

Professional Conduct and Regulation (Part 1)

The Principles

The Principles

Introduction

Professional Conduct and Regulation is a code of rules for Solicitors to follow during their law practice. This is mandatory to follow and disciplinary action can be taken if found in contravention of it. There are 10 core mandatory principles which a student must remember ;

1. Uphold the rule of law and the proper administration of justice;
2. Act with integrity;
3. Not allow their independence to be compromised;
4. Act in the best interests of each client;
5. Provide a proper standard of service to their clients;
6. Behave in a way that maintains the trust the public places in them and in the provision of legal services;
7. Comply with their legal and regulatory obligations and deal with their regulators and ombudsmen in an open, timely and co-operative manner;
8. Run their business or carry out their role in the business effectively and in accordance with proper governance and sound financial and risk management principles;
9. Run their business or carry out their role in the business in a way that encourages equality of opportunity and respect for diversity;
10. Protect client money and assets.

Terminologies

Client

means:

(i)

the *person* for whom you act and, where the context permits, includes prospective and former clients;

(ii)

in Parts 1-6 of the *SRA Accounts Rules*, the person for whom *you* act; and

SRA Code of Conduct

means the SRA Code of Conduct 2011.

SRA Principles

means the SRA Principles in the *SRA Handbook* and "Principles" shall be interpreted accordingly

REL

means registered European lawyer, namely, an individual registered with the *SRA* under regulation 17 of the European Communities (Lawyer's Practice) Regulations 2000 (SI 2000/ no.1119).

Solicitor

means a person who has been admitted as a solicitor of the Senior Courts of England and Wales and whose name is on the roll kept by the *Society* under section 6 of the *SA*, save that in the *SRA Indemnity Insurance Rules* includes a person who *practises* as a solicitor whether or not he or she has in force a practising certificate, and also

includes *practice* under home title of a former *REL* who has become a solicitor.

Manager

means:

(i)

a *member* of an *LLP*;

(ii)

a *director* of a *company*;

(iii)

a *partner* in a *partnership*; or

(iv)

in relation to any other body, a member of its governing body.

Recognised body

means a body recognised by the *SRA*

Recognised sole practitioner

means a *solicitor* or *REL* authorised by the *SRA* under section 1B of the *SA* to practise as a *sole practitioner*.

Authorised non-SRA firm

means a firm which is authorised to carry on *legal activities* by an *approved regulator* other than the *SRA*.

Authorised body

means a body that has been authorised by the *SRA* to practise as a *licensed body* or a *recognised body*.

The Code Commencement and Authorization

The SRA Principles dated 17 June 2011 commencing 6 October 2011 made by the Solicitors Regulation Authority Board under sections 31, 79 and 80 of the Solicitors Act 1974, sections 9 and 9A of the Administration of Justice Act 1985 and section 83 of the Legal Services Act 2007, with the approval of the Legal Services Board under paragraph 19 of Schedule 4 to the Legal Services Act 2007, regulating the conduct of solicitors and their employees, registered European lawyers, recognised bodies and their managers and employees, and licensed bodies and their managers and employees.

SRA Principles

1: SRA Principles

These are mandatory *Principles* which apply to all.

You must:

1. uphold the rule of law and the proper administration of justice;
2. act with integrity;
3. not allow your independence to be compromised;
4. act in the best interests of each *client*;
5. provide a proper standard of service to your *clients*;

6. behave in a way that maintains the trust the public places in you and in the provision of legal services;
7. comply with your legal and regulatory obligations and deal with your regulators and ombudsmen in an open, timely and co-operative manner;
8. run your business or carry out your role in the business effectively and in accordance with proper governance and sound financial and risk management principles;
9. run your business or carry out your role in the business in a way that encourages equality of opportunity and respect for diversity; and
10. protect *client* money and *assets*.

SRA Principles - notes

2.1

The Principles embody the key ethical requirements on firms and individuals who are involved in the provision of legal services. You should always have regard to the Principles and use them as your starting point when faced with an ethical dilemma.

2.2

Where two or more Principles come into conflict, the Principle which takes precedence is the one which best serves the public interest in the particular circumstances, especially the public interest in the proper administration of justice.

2.3

These Principles:

(a)

apply to individuals and firms we regulate, whether traditional firms of solicitors or ABSs, in-house and overseas;

(b)

will be breached by you if you permit another person to do anything on your behalf which if done by you would breach the Principles; and

(c)

apply to you to the fullest extent if a sole practitioner or manager in a firm, but still apply to you if you work within a firm or in-house and have no management responsibility (for example, even if you are not a manager you may have an opportunity to influence, adopt and implement measures to comply with Principles 8 and 9).

2.4

Compliance with the Principles is also subject to any overriding legal obligations.

Principle 1: You must uphold the rule of law and the proper administration of justice.

2.5

You have obligations not only to clients but also to the court and to third parties with whom you have dealings on your clients' behalf - see, e.g., Chapter 5 (Your client and the court) and Chapter 11 (Relations with third parties) of the Code.

Principle 2: You must act with integrity.

2.6

Personal integrity is central to your role as the client's trusted adviser and should characterise all your professional dealings with clients, the court, other lawyers and the public.

Principle 3: You must not allow your independence to be compromised.

2.7

"Independence" means your own and your firm's independence, and not merely your ability to give independent advice to a client. You should avoid situations which might put your independence at risk - e.g. giving control of your practice to a third party which is beyond the regulatory reach of the SRA or other approved regulator.

Principle 4: You must act in the best interests of each client.

2.8

You should always act in good faith and do your best for each of your clients. Most importantly, you should observe:

(a)

your duty of confidentiality to the client - see Chapter 4 (Confidentiality and disclosure) of the Code; and

(b)

your obligations with regard to conflicts of interests - see Chapter 3 (Conflicts of interests) of the Code.

Principle 5: You must provide a proper standard of service to your clients.

2.9

You should, e.g., provide a proper standard of client care and of work. This would include exercising competence, skill and diligence, and taking into account the individual needs and circumstances of each client.

Principle 6: You must behave in a way that maintains the trust the public places in you and in the provision of legal services.

2.10

Members of the public should be able to place their trust in you. Any behaviour either within or outside your professional practice which undermines this trust damages not only you, but also the ability of the legal profession as a whole to serve society.

Principle 7: You must comply with your legal and regulatory obligations and deal with your regulators and ombudsmen in an open, timely and co-operative manner.

2.11

You should, e.g., ensure that you comply with all the reporting and notification requirements - see Chapter 10 (You and your regulator) of the Code - and respond promptly and substantively to communications.

Principle 8: You must run your business or carry out your role in the business effectively and in accordance with proper governance and sound financial and risk management principles.

2.12

Whether you are a manager or an employee, you have a part to play in helping to ensure that your business is well run for the benefit of your clients and, e.g. in meeting the outcomes in Chapter 7 (Management of your business) of the Code.

Principle 9: You must run your business or carry out your role in the business in a way that encourages equality of opportunity and respect for diversity.

2.13

Whether you are a manager or an employee, you have a role to play in achieving the outcomes in Chapter 2 (Equality and diversity) of the Code. Note that a finding of unlawful discrimination outside practice could also amount to a breach of Principles 1 and 6.

Principle 10: You must protect client money and assets.

2.14

This Principle goes to the heart of the duty to act in the best interests of your clients. You should play your part in e.g. protecting money, documents or other property belonging to your clients which has been entrusted to you or your firm.

Key Points to Remember ;

The 10 Code of Conduct Principles as follows ;

1. uphold the rule of law and the proper administration of justice;
2. act with integrity;
3. not allow your independence to be compromised;
4. act in the best interests of each *client*;
5. provide a proper standard of service to your *clients*;
6. behave in a way that maintains the trust the public places in you and in the provision of legal services;

7. comply with your legal and regulatory obligations and deal with your regulators and ombudsmen in an open, timely and co-operative manner;
8. run your business or carry out your role in the business effectively and in accordance with proper governance and sound financial and risk management principles;
9. run your business or carry out your role in the business in a way that encourages equality of opportunity and respect for diversity; and
10. protect *client* money and assets.

By this stage you must Understand ;

The Principles of SRA

Practice;

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