



Accountant's Report Form

The Supreme Court

Every solicitor, registered European lawyer (REL), recognised body, and registered foreign lawyer (RFL) practising in partnership with solicitors or RELs, who holds or receives client money or controlled trust money, or who operates a client's own account as signatory, must produce annually a report by an accountant qualified under the Solicitors' (Practising Certificates) Rules 2005. An accountants report is required from a person who has been held out as a partner in a practice which has held or received client money or controlled trust money. Therefore, any practitioner whose name is included in the list of partners on the firm's letterhead, even if the name appears under a separate heading of 'salaried partner' or 'associate partner', should be included in this report. An accountant's report is also required from a solicitor, REL or RFL who has been a director of a recognised body which is a company, or a member of a recognised body which is a limited liability partnership, if the recognised body has held or received client money or controlled trust money. The report must be delivered once during each practice year (i.e. between 1st July and the following 30th June).

When a solicitor or REL retires from practice (or for any reason stops holding or receiving client money or controlled trust money, or operating any client's own account as signatory), he or she is obliged to deliver a report covering the period up to the date on which he or she ceased to hold client money or controlled trust money, or to operate any client's own account as signatory.

Please complete this form in blue ink.

- 1 Firm Details.** *The name of the sole practice, partnership, recognised body or in-house practice for which this report is being submitted. The name(s) under which the office(s) practise(s).*

| | | | |
|---|----------------------|----|----------------------|
| Firm (name(s)) during the reporting period. | <input type="text"/> | | |
| | <input type="text"/> | | |
| Report Period from | <input type="text"/> | To | <input type="text"/> |

THIS REPORT MUST BE COMPLETED AND RETURNED TO THE REGISTRAR OF THE SUPREME COURT NO LATER THAN 31 DECEMBER 201...

- 2 Firm's address(es) covered by this report.** *All address(es) of the practice must be covered by an accountant's report except offices outside Gibraltar without any solicitors or recognised bodies as principals. Please list on a separate sheet all offices not covered by this report, with reasons.*

| Address(es) | |
|--|----------------------|
| <input type="text"/> | <input type="text"/> |
| <input type="text"/> | <input type="text"/> |
| <input type="text"/> | <input type="text"/> |
| <input type="text"/> | <input type="text"/> |
| <input type="text"/> | <input type="text"/> |
| Office Type (Head Office / Branch Office) | <input type="text"/> |
| Office Type (Head Office / Branch Office) | <input type="text"/> |

4 Comparison Dates

Complying with Solicitors' Accounts Rules at the date selected by me/us were:

(a) at (insert date 1)

(i) Liabilities to clients and controlled trusts (and other persons for whom client money is held) as shown by ledger accounts for client and controlled trust matters

(ii) Cash held in client account, and client money and controlled trust money held in any account other than a client account, after allowances for lodgements cleared after date and for outstanding cheques

(iii) Difference between (i) and (ii) (if any)

(b) at (insert date 2)

(i) Liabilities to clients and controlled trusts (and other persons for whom client money is held) as shown by ledger accounts for client and controlled trust matters

(ii) Cash held in client account, and client money and controlled trust money held in any account other than a client account, after allowances for lodgements cleared after date and for outstanding cheques

(iii) Difference between (i) and (ii) (if any)

Notes:

The figure to be shown in 4(a)(i) and 4(b)(i) above is the total of credit balances, without adjustment for debit balances (unless capable of proper set off, i.e being in respect of the same client), or for receipts and payments not capable of allocation to individual ledger accounts.

An explanation must be given for any significant difference shown at 4(a)(iii) or 4(b)(iii) - see note (vi). If appropriate, it would be helpful if the explanation is given here.

5 Qualified Report

Have you found it necessary to make this report “Qualified”? No If ‘No’ proceed to Section 6

Yes If ‘Yes’ please complete relevant boxes

- (a) Please indicate in the space provided any matters (other than trivial breaches) in respect of which it appears to you that the solicitor(s) / registered European lawyer(s) / registered foreign lawyer(s) / recognised body(ies) has/have not complied with the provisions Solicitors’ Accounts Rules and, in the case of private practice only, any part of the period covered by this report which in respect of the practice’s offices in Gibraltar does not appear to have been covered by the certificates or policy of indemnity insurance as required by Solicitors’ (Practising Certificates) Rules 2005 (*continue on an additional sheet if necessary*):

- (b) Please indicate in the space provided any matters in respect of which you have been unable to satisfy yourself and the reasons for that inability, e.g. because a client’s file is not available (*continue on an additional sheet if necessary*):

6 Accountant Details. *The reporting accountant must be included in the register maintained under Part III of the Financial Services (Auditors) Act 2009 as required by the Solicitors’ (Practising Certificates) Rules 2005.*

Firm Name

ARB Number

Firm Address

7 Declaration

In compliance with the Solicitors' (Practising Certificates) Rules 2005 and the Solicitors' Accounts Rules. I/we have examined to the extent required by those rules, the accounting records, files and other documents produced to me/us in respect of the above practice(s) of the above named solicitor.

In so far as an opinion can be based on this limited examination we are satisfied that during the above-mentioned period she has complied with the provisions of the Solicitors' Accounts Rules except so far as concerns:

- (i) certain trivial breaches due to clerical errors or mistakes in book-keeping, all of which were rectified on discovery and none of which, I am/we are satisfied, resulted in any loss to any client; and/or
- (ii) any matters detailed in section 5 of this report.

In the case of private practice only, I/we certify that, in so far as can be ascertained from a limited examination of the certificates or policy produced to me/us, the practice was covered in respect of its offices in Gibraltar for the period covered by this report by the certificates or policy of indemnity insurance as required by the Solicitors' (Practising Certificates) Rules 2005, except as stated in section 5 of this report.

This report, including the declaration, has been prepared for and only for the Registrar of the Supreme Court of Gibraltar in accordance with Section 4 of the Solicitors' (Practising Certificate) Rules 2005 and for no other purpose. We do not, in providing this declaration, accept or assume responsibility for any other purpose or to any other person to whom this report is shown or into whose hands it may come save where expressly agreed by our prior consent in writing.

| | |
|--|--------------------------|
| Yes | No |
| I/we have relied on the mechanised system of accounting. | |
| <input type="checkbox"/> | <input type="checkbox"/> |

“For the purposes of the paragraph above [extraction of balances] if a solicitor uses a computerised or mechanised system of accounting which automatically produces an extraction of all client ledger balances, the accountant need not check all client ledger balances extracted on the list produced by the computer or machine against the individual records of client ledger accounts, provided the accountant:

- (a) *confirms that a satisfactory system of control is in operation and the accounting records are in balance;*
- (b) *carries out a test check of the extraction against the individual records; and*
- (c) *specifies in the report that he or she has relied on this exception.”*

In carrying out work in preparation of this report, I/we have discovered the following substantial departures from the Solicitors' Accounts Rule (continue on an additional sheet if necessary):

Please tick the “yes” or “no” box for the following items (i) to (v) to show whether, so far as you are aware, the relevant statement applies in respect of yourself or any principal, director (in the case of a company), member (in the case of a limited liability partnership) or employee of your accountancy practice. *Give details if appropriate.*

| | | |
|--|---------------------------------|--------------------------------|
| (i) Any of the parties mentioned above is related to any solicitor(s)/registered European lawyer(s)/registered foreign lawyer(s) to whom this report relates. | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| <input type="text"/> | | |
| (ii) Any of the parties mentioned above normally maintained, on a regular basis, the accounting records to which this report relates. | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| <input type="text"/> | | |
| (iii) Any of the parties mentioned above, or the practice, places substantial reliance for referral of clients on the solicitor(s)/ registered European lawyer(s)/registered foreign lawyer(s)/recognised body(ies) to whom/which this report relates. | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| <input type="text"/> | | |
| (iv) Any of the parties mentioned above, or the practice, is a client or former client of the solicitor(s)/registered European lawyer(s)/registered foreign lawyer(s)/ recognised body(ies) to whom/which this report relates. | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| <input type="text"/> | | |
| (v) There are other circumstances which might affect my independence in preparing this report. | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| <input type="text"/> | | |

The information is intended to help the Law Society to identify circumstances which might make it difficult to give an independent report. Answering “yes” to any part of this section does not disqualify the accountant from making the report.

Information within the accountant’s personal knowledge should always be disclosed. Detailed investigations are not necessary but reasonable enquiries should be made of those directly involved in the work.

We have completed and signed the checklist and retained a copy. A copy has also been sent the Registrar of the Supreme Court. The original checklist has been sent to

sole principal

We confirm that a copy of this report has been sent to

the solicitor to whom this report relates;

c) * Each of the directors in the case of a company)/ * Each of the members (in the case of a limited liability partnership) of the recognised body to which the report relates; or

(d) * The following officer of the recognised body (in the case of a company)/* The following member of the recognised body

The form should then be signed and dated. The report can be signed in the name of the firm of accountants of which the accountant is a partner (in the case of a partnership) or director (in the case of a company) or member (in the case of a limited liability partnership) or employee.

Date

Signature

Name (Block Capitals)

Please return to Registrar of Supreme Court