

Draft SRA Amendments to Regulatory Arrangements (CPD and miscellaneous) Rules [2015]

Rules dated [] made by the Solicitors Regulation Authority Board.

Made under Part I, Part II, sections 79 and 80 of the Solicitors Act 1974 and paragraphs 2 and 3 of Schedule 14 to the Courts and Legal Services Act 1990.

Subject to the approval of the Legal Services Board under paragraph 19 of Schedule 4 to the Legal Services Act 2007 and coming into force on [1 April 2015].

Rule 1

The SRA Qualified Lawyers Transfer Scheme Regulations 2011 shall be amended as follows:

- (a) in Outcome O(QR4) of the Outcomes section, insert “or Welsh” after “spoken English”;

Rule 2

The SRA Training Regulations 2011 Part 3 – CPD Regulations shall be amended as follows:

- (a) replace regulation 3.1 as follows:
 - “3.1 *You must:*
 - (a) undertake 16 hours of *CPD* during each complete CPD year in legal practice or employment in England and Wales; or
 - (b) consider and undertake the learning and development *you* deem necessary to ensure *your* ongoing competence and that *you* are in a position to provide a proper standard of service to *your clients*.”
- (b) replace guidance note (ii) to regulation 3 as follows:
 - “(ii) The *SRA Competence Statement for solicitors* sets out what *we* mean by ‘ongoing competence’ in regulation 3.1(b)”;
- (c) delete regulations 4.1 to 4.4, and renumber 4.5 to 4.7 accordingly;
- (d) in regulation 4.5, delete “also”;
- (e) in regulation 4.6, replace “4.5” with “4.1”;
- (f) in regulation 4.7, replace “4.5 and 4.6” with “4.1 and 4.2”;
- (g) delete the guidance note to regulation 4;
- (h) delete regulations 8.1, 8.2, 8.4, delete “The” from regulation 8.3, and renumber 8.3 and 8.5 accordingly;
- (i) replace the guidance note to regulation 8 as follows:

- “(i) For the purposes of regulation 8, the following will be deemed to be *CPD* activities where they are relevant and beneficial to *your* area of work and/or *practice*:
- (a) structured training, coaching or mentoring sessions;
 - (b) live or recorded webinars;
 - (c) writing on law or *practice*, for example law books, journals, publications for *clients*, *client*'s own publications, newspapers and magazines, online or in print;
 - (d) structured work shadowing schemes with clear aims and objectives and requiring feedback or reflection on the activity;
 - (e) research which relates to legal topics or has relevance to the *practice*/organisation which results in some form of written document, precedent, memorandum, questionnaire/survey etc;
 - (f) study for or production of a dissertation counting towards a qualification recognised by *us*;
 - (g) watching DVDs, webcasts, podcasts, television broadcasts or videotapes and/or listening to audio podcasts, radio broadcasts or audio tapes produced by learning and development providers;
 - (h) work towards the Qualification Credit Framework (QCF) awards relating to assessment, verification and/or quality assurance of competence-based assessment models (such as, for example, National Vocational Qualifications);
 - (i) participating in the development of specialist areas of law and *practice* by attending meetings of specialist committees and/or working parties of relevant professional or other competent bodies charged with such work;
 - (j) work towards the achievement of an National Vocational Qualifications in any business-related area and at any level;
 - (k) study towards professional qualifications.
- (ii) These activities can be completed face-to-face or by distance learning, where appropriate.
- (iii) Preparing and delivering these activities can count where appropriate, as well as attendance.
- (iv) Actual time may be claimed.”

- (j) delete regulation 9.2;
- (k) delete regulation 10.2 and renumber 10.3 to 10.5 accordingly;
- (l) delete “other” from guidance note (i) to regulation 10;
- (m) delete regulation 17.1(a) and (e), and renumber 17.1(b) to (c) accordingly;
- (n) in regulation 17.1(b) delete “, and the requirement to satisfy a minimum of 25 per cent of the *CPD* requirement by *participation* in accredited courses”;
- (o) in regulation 17.1 (c), after “CPD training records;” insert “and”;
- (p) in regulation 17.1(d) replace “;” with “.”
- (q) add a new regulation 18 as follows:

“Regulation 18: Repeal of these regulations

18.1 These regulations will be repealed on 1 November 2016.”

Rule 3

The SRA Training Regulations 2014 – Qualification and Provider Regulations shall be amended as follows:

- (a) in Outcome O(TR5) in the Outcomes section, insert “or Welsh” after “spoken English”.

Rule 4

Rule 2 of the SRA Handbook Glossary Rules shall be amended as follows:

- (a) delete the definition of “**authorised CPD course providers**”;
- (b) delete the definition of “**participation**”.

Rule 5

The SRA Higher Rights of Audience Regulations 2011 shall be amended as follows:

- (a) in regulation 9.1, replace “If” with “Subject to regulation 9.3, if”;
- (b) in regulation 9.2, replace “If” with “Subject to regulation 9.3, if”;
- (c) insert new regulation 9.3 as follows: “If *you* have chosen to comply with regulation 3.1(b) of the SRA Training Regulations 2011 Part 3 - CPD Regulations, neither regulation 9.1 or 9.2 applies.”
- (d) in the guidance to regulation 9, insert new guidance note (iii) as follows:
 - “(iii) Regulation 9.3 means that, if *you* have opted to meet *your* responsibilities on ongoing competence through learning and development *you* deem necessary rather than the hours-based approach of the *CPD* regime, *you* should consider how the development activity *you* do contributes to maintenance of competence in higher courts advocacy and provision of a proper service to *your clients*.”.

Rule 6

The SRA Quality Assurance Scheme for Advocates (Crime) Regulations 2013 shall be amended as follows:

- (a) in regulation 16.2, replace “continuing professional” with “learning and”.

Rule 7

These amendment rules come into force on 1 April 2015 or the date of approval of the Legal Services Board, whichever is the later.