

Exam: Errors relating to the Rules will be penalised more than other types of errors. Permitted: basic calculator

## SOLICITORS' ACCOUNT RULES

**Rule 1.1** These rules apply to all authorised bodies. – i.e. law firms.

Firms must have systems and controls in place to **ensure compliance with the rules**.

**Rule 6.1** Breaches of the Rules must be corrected promptly on discovery.

SRA's overarching objective is to **keep client money safe**.

**Rule 4.1** Client money must be kept separate from office money.

### CLIENT MONEY:

#### What is client money?

**Rule 2.1** Client money = money held or received by the firm. It belongs to the client.

**Client money if:**

- (a) **Money received from client on account of costs.**
- Money from client sent for general purposes in connection with a matter.
  - This is money which has been transferred to cover not yet incurred expenses.

Eg. if a solicitor has been instructed in connection with a property purchase, solicitor will ask client for money to cover the Land Registry fees. If client doesn't go ahead with the purchase and the searches are not then paid for, the money remains client money.

- (b) **Rule 2.1(a) Money received in respect of your fees or yet unpaid disbursement expenses.**

- **Costs** = fees and disbursements.
- **Fees** = a firm's own charges/profit costs (including VAT).
- **Disbursements** = costs paid to third parties by solicitors on behalf of their client (including VAT).  
Does not include: Office expenses such as postage fees, included: Stamp Duty Land Tax, Land Registry fees, company search fees and court fees.

- (c) **Rule 2.1(b) Money received from client but belonging to a third party:** money held as agent, stakeholder or held to the sender's order. – eg. the deposit for a purchase.

- (d) **Money held as a trustee or as the holder of a specified office.**

Specified office is where someone is:

1. A donee of a Power of Attorney
2. A court of Protection deputy OR
3. A trustee of occupational pension scheme.

#### Where should client money be placed?

**Rule 3.2** Client account = account at a bank or building society in England and Wales.

The client account's name must include the name of the law firm and have the word "client". It is **not** a bank account belonging to client.

**Ledger** = an accounting tool used to record money coming in an going out and this helps us identify to whom the money belongs. A ledger is **not usually** a real bank account.

The ledger relating to client account is referred to as 'client cash'.

Client ledgers are tagged: **EE** into ledger = **CR**, out = **DR**.

A law firm will have a general client account holding the money of various clients. However, it can open a separate **designated client accounts** holding each client's money. The total amount 'owed' by a law firm to all its clients should equal the money held in client account(s).

The names of these accounts must include both the name of the law firm **AND** the word 'client'.

**Client money to be paid promptly into a client account once you received and identified it as client money.**

**Exceptions:**

- (a) **Rule 2.3(a)** Money held as a trustee or the holder of a specified office (as discussed earlier) should not be paid into a client account if that would conflict with the rules relating to the specified office.

The firm must set up a separate client account for this money so it is kept separate from office money and other client's money.

- (b) **Rule 2.3(b)** Client money representing payments from the Legal Aid Agency for your costs should not be paid into the client account.

- (c) **Rule 2.3(c)** You agree in a written alternative arrangement with the person for whom the money is held not to hold the money in client account. This money will have to be held in accordance with the agreement.

- (d) **Money relating to client but not to the work the firm has done for client is not client money.** In this case, make a note in that client's ledger recording **both** the receipt of and the handing over of the cheque. – eg. if a third party sends you a cheque to forward onto the client so that they can cash it.

#### When can you pay money out of client account?

**Rule 3.3** All payments into, transfers from, or withdrawals from a client account must be in respect of the solicitor delivering legal services.

**Client money may only be withdrawn from client account if:**

1. **Rule 5.1(a)** It is for the purpose for which it is being held – eg. paying court fees.  
OR
2. **Rule 5.1(b)** It is following instructions from client, or third party from whom the money is held – eg. you have been holding the money for the deposit for the purchase of a property.  
OR
3. **Rule 5.1(c)** It is on the SRA's prior written authorisation or in prescribed circumstances. The only prescribed circumstance which exists at the moment is to withdraw residual client account balances of less than £500 for any client matter if the balance is paid to a charity of the law firm's choice.  
OR
4. **Client money becoming office money in order to satisfy bill of costs:** The money can be transferred after the firm delivers a bill of costs/other written notification of costs to client. Any payment taken from client account must **only** be for the sum identified in the bill of costs/written notification.  
OR
5. **Rule 4.2** Mixed payments: when the office money element of a mixed payment which has to be transferred to the office account.

**Rule 5.3** Only withdraw if sufficient funds are held on behalf of that specific client or third party to make the payment.

### OFFICE MONEY:

#### What is office money?

Office money = money belonging to authorised bodies. – i.e. law firms.

**Office money if: Rule 2.1(d)**

- **Paid disbursements** – eg. if law firm held no money for client so had to pay for disbursement and client later sends money but only after disbursements are paid by the law firm.  
if the firm has already paid for disbursements, the firm can be reimbursed without having to issue a bill to client by paying any money received from client into the office account.
- **Money sent after a bill for the law firm's fees is delivered:** Client pays solicitor for work undertaken.
- **Money sent by client after bill of costs is delivered:** this is done to reimburse costs or expenses not yet paid by the firm.

#### Where should office money be placed?

**Office account** = physical bank account used by a law firm to hold office money. Note, the Rules may use the word "business account".

The ledger relating to the office account is 'office cash'.

Any money on the office account belongs to the firm.

**Rules 2.3, 4.1 and 4.2** General rule: office money should be paid into the office account.

# Accounts Revision Notes

**WJ Hussar**



**Accounts Revision Notes :**

Accounts Revision Notes : Bestsellers in 2023 The year 2023 has witnessed a noteworthy surge in literary brilliance, with numerous compelling novels captivating the hearts of readers worldwide. Lets delve into the realm of bestselling books, exploring the fascinating narratives that have captivated audiences this year. The Must-Read : Colleen Hoovers "It Ends with Us" This heartfelt tale of love, loss, and resilience has gripped readers with its raw and emotional exploration of domestic abuse. Hoover skillfully weaves a story of hope and healing, reminding us that even in the darkest of times, the human spirit can prevail. Uncover the Best : Taylor Jenkins Reids "The Seven Husbands of Evelyn Hugo" This intriguing historical fiction novel unravels the life of Evelyn Hugo, a Hollywood icon who defies expectations and societal norms to pursue her dreams. Reids captivating storytelling and compelling characters transport readers to a bygone era, immersing them in a world of glamour, ambition, and self-discovery. Discover the Magic : Delia Owens "Where the Crawdads Sing" This captivating coming-of-age story follows Kya Clark, a young woman who grows up alone in the marshes of North Carolina. Owens crafts a tale of resilience, survival, and the transformative power of nature, captivating readers with its evocative prose and mesmerizing setting. These top-selling novels represent just a fraction of the literary treasures that have emerged in 2023. Whether you seek tales of romance, adventure, or personal growth, the world of literature offers an abundance of engaging stories waiting to be discovered. The novel begins with Richard Papen, a bright but troubled young man, arriving at Hampden College. Richard is immediately drawn to the group of students who call themselves the Classics Club. The club is led by Henry Winter, a brilliant and charismatic young man. Henry is obsessed with Greek mythology and philosophy, and he quickly draws Richard into his world. The other members of the Classics Club are equally as fascinating. Bunny Corcoran is a wealthy and spoiled young man who is always looking for a good time. Charles Tavis is a quiet and reserved young man who is deeply in love with Henry. Camilla Macaulay is a beautiful and intelligent young woman who is drawn to the power and danger of the Classics Club. The students are all deeply in love with Morrow, and they are willing to do anything to please him. Morrow is a complex and mysterious figure, and he seems to be manipulating the students for his own purposes. As the students become more involved with Morrow, they begin to commit increasingly dangerous acts. The Secret History is a masterful and gripping novel that will keep you wondering until the very end. The novel is a cautionary tale about the dangers of obsession and the power of evil.

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