

[SRA Application, Notice, Review and Appeal Rules \(ANRAR\)](#) and [Schedule of Delegations](#) collated changes for fixed financial penalties, £25,000 fines, and 'hearings' changes

Amendments to the ANRAR (additions highlighted in red)

## Part 2: Reviews and appeals of decisions

### Power to conduct a review

- 3.1 The [SRA](#) may:
- (a) where an administrative error in, or in relation to any decision comes to the [SRA's](#) attention, correct the error without the need to undergo a review under this Part;
  - (b) review all or part of any regulatory decision reached by it, of its own initiative, under this Part.
- 3.2 Subject to rule 3.3, the [SRA](#) may review all or part of any of the regulatory decisions set out in annex 1 on the application of the [person](#) who is the subject of the decision.
- 3.3 An application cannot be made for a review of:
- (a) a decision reached following a review or appeal;
  - (b) a decision which has been made by agreement under rule 8.2 of the SRA Regulatory and Disciplinary Procedure Rules.
- 3.4 **Subject to rule 3.7**, the [SRA](#) shall not, save in exceptional circumstances, review a decision more than one year after it was made.

- 3.5 An application for a review of a decision must be made within 28 days of:
- (a) notice being given of the decision, or reasons for the decision (if later); or
  - (b) any deemed refusal under rule 1.7 or regulation 19 of the European Communities (Lawyer's Practice) Regulations 2000,

and must explain the grounds of review and provide reasons and any evidence in support.

3.6 Subject to rule 3.7, if the SRA decides to review a decision on its own initiative, it must give any person who is the subject of the decision, notice of its decision to conduct a review and an opportunity to provide written representations on the appropriate outcome under rule 4.2.

3.7 Rules 3.4 and 3.6 do not apply where, the SRA decides to review a decision made under rule 3.1(g) of the SRA Regulatory and Disciplinary Procedure Rules to make an application to the Tribunal.

## Decisions on review

4.1 A review will usually be determined by an authorised decision maker on consideration of written evidence alone. An adjudicator or adjudication panel may at their sole discretion:

- a. invite the relevant person to be interviewed by an authorised decision maker accompanied by their representative (if any)
- b. invite a third party (such as a witness) to be interviewed by an authorised decision maker. The relevant person will be sent a copy of the evidence obtained and invited to make any written representations on this evidence within such period as the SRA may specify (which must be no less than 14 days from the date the evidence was sent)

4.2 Subject to rule 4.3, on a review (save for a review of a decision made under Rule 3.1(h) of the SRA Regulatory and Disciplinary Procedure Rules), the authorised decision maker, as appropriate may, where they consider the original decision was

materially flawed or there is new information which would have had a material influence on the decision:

- (a) uphold the original decision;
- (b) overturn the decision in whole or in part;
- (c) make any other decision which could have been made by the original decision maker; or
- (d) remit the decision for further investigation or consideration.

4.3 On a review of a decision made under rule 3.1(g) of the SRA Regulatory and Disciplinary Procedure Rules to make an application to the Tribunal, the authorised decision maker may also overturn the decision where they consider that the conditions in rule 6.1 of the SRA Regulatory and Disciplinary Procedure Rules are no longer met.

4.4 On a review of a decision made under rule 3.1(h) of the SRA Regulatory and Disciplinary Procedure Rules, the authorised decision maker, as appropriate may exercise any of the powers set out at rule 4.2, where they consider that:

- a. the person had complied with the requirements made under rule 11.1(b) of those Rules; or
- b. the person had taken all reasonable steps to ensure they receive SRA communications but did not receive the notification under rule 11.1 of those Rules.

4.5 A review of a decision made by an adjudicator may only be carried out by another adjudicator or an adjudication panel. A review of a decision made by an adjudication panel may only be carried out by another adjudication panel.

4.6 A review will not be conducted by the authorised decision maker who made the decision under review. For avoidance of doubt this does not apply in respect of corrections under rule 3.1(a).

## Amendments to the Schedule of Delegation

- Add wording 'falling within Band A, B, or C of the SRA's guidance on its approach to financial penalties' after the word 'fine' in rows 37
- Add wording 'up to and including £2,000' after the word 'penalty' in row 45
- Add:

37B	to impose (other than via a regulatory settlement agreement) a financial penalty falling within Band D of the SRA's guidance on its approach to financial penalties.	Adjudication Panel
39A	to impose a fixed financial penalty under Rule 3.1(h) of the Regulatory and Disciplinary Procedure Rules, to direct payment of costs in respect of that matter, and/or to make a decision to publish (or not) that regulatory decision or to publish at a later date	I2 AM1 A3
45B	to authorise a regulatory settlement agreement including a financial penalty in excess of £2,000	Executive Directors  Director of Legal and Enforcement  Director of Investigation & Supervision  Any two Heads of Legal and Enforcement or Heads of Investigation & Supervision