

PROTOCOL ON THE PUBLICATION AND DISPLAY OF ORDERS MADE UNDER RULES 34 AND 35 OF THE SOLICITORS (DISCIPLINARY PROCEEDINGS) RULES 2019 (“SDPR 2019”)

1. PURPOSE AND SCOPE

- 1.1 This Protocol governs the form, publication and display of any order made by the Tribunal under Rules 34 and 35 of the Solicitors (Disciplinary Proceedings) Rules 2019 (“the SDPR”).
- 1.2 It applies to all such orders made in respect of the conduct of proceedings before the Tribunal, including but not limited to orders for anonymisation, privacy, or restrictions on publication.
- 1.3 The purpose of this Protocol is to ensure consistency, transparency, and procedural fairness in the making, publication, and display of such orders, while protecting the rights and privacy of those affected by Tribunal proceedings.

2. FORM OF THE ORDER

- 2.1 Where the Tribunal makes an order under Rule 35 of the SDPR 2019, the terms of that order shall be recorded in a formal written order of the Tribunal.
- 2.2 The order must be signed by the Chair of the Tribunal (or by the solicitor member acting in that capacity).
- 2.3 The order shall state—
 - (a) the statutory basis for the order;
 - (b) the parties or categories of persons to whom the order applies; and
 - (c) the precise terms of the restriction or requirement imposed.

3. PRESUMPTION IN FAVOUR OF CLIENT ANONYMITY

- 3.1 In light of the judgment in [Solicitors Regulation Authority v Williams \[2023\] EWHC 2151 \(Admin\) \(31 August 2023\) \(bailii.org\)](#) the Tribunal recognises that proceedings referred by the Solicitors Regulation Authority (the ‘SRA’) will, in almost all instances, involve reference to client identities and other confidential material.

- 3.2 Accordingly, save in exceptional or high-profile cases where anonymity is plainly unnecessary, the Tribunal shall issue a **Standard Anonymity Order** in all SRA-referred cases at the time the **Part 2 Standard Directions** are issued.
- 3.3 The order shall, by default, provide for the anonymisation of the names and identifying details of clients and other third parties, in accordance with Rule 34 SDPR 2019.
- 3.4 At the point of issuing the Part 2 Standard Directions, the Respondent will have had the opportunity to submit an Answer to the allegations and may make representations concerning the scope or necessity of the proposed anonymity order.
- 3.5 Where a Case Management Hearing is vacated or does not take place, a member of the Tribunal (ordinarily the Chair or solicitor member) may make the anonymity order **on the papers**.
- 6.6 The standard form, publication, and retention requirements for such orders shall be identical to those set out in Sections 4 to 6 of this Protocol.

4. PUBLICATION AND NOTIFICATION

- 4.1 All orders made under Rules 34 and 35 shall be published on the Tribunal's website unless the Tribunal directs otherwise.
- 4.2 Publication shall occur promptly after the order is made, and in any event prior to or contemporaneously with the next sitting of the Tribunal in the relevant matter.
- 4.3 Where a **Standard Anonymity Order** has been issued under Section 2A, its publication shall indicate that it is a standard order applicable to SRA-referred proceedings.
- 4.4 Where the Tribunal subsequently varies or revokes an order, a note of that variation or revocation shall be published in the same section of the website.

5. DISPLAY DURING HEARINGS

- 5.1 Where the hearing is conducted in person, a copy of the relevant order shall be affixed to the door of the hearing room or otherwise displayed in a clearly visible and prominent location within the Tribunal premises.
- 5.2 Where the hearing is conducted remotely, a copy of the order shall be displayed prominently on the electronic hearing notice so that observers are aware of any restrictions on reporting or identification.

5.3 The notice shall remain in place for the duration of the order or until revoked by the Tribunal.

6. RECORD AND RETENTION

6.1 A copy of every Rule 34 or 35 order shall be retained in the Tribunal's administrative file.

6.2 When an order ceases to have effect, the Case Management Team shall ensure that the order is removed from the website and any physical or electronic display.

6.4 The withdrawn order shall be archived with a notation of the date and reason for withdrawal.

TEMPLATE ORDER

Automatic Standard Anonymity Order (ASAO)

Case Reference: [Insert]

Applicant: SRA

Respondent: [Insert]

ORDER:

Following the decision in [Solicitors Regulation Authority v Williams \[2023\] EWHC 2151 \(Admin\) \(31 August 2023\)](#)

1. All references to clients and/or former clients, [or third parties] shall be anonymised to protect client confidentiality.
2. Identifying details replaced with neutral ciphers (e.g., “Client A, B , C etc”).
3. Applies to all pleadings, documents, and judgments filed or issued by the Tribunal.
4. Remains in force until further order of the Tribunal.
5. Liberty to apply

DATED: [Insert]

BY ORDER OF THE TRIBUNAL:

[Chair / Member]