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Dear Amy

Thank you for your letter about our new requirements for firms we regulate to have an authorised person who has practised for three years and for freelancers delivering reserved legal services to have had three years of experience. These changes will be introduced in our new Standards and Regulations later this year.

You asked whether a solicitor delivering unreserved legal services to the public/sections of the public through a non-LSA regulated business (while using their solicitor title) will be required to have practised as an authorised person for three years (or be supervised by someone who has), or whether there is no minimum requirement.

There will be no minimum requirement in those circumstances. As anyone, whether qualified or not, can provide unreserved legal services, we think it would be an unjustified market restriction for a newly-qualified solicitor not to be able to do so.

There will be safeguards and support in place for these solicitors. These include:

- All solicitors authorised by us, no matter where they deliver legal services from, will be bound by our new code of conduct for individuals. In particular, this new code requires a solicitor to ensure the service they provide to clients is competent. It would be a breach of this requirement for a newly qualified solicitor to practice in an area they were not competent in.
- Our new approach to continuing competence and the new code for individuals require solicitors to maintain their competence to practise and keep their professional knowledge and skills up to date. Our new approach became compulsory for all solicitors in November 2016 and will therefore have been in force for over two years by the time our new rules are introduced.

- Our Ethics Helpline provides support for all solicitors (including, when the Standards and Regulations come into force, those wishing to provide unreserved legal services from non-LSA regulated businesses) who encounter difficult ethical questions.
- We will provide guidance for solicitors working outside of regulated firms and guidance to help their employer understand that the solicitor is bound by our Standards and Regulations.
- In future, the SQE will mean all qualified solicitors have passed a rigorous assessment of their technical competence (although the SQE will not assess whether a candidate is competent to own or run a business).

Yours sincerely

A handwritten signature in black ink, appearing to read 'Chris Handford', written over a horizontal line.

Chris Handford
Director of Regulatory Policy