



THE CITY OF LONDON LAW SOCIETY

4 College Hill
London EC4R 2RB

Telephone 020 7329 2173
Facsimile 20 7329 2190

DX 98936 – Cheapside 2
mail@citysolicitors.org.uk

Mr Derek Mitchell
Solicitors Regulation Authority
Berrington Close
Ipsley Court
Redditch
B98 0TD

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Dear Mr Mitchell

Legal Services Act: Consultation Paper 1 – Character and suitability test for non-lawyer managers of an LDP

I wrote to you on 31st March to endorse, on behalf of the City of London Law Society (“CLLS”), the submission made by Allen & Overy to this consultation paper.

I am now writing with an additional comment which the CLLS Professional Rules and Regulation Committee wishes to make. Notwithstanding that the deadline for responding to this consultation paper has passed, I very much hope that the SRA will be able to take this comment into account. However, should this present you with any difficulties, please treat our comment as being made in relation to consultation paper 7 (Information requirements from firms in the context of a risk-based approach to regulation). Our comment relates to the information currently requested from solicitors in relation to “routine” motoring offences. A number of issues arise here:

- We do not understand why such offences, which we assume to be parking and speeding fines which do not result in disqualification, should be of any interest to the SRA, particularly as they are not dishonesty related. However, the risk scoring category examples set out on the SRA’s website indicate that routine motor offences could amount to a breach of Rule 1.02 (a solicitor must act with integrity), attracting a score of 1 (on a scale of 1 to 10). We do not understand why this should ever be the case and would ask the SRA to reconsider whether it is indeed interested in such offences.
- The SRA does not collect information about motoring offences (routine or otherwise) as part of the practising certificate renewal process. This would seem to suggest that the SRA is not genuinely interested in offences of this kind.

- The SRA does, however, ask trainees, when they apply for admission as a solicitor and for their first practising certificate, whether they have been fined (see question 6 in section 5 of Form AD1). Confessions made by trainees in relation to parking and speeding fines lead, in the experience of some of our member firms, to trainees having to produce evidence that they have paid the relevant fines. We wonder why this is necessary. In addition, it can be hard for trainees to prove that they have paid fines if they have not kept the relevant paperwork. Further, it seems odd that a trainee is asked this question in relation to the application for his/her first practising certificate but not in relation to subsequent applications for practising certificates.

In our view, the SRA should not be interested in routine motor offences and its risk scoring mechanism and Form AD1 should be revised accordingly. If the SRA is genuinely interested in routine motor offences, this should be made known to the profession (we suspect it will come as a surprise to most solicitors) and Form RF3 updated. Whatever view the SRA takes in relation to this should be mirrored for non-lawyer managers of an LDP.

Yours sincerely,

David McIntosh