

SRA BOARD
29 April 2025

CLASSIFICATION – PUBLIC



Summary of response to the 2024 consultation proposal on driving with excess alcohol

Responses to the consultation question reflect a general agreement with the SRA's direction on this issue whilst highlighting specific areas where adjustments or additional considerations might strengthen the proposal's effectiveness and fairness.

Q. Do you agree with our proposal that we should not impose a financial penalty following a conviction for driving with excess alcohol?			
Yes	No	Other	No response
31	4	9	2

A significant majority of respondents agreed with the SRA's proposal to discontinue financial penalties for drink driving convictions. Respondents expressed the view that such offences are already addressed by the criminal courts. They felt that the proposed change to the handling of drink driving cases provides greater clarity and consistency, avoiding the appearance of duplicative punishment.

Supporters perceived that the proposed approach would remove inconsistencies in how drink driving offences are penalised, leading to a clearer, more predictable regulatory response. Some respondents, including members of the public and individual solicitors, felt that additional SRA-imposed fines could be excessive given that the criminal justice system already penalises such offences. They argued that solicitors should not face higher or additional fines from the SRA for the same offence, as it could be seen as disproportionate.

There was strong support for our approach to refer cases with serious aggravating factors (e.g. repeated criminal behaviour) to the SDT, as it ensures that serious cases can be addressed by appropriate sanctions, potentially beyond financial penalties.

TLS were concerned that our proposal singled out just one type of motoring offence. They also were concerned to make sure that all cases would be considered individually and not all cases with aggravating factors would automatically be referred to the SDT.

A representative organisation felt that the proposal did not address drug-related driving convictions, creating a gap in regulatory coverage (although the guidance on which we consulted did contain content about our approach to driving under the influence of illegal drugs).

One respondent who did not support our proposal stated that the SRA needs to have discretion because drink drinking occurs in a wide variety of circumstances and in some cases a fine may be appropriate. Another organisation stated that the proposal would unnecessarily fetter discretion.

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Summary of response to the 2024 consultation proposal on providing illustrative examples on use of alternative metrics (e.g. global turnover)

There was a mixed response, and it is difficult to entirely separate out the concerns about this proposal from the wider objections generated by the other proposals. There were few concerns in principle about providing illustrative examples and indeed some support for this approach.

Q. Do you think providing illustrative examples such as this will be a helpful addition to our guidance on financial penalties?			
Yes	No	Other	No response
22	12	8	4

Many respondents agreed that illustrative examples would be a helpful addition to guidance, although almost all who agreed did not add further comments. The Solicitors' Assistance Scheme said:

"In general terms yes. Illustrative examples are helpful. It all depends on how accessible and relatable they are."

A law firm stated:

"Yes, but having regard to the facts, nature of the breach, any harm caused and circumstances that mitigate or aggravate the level of fining."

Another law firm said:

"The provision of a range of well-considered illustrative examples would be helpful, subject to the examples actually relating to ECCTA related conduct and the SRA reconsidering the entire scheme."

The Law Society stated:

"The SRA's proposals to depart from its guidance in certain circumstances and use different metrics calls into question the usefulness of the illustrative examples. Illustrative examples are useful if they are based on real cases and demonstrate how fines were determined. A separate framework for financial penalties for economic crime matters with accompanying guidance containing specific real life illustrative examples in the future [sic] it would be helpful to the profession demonstrating how the SRA dealt with matters."

Birmingham Law Society's Professional Regulation Committee said:

"Possibly but each case should be determined on its facts."

A law firm said:

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“Yes but your example is very poor and begs the question as to why you should be able to look at assets outside of your remit. Your fines, if tied to income, whether personal or firm, should be limited to those assets. It is patently unfair otherwise. Why should assets obtained through other forms of income be subject to your fines?”

Liverpool Law Society also did not agree with the example given and said:
“Illustrative examples are helpful to assist the profession in assessing the likely level of financial penalty which may be imposed. However, extreme cases with obvious outcomes are less useful. The SRA should monitor its enforcement outcomes to ensure that examples are topical, regularly updated and, where possible, based on the facts of actual case studies.”

The Solicitors Disciplinary Tribunal stated:

“Neither agree nor disagree. However, If the proposed regime was sufficiently clear illustrative examples would not be required.”

A representative organisation said:

“Yes, illustrative examples are helpful but there is a material risk that the deterrent effect of the proposed changes could adversely impact upon global investment in domestic legal service provision. It is unclear whether the SRA has undertaken a suitable and adequate assessment of these possible risks. If not, such an assessment should take place before any changes are considered.”

Some respondents disagreed with the overall approach of providing illustrative examples. An individual solicitor said that guidance on statutory level of fines for criminality does not provide examples, it gives a list of factors to be taken into account in determining the level of fine. Another solicitor was concerned that examples, combined with minimum fines, would foster a ‘one size fits all’ approach to the level of fines.