

Contents

<i>Preface</i>	ix
<i>Table of cases</i>	x
<i>Table of statutes</i>	xi
<i>Table of statutory instruments</i>	xii
<i>Table of Law Society rules</i>	xiii
<i>Abbreviations</i>	xvii
1 Introduction	1
1.1 Introduction	1
1.2 Professional conduct/ethics	2
1.3 Conclusion	3
2 The regulatory landscape	4
2.1 Introduction	4
2.2 The Legal Services Act 2007	5
2.3 The Legal Services Board	5
2.4 Regulatory objectives, professional principles and reserved legal activities	6
2.5 Approved regulators	7
2.6 Separation of representation and regulation	9
2.7 The Office for Legal Complaints	9
2.8 Alternative business structures	10
2.9 The effect of these changes on the SRA	10
2.10 Authorisation, supervision and enforcement	14
2.11 Particular compliance roles in law firms	16
3 The SRA Handbook	20
3.1 Introduction	20
3.2 Purpose of the SRA Handbook	20
3.3 Structure of the SRA Handbook	21
3.4 An overview of the SRA Handbook	22
3.5 Compliance with the SRA Handbook	23

CONTENTS

3.6	Recording breaches	25
3.7	Conclusion	25
4	The SRA Principles 2011	26
4.1	Introduction	26
4.2	The Principles	26
4.3	Conclusion	33
5	Understanding outcomes-focused regulation	34
5.1	Introduction	34
5.2	Principles	34
5.3	Outcomes	35
5.4	Indicative behaviours	35
5.5	Structure of the SRA Code of Conduct 2011	36
5.6	Relevance of outcomes	36
6	The SRA Code of Conduct 2011 – essentials for all staff	39
6.1	Client care	39
6.2	Equality and diversity outcomes	45
6.3	Conflicts of interest	47
6.4	Confidentiality and duty of disclosure	55
6.5	Management outcomes	62
6.6	Relations with the SRA	64
6.7	Undertakings	66
6.8	Dealings with third parties	69
7	Other conduct requirements	71
7.1	Introduction	71
7.2	Duties to the court	71
7.3	Introductions to third parties	72
7.4	Publicity	73
7.5	Fee sharing and referrals	75
8	Complying with the SRA Accounts Rules 2011	77
8.1	Introduction	77
8.2	Misuse of client money	77
8.3	The purpose of the Accounts Rules	80
8.4	Defined terms in the Accounts Rules	81
8.5	Common pitfalls leading to breaches of the Accounts Rules	82
8.6	Payments in respect of your fees	85
8.7	Earmarking	86
8.8	Withdrawals from client account	87

8.9	Interest	88
8.10	Accounting systems and records	89
8.11	Conclusion	90
9	Practising certificates, job titles and the risks of holding out	92
9.1	Introduction	92
9.2	Holding out and job titles	92
9.3	Practising certificates	93
9.4	Issues for non-solicitor managers and employees	95
10	Key legislation for law firms	98
10.1	Introduction	98
10.2	Money laundering	99
10.3	Proceeds of Crime Act 2002	100
10.4	Money Laundering Regulations 2007	102
10.5	Terrorism Act 2000	104
10.6	Financial Services and Markets Act 2000	105
10.7	The Financial Services and Markets Act 2001 (Financial Promotion) Order 2001	111
10.8	Equality Act 2010	113
10.9	Bribery Act 2010	115
10.10	Data Protection Act 1998	116
11	Compliance in a nutshell	120
11.1	Key roles within a law firm	120
12	Conclusion	124
12.1	The challenges of compliance and ethics	124
12.2	Key messages	124
APPENDICES		
A	Statute law	127
A1	Legal Services Act 2007 (extracts)	129
B	SRA Handbook	131
B1	SRA Principles 2011	133
B2	SRA Code of Conduct 2011 (extracts)	139
B3	SRA Accounts Rules 2011 (extracts)	157

CONTENTS

C	SRA warning notices	183
C1	Money missing from client account	185
C2	Improper use of a client account as a banking facility	188
C3	Money laundering and terrorist financing	194
D	Sources of help	197
D1	Useful contacts and publications	199
	<i>Index</i>	201