, company or individual authorised by the SRA to take a trainee solicitor;

"training principal" means any solicitor who:

(i)

holds a current practising certificate;

(ii)

has held immediately prior to a current practising certificate four consecutive practising certificates;

(iii)

is nominated by a training establishment as such;

(iv)

is a partner or has equivalent status;

(v)

has undertaken such training as the SRA may prescribe;

and for the purposes of (ii) above a solicitor who has been a registered European lawyer for a continuous period before his admission as a solicitor can use each complete year of registration as the equivalent of having held one practising certificate.

"vocational stage of training" means that stage of the training of an entrant to the solicitors' profession which is completed by:

(i)

(a)

satisfactory completion of a Legal Practice Course, or

(b)

obtaining an Exempting Law Degree, or

(c)

satisfactory completion of an Integrated Course, and

(ii)

subject to regulations 29 and 29 serving under a training contract as prescribed in Part IV [part 4] of these regulations, and

(iii)

satisfactory completion of a Professional Skills Course and such other course or courses as the SRA may from time to time prescribe.

3. Compliance with these regulations

Subject to the Qualified Lawyers Transfer Regulations and the Qualified Lawyers Transfer Scheme Regulations, an applicant for admission as a solicitor must have satisfactorily completed the academic and the vocational stages of training and otherwise have complied with these regulations.

PART II - ENROLMENT

4. Requirement to obtain certificates of enrolment

No person may:

(i)

proceed beyond the first year of a course leading to an Exempting Law Degree; or

(ii)

attend a Legal Practice Course; or

(iii)

attend an Integrated Course; or

(iv)

serve under a training contract;

without holding a current certificate of enrolment.

5. Application for enrolment

(1)

The SRA shall issue a certificate of enrolment only if it is satisfied

(i)

as to the applicant's character and suitability to become a solicitor; and

(ii)

that the applicant has a good knowledge of spoken and written English.



(2)

The SRA may require the applicant to attend before an adjudicator, adjudication panel or committee as appointed by the SRA.

(3)

The SRA may refuse to issue a certificate of enrolment and must notify an applicant in writing giving reasons for the decision.

(4)

If the SRA refuses to issue a certificate of enrolment the applicant may within one month of receiving notification from the SRA of its decision ask for the application to be reviewed.

(5)

An applicant whose application has been refused under paragraph (1)(i) has the right under regulation 4 of the Solicitors' Admission Regulations to appeal to the High Court within three months of receiving notification from the SRA of its decision on a review under paragraph (4).

(6)

The applicant may make up to three further applications for enrolment after intervals of not less than 12 months from the final determination of the applicant's previous application.

(7)

(i)

A first certificate of enrolment is valid for a period not exceeding 24 months as specified in the certificate.

(ii)

Any other certificate of enrolment is valid for 12 months from the date of issue.

(iii)

Notwithstanding (i) and (ii) a certificate of enrolment which is in force when the holder commences a training contract shall remain valid for the duration of that training contract.

(8)

Unless otherwise expressed, any reference in these regulations to a certificate of enrolment refers to a certificate issued pursuant to this regulation.

PART III - THE ACADEMIC STAGE OF TRAINING

6. Completion of the academic stage

(1)

A person satisfies the academic stage of training by:

(i)

graduating with an Exempting Law Degree; or

(ii)

graduating with a qualifying law degree; or

(iii)

passing a Common Professional Examination; or

(iv)

gaining a Diploma in Law; or

(v)

satisfactorily completing an Integrated Course.

(2)

In exceptional circumstances the SRA may accept such other evidence of academic ability as it thinks fit as equivalent to satisfaction of the academic stage of training for the purposes of paragraph (1) in the case of a person who completes a course of study for one of the qualifications referred to in paragraph (1).

(3)

Before proceeding to the vocational stage of training a person seeking to establish that the academic stage of training has been satisfied by virtue of paragraph (1)(ii), (iii) or (iv) must obtain from the SRA within the prescribed time limit a certificate to that effect.

(4)

Before entering into a training contract a person seeking to establish that the academic stage of training has been satisfied by virtue of paragraph (1) (i) or (v) must obtain from the SRA within the prescribed time limit a certificate to that effect.

7. Certificates of completion of the academic stage

(1)

A person within regulation 6(1) must apply to the SRA for a certificate and lodge such evidence as the SRA may require.

(2)

The SRA will not grant a certificate on an application made later than seven years after the 1st October in the year in which the applicant obtained the degree or diploma, passed a Common Professional Examination, or satisfactorily completed an Integrated Course unless satisfied that:

(i)

special reasons exist for granting the certificate; and

(ii)

the applicant has complied with such requirements as to courses of study, written tests or otherwise as the SRA may have imposed as a condition of granting the certificate.

(3)

Subject to paragraph (2), if the SRA is satisfied that an applicant holds an Exempting Law Degree, a qualifying law degree, a Diploma in Law or has passed a Common Professional Examination, or satisfactorily completed an Integrated Course it must issue a certificate that the applicant has completed the academic stage of training.

(4)

A certificate remains in force for seven years after the 1st October in the year in which the applicant obtained the degree or diploma or passed a Common Professional Examination or satisfactorily completed an



Integrated Course or for two years from the date of the certificate, whichever is the later.

(5)

If an application for a certificate in respect of a degree or diploma is refused, the SRA may accept the applicant's degree or diploma as entitling the applicant to take a Common Professional Examination under regulations 9 and 11.

8. Definitions for the purposes of regulations 9 to 12

For the purposes of regulations 9 to 12 "eligible student" means a student eligible to attend a Common Professional Examination Course in the categories (i) to (vii) contained in regulation 9(1) or under regulation 9(2).

9. Eligibility to attempt a Common Professional Examination

(1)

To be an eligible student a person must:

(i)

hold a degree (other than an honorary degree) conferred by an institution in England or Wales empowered by the Privy Council to award degrees or by a university in the United Kingdom or the Republic of Ireland or by the Council for National Academic Awards before its dissolution on 31 March 1993 or a licence awarded by the University College of Buckingham before that college was granted university status; or

(ii)

hold a degree (other than an honorary degree) conferred by a university outside the United Kingdom and the Republic of Ireland which the SRA considers to be of a standard at least equivalent to that of a degree conferred by a university in the United Kingdom; or

(iii)

be accepted by the SRA for admission as a mature student; the applicant for such acceptance must:

(a)



have had considerable experience or shown exceptional ability in an academic, professional, business or administrative field;

(b)

have attained the age of 25 years;

(c)

have attained such standard of general education as the SRA may consider sufficient;

(d)

have satisfied the SRA as to character and suitability to become a solicitor; and

(e)

have a good knowledge of written and spoken English; or

(iv)

be a FILEX; or

(v)

be a Member of the Institute of Legal Executives who has 3 years qualifying employment; or

(vi)

have attained the age of 25 years and hold such qualification in Magisterial Law awarded after successful completion of a relevant course as shall from time to time be recognised by the SRA; or

(vii)

have attained such academic and vocational qualifications as the SRA considers to be equivalent to a first degree under sub-paragraph (i).

(2)

In exceptional circumstances the SRA may accept such other evidence of academic eligibility as it thinks fit in the case of a person who completes a course of study for a degree at an institution referred to in paragraph (1)(i) or (ii).

(3)

An applicant whose application has been refused under paragraph (1)(iii)(d) has the right under regulation 4 of the Solicitors' Admission Regulations to appeal to the High Court within three months of receiving notification of the SRA's decision.

10. Exemption from a part of a Common Professional Examinations

(1)

A student may apply to the SRA for an exemption from any of the Foundations of Legal Knowledge or the other area of legal study in a Common Professional Examination Course.

(2)

The SRA may grant exemption if it is satisfied that a student has passed any assessments and examinations in any of the Foundations of Legal Knowledge or other area of legal study approved by the SRA as being substantially equivalent to any of the Foundations of Legal Knowledge or the one other area of legal study in a Common Professional Examination Course from which the student seeks exemption.

(3)

If the SRA is satisfied that a student is entitled to be granted exemption from any of the Foundations of Legal Knowledge or the one other area of legal study in a Common Professional Examination Course, it may issue a Certificate of Exemption stating any Foundation or Foundations of Legal Knowledge and the one other area of legal study which a student must pass in order to complete a Common Professional Examination Course.

11. Attending a Common Professional Examination Course

Only a person who has satisfied an institution approved by the JASB to offer a Common Professional Examination Course that his qualifications are within the categories (i) to (vii) contained in regulation 9(1) or within regulation 9(2) may attend the Common Professional Examination Course at the institution.

12. Compliance with Regulations relating to a Common Professional Examination

An eligible student attending a Common Professional Examination Course must comply with any rules or regulations approved by the JASB and for the time being in force of the institution providing the course.

PART IV - THE VOCATIONAL STAGE OF TRAINING

13. Completion of the vocational stage of training

(1)

No person can be admitted as a solicitor unless the SRA is satisfied that such a person has completed the vocational stage of training.

(2)

A person, other than a person following an Exempting Law Degree, may not commence the vocational stage before satisfactorily completing the academic stage of training.

(3)

The vocational stage of training is completed by:

(i)

(a)

satisfactory completion of a Legal Practice Course, or

(b)

satisfactory completion of an Integrated Course, or

(c)

obtaining an exempting law degree,

followed by

(ii)

serving under a training contract, during which

(iii)

the Professional Skills Course and such other course or courses as the SRA may from time to time prescribe must be undertaken and satisfactorily

completed.

(4)

"Satisfactory completion" shall be construed in accordance with guidance issued from time to time by the SRA.

14. Employment of trainee solicitors

Only a training establishment may take a trainee solicitor.

15. Provision of training

Every training establishment must provide training in accordance with guidance issued from time to time by the SRA.

16. Authorisation of training establishments

The SRA may:

(i)

declare any body, firm, company or individual a training establishment subject to any conditions and for such period as the SRA considers appropriate;

(ii)

vary or discharge any condition;

(iii)

refuse to declare any body, firm, company or individual a training establishment;

(iv)

declare that a training establishment ceases to be such.

17. Review of decisions

(1)

If the SRA:

(i)



refuses to declare a body, firm, company or individual a training establishment;

(ii)

declares a body, firm, company or individual a training establishment subject to conditions, or varies any condition;

the body, firm, company or individual may apply for review of the decision within one month of receiving notification of it.

(2)

Pending the hearing of an application for review under paragraph (1), any variation of a condition the subject of review stands suspended.

(3)

If the SRA declares that a training establishment ceases to be such, then, notwithstanding regulation 14 the body, firm, company or individual may apply for review of the decision within one month of receiving notification of it and pending the hearing of an application for review may continue to provide training to any trainee solicitor who has entered into a training contract at the date of the decision of the SRA but may not provide training to any other person.

(4)

An application for review made under this regulation shall be heard by such body or committee as the SRA may determine, not being the body or committee which made the decision the subject of review.

18. Training principal

(1)

Every training establishment must appoint a training principal and must notify the SRA of the name of such person and if a different person is appointed training principal.

(2)

A training principal must undertake to the SRA to comply with the Training Requirements issued from time to time by the SRA.

19. Offering training

Before a training establishment enters into a training contract with any person it must set out in a letter of offer to that person such information as to the terms and conditions to be included in the training contract as the SRA may from time to time prescribe.

20. Term of the training contract

(1)

Subject to paragraphs (2), (3) and (4) the term of a training contract is two years.

(2)

The SRA may permit a person to serve under a training contract for a period not exceeding four years and to be employed part-time provided that:

(i)

the total period of service is no less than would be served by a person in full-time employment and receiving training under a two year training contract; and

(ii)

the SRA is satisfied that adequate training can be given.

(3)

Notwithstanding regulation 13 a person who follows a course leading to completion of the academic stage of training or the legal practice course on a part-time study basis may enter into a training contract in accordance with guidance issued from time to time by the SRA.

(4)

A training principal may in accordance with guidance issued from time to time by the SRA, determine that time worked prior to entering into a training contract is equivalent to a period of service under a training contract.

21. Content of the training contract

A training contract must be in such form and contain such terms and conditions as the SRA may from time to time prescribe.

22. Registration of a training contract

(1)

A training contract must be executed and registered in accordance with guidance issued from time to time by the SRA.

(2)

The SRA may not register a training contract which provides for payment of a salary less than that prescribed from time to time by the SRA. There may be allowed against such prescribed salary the cash value of any benefits in kind from time to time approved by the SRA.

23. Absence during a training contract

A trainee solicitor may reckon as good service under a training contract such periods of absence:

(i)

as the SRA may allow; or

(ii)

as may be necessary for the trainee solicitor to attend a Professional Skills Course.

24. Termination of a training contract

(1)

If the SRA is satisfied that any training contract ought to be terminated it may order its termination on such terms as it may determine.

(2)

A training contract may be terminated by mutual agreement of the parties.

25. Monitoring

(1)

The SRA may monitor the training provided by a training establishment in accordance with guidance issued from time to time by the SRA.

(2)



Monitoring may be undertaken through visits to the premises of training establishments.

(3)

If:

(i)

A training establishment, solicitor or trainee solicitor is in default of any of the requirements of these regulations; or

(ii)

The SRA is not satisfied either that a trainee solicitor is receiving or has received adequate training or that the training establishment can give the trainee solicitor adequate training the SRA may exercise such of the following powers as it considers appropriate:

(a)

declare that a training establishment ceases to be such;

(b)

prohibit a training establishment from taking any or more than a specified number of trainee solicitors for such period as the SRA may determine or until otherwise determined by the SRA;

(c)

impose any other conditions upon the training establishment which it considers appropriate;

(d)

terminate the training contract on such terms as the SRA may determine;

(e)

direct that all or any part of the period served by the trainee solicitor shall not be reckoned as good service under a training contract;

(f)

direct that a trainee solicitor shall serve such further period under a training contract or receive such further training for such further period and in such form as the SRA shall require;

(g)

direct that a training principal undertake such training as the SRA shall require;

(h)

take such other action as it may consider necessary or appropriate.

(4)

Any training establishment or trainee solicitor who is aggrieved by any decision made under paragraph (3) may apply for review of it in accordance with regulation 17.

26. Conciliation procedure

(1)

If a training establishment or a trainee solicitor is in dispute with regard to any matter arising from the trainee solicitor's service under a training contract, either party may refer the matter to the SRA which shall endeavour to resolve the dispute.

(2)

The SRA may appoint any person to act as conciliator in respect of a dispute between a training establishment and a trainee solicitor.

(3)

If the SRA is unable to resolve a dispute between a training establishment and a trainee solicitor and it is satisfied that the training contract ought to be terminated it may order its termination on such terms as it may determine.

(4)

Any training establishment or trainee solicitor who is aggrieved by any decision made under paragraph (3) may apply for review of it in accordance with regulation 17.

27. Adequate training under a training contract

(1)



No person required to serve under a training contract can be admitted as a solicitor until the SRA has certified that it is satisfied that such person has received adequate training in accordance with the terms of a training contract.

(2)

A person seeking to establish that adequate training has been received must apply to the SRA or a certificate to that effect and must submit such documentation as the SRA may require.

(3)

If the SRA is satisfied that a person has received adequate training under a training contract it must issue a completion certificate.

(4)

If the SRA is not satisfied that a person has received adequate training it may refuse to issue a completion certificate until that person has satisfactorily completed such further training as the SRA may direct.

28. FILEX not required to serve under a training contract

(1)

Notwithstanding regulation 13 a FILEX who has satisfied the SRA of completion of the academic stage of training is not required to serve under a training contract if the applicant:

(i)

has satisfactorily completed a Legal Practice Course or an Integrated Course, and

(ii)

either

(a)

before attending that course has been continuously engaged as a FILEX in the practice of the law since qualifying as a FILEX; or

(b)



satisfies the SRA that, although the requirements of sub-paragraph (a) are not met, the applicant has experience in the practice of the law since qualifying as a FILEX that is sufficiently recent to justify the applicant not being required to serve under a training contract; and

(iii)

has satisfactorily completed a Professional Skills Course.

(2)

(i)

A Member of the Institute of Legal Executives who has 3 years qualifying employment and who has satisfactorily completed all the Part II Examinations of the Institute of Legal Executives which give exemption from the Common Professional Examination may commence a Legal Practice Course on either a full-time or part-time basis.

(ii)

A Member of the Institute of Legal Executives who completes the Legal Practice Course under the provision of sub-paragraph (i) must serve a 2 year training contract.

29. Justices' Clerks' Assistants not required to serve under a training contract

Notwithstanding regulation 13 a person who is employed as a Justices' Clerk's Assistant and who has satisfied the SRA of completion of the academic stage of training is not required to serve under a training contract provided that the applicant:

(i)

has satisfactorily completed a Legal Practice Course or an Integrated Course; and

(ii)

before attending that course has served at least five years out of the last ten years in the Magistrates' Courts Service as a Justices' Clerk's Assistant; and

(iii)

has satisfactorily completed a Professional Skills Course.

30. Professional skills course

(1)

Subject to the Qualified Lawyers Transfer Regulations and the Qualified Lawyers Transfer Scheme Regulations, no person can be admitted as a solicitor unless the SRA is satisfied that such person has satisfactorily completed a Professional Skills Course.

(2)

Only a person who has satisfactorily completed a Legal Practice Course or an Integrated Course may attend a Professional Skills Course.

PART V - MISBEHAVIOUR

31. Misbehaviour of a prospective solicitor

(1)

"An unadmitted person" means a person who

(i)

holds a current certificate of enrolment; or

(ii)

has completed the vocational stage of training in accordance with regulation 13 [r13] and does not hold a current certificate of enrolment

but who has not been admitted as a solicitor.

(2)

If the SRA at any time is not satisfied as to the character and suitability of an unadmitted person to become a solicitor it may in relation to that person on such terms as the SRA may determine

(i)

cancel enrolment;

(ii)

prohibit entry into a training contract;



(iii)

refuse to register a training contract;

(iv)

discharge a training contract;

(v)

prohibit attendance at a Legal Practice Course or an Integrated Course or at a course leading to an Exempting Law Degree;

(vi)

prohibit attendance at a Professional Skills Course.

(3)

If the SRA imposes a prohibition or other sanction under paragraph (2) the unadmitted person may within one month of receiving notification from the SRA of its decision, ask for the matter to be reviewed.

(4)

The unadmitted person has the right under regulation 5 of the Solicitors' Admission Regulations to appeal to the High Court within three months of receiving notification from the SRA of its decision on a review under paragraph (3)

(5)

The unadmitted person may make up to three applications to the SRA to remove the prohibition or other sanction after intervals of not less than 12 months from the final determination as to the imposition of the prohibition or sanction, or from the final determination of the unadmitted person's previous application for review, as the case may be.

(6)

The unadmitted person has the right under regulation 5 of the Solicitors' Admission Regulations to appeal to the High Court within three months of receiving notification from the SRA of its decision on an application under paragraph (5) for the removal of a prohibition or sanction.

PART VI — CONTINUING PROFESSIONAL DEVELOPMENT

32. Application of Part VI

This part shall apply to solicitors and to registered European lawyers.

33. CPD requirement during the first three years of admission

A solicitor must in the first three years following admission attend such continuing professional development courses as the SRA may prescribe.

34. CPD requirement during the first months after admission

A solicitor must undertake one hour of continuing professional development for each whole month in legal practice or employment between admission and the next 1st day of November.

35. CPD requirement during the first months after registration with the SRA pursuant to Directive 98/5/EC

A registered European lawyer must undertake one hour of continuing professional development for each whole month in legal practice or employment between the date of initial registration and the next 1st day of November.

36. Basic CPD requirement

Solicitors and registered European lawyers shall undertake 16 hours of continuing professional development during each complete year in legal practice or employment in England and Wales commencing 1st November.

37. Requirements for solicitors who have been registered European lawyers

(1)

Where a registered European lawyer is admitted as a solicitor, regulations 34 and 36 shall apply as if he or she were a solicitor admitted on the date of initial registration and regulations 36 and 39 shall not apply.

(2)

Nothing in this part shall be taken as requiring a solicitor to meet the requirements of regulation 33 if he or she has previously been a registered

European lawyer.

38. Obligation to keep record

A solicitor or registered European lawyer must keep a record of such continuing professional development undertaken to comply with these and produce the record to the SRA on demand.

39. CPD undertaken before admission

A solicitor who has undertaken continuing professional development between the expiry of a training contract and the day of admission shall be credited with the relevant number of hours for the purpose of regulation 34 provided that at the time of undertaking the continuing professional development an application for admission in accordance with admission regulations current at that time had been lodged with the SRA and a record kept in accordance with regulation 38.

40. Suspension

If a solicitor or registered European lawyer does not work for any period in legal practice or employment in England and Wales the application of this part is suspended for that period.

41. Part-time

If a solicitor or registered European lawyer works part-time in legal practice or employment, the requirements under this part are reduced on the basis that, in each year, one hour of continuing professional development must be undertaken for every two hours per week worked.

PART VII — GENERAL

42. Waiver of regulations

In any particular case the SRA has power to waive in writing any of the provisions of these regulations and to revoke such waiver.

43. Forms and fees

(1)

Any application made or notice given to the SRA must be in the prescribed form and accompanied by the prescribed fee.

(2)

When at the time of the making of an application or giving of a notice no form has been prescribed by the SRA the application or notice must be in writing, signed by the applicant or the person giving it and give such information as is necessary to enable the SRA to deal with the application or to comply with the regulation under which the notice is given.

(3)

Whether or not the application is made or notice given on a prescribed form the SRA may require the applicant or the person giving notice to furnish such further information as it considers necessary.

(4)

The SRA may require any application to be supported by such evidence as it considers necessary and it may require facts relevant to any application to be deposed to by statutory declaration and may require the attendance of the applicant for interview.

44. Admission as a solicitor

Admission as a solicitor takes place under Part 3 of the Solicitors' Admission Regulations.