

## Closed Consultation

# A new route to qualification: New regulations

15 November 2017

- The deadline for submission of responses was **26 July 2017**.
- You can [download the consultation paper](#) [#download] or read it below

### Next steps

- [Download consultation response and our decision on next steps](#) [#download]
- [Download all consultation responses](#) [#download]

### About us

We are the regulator of solicitors and law firms in England and Wales, protecting consumers and supporting the rule of law and the administration of justice.

Our aim is to regulate in a way that:

- protects the public and helps them to understand the protections they have
- makes sure individuals have the right knowledge and skills when they enter the profession
- makes sure individuals apply clear ethical standards and deliver a proper standard of work
- encourages the provision of flexible, accessible and affordable legal services to the public and business consumers
- gives solicitors more flexibility and makes it easy for them to provide legal services.

We have a number of projects that will deliver these objectives. Training for Tomorrow, of which this consultation is a part, is reviewing the education and training of solicitors to better assure their competence. As part of Training for Tomorrow, we have already published a [Statement of Solicitor Competence](https://guidance.sra.org.uk/solicitors/competence-statement) [https://guidance.sra.org.uk/solicitors/competence-statement], which sets out what solicitors need to be able to do to perform their role effectively, and which provides consumers of legal services with a clear indication of what they can expect from their solicitor.

### Background to this consultation

We have previously held two consultations to gather stakeholder views on our proposals to introduce a common assessment, the Solicitors



Qualifying Examination (SQE). The SQE is designed to test whether individuals who wish to be admitted as solicitors have the skills and knowledge set out in the [Statement of Solicitor Competence](https://guidance.sra.org.uk/solicitors/competence-statement/) [<https://guidance.sra.org.uk/solicitors/competence-statement/>].

Details of our proposals and our response to the consultations can be found here:

Consultation – T4T assessing competence December 2015

Consultation – [Solicitors Qualifying Examination](https://guidance.sra.org.uk/sra/consultations/consultation-listing/solicitors-qualifying-examination/) [<https://guidance.sra.org.uk/sra/consultations/consultation-listing/solicitors-qualifying-examination/>], October 2016

On 12 April 2017, the SRA Board took the decision to introduce the SQE.

The target date for full implementation of the SQE is September 2020. The SQE will be delivered by a single assessment organisation which we will appoint following a competitive tender process to select that assessment organisation.

We will develop and test the content and design of the SQE with our selected organisation and by consulting with experts, academics, universities and the profession. However, to do so, we need to introduce the framework proposals. This third consultation now seeks stakeholder views on the regulations needed to bring the SQE framework into force.

Once the SQE is introduced, aspiring solicitors will have to meet the following requirements to be admitted as a solicitor:

1. They must have a degree or equivalent qualification or experience.
2. They must have passed the SQE, to demonstrate they have the knowledge and skills set out in the [Statement of Solicitor Competence](https://guidance.sra.org.uk/solicitors/competence-statement/) [<https://guidance.sra.org.uk/solicitors/competence-statement/>], to the standard prescribed in the [Threshold Standard](https://guidance.sra.org.uk/solicitors/competence-statement/threshold-standard/) [<https://guidance.sra.org.uk/solicitors/competence-statement/threshold-standard/>].
3. They must have completed qualifying legal work experience, for at least two years (or part time equivalent), and which can be certified by either a solicitor or a compliance officer for legal practice.
4. They must be of satisfactory character and suitability, to be assessed at the point of admission.
5. We have agreed broad principles for our approach to the recognition of qualified lawyers. These are set out in the draft regulations, which are at [annex 1](#) [[#download](#)]. The principles and policy to support them are set out in detail in [annex 2](#) [[#download](#)].

## **What is the purpose of the new regulations?**

The new admission regulations are intended to bring the above structure into force. They will provide the regulatory framework for qualification as

a solicitor via the SQE.

## **How do they relate to the current SRA Training Regulations 2014?**

We have proposed that the new regulations will come into force on a date to be determined by the Board. By this time, they will form part of the new Authorisation of Individuals Regulations, and we will consult on the other parts of those regulations as part of phase two of our wider Handbook review later this year.

When they come into force, we will introduce transitional arrangements to make provision for those who are already on current qualification pathways. These will be designed to make sure that, for a number of years, candidates who start on current pathways to qualification before September 2020 can choose to complete them either under the education and training regulations in force at that time, or the new regulations. We propose that, from September 2020, when the SQE becomes available, candidates may no longer start any of the current pathways to qualification. We will be consulting separately on these transitional provisions later in 2017.

## **The structure and content of the regulations**

The regulations will formally allow us to go ahead with the decisions we set out in our response to the second consultation. In drafting the regulations, we have aimed for clarity, simplicity and a focus on the core requirements for admission as a solicitor. We have avoided detailed and prescriptive requirements where they are not necessary. This is in line with the approach we have taken in reviewing our Handbook. We will offer an online support package to help candidates and employers understand the requirements for qualification and to provide additional support and resources. For example, we will provide support, including case studies and guidance, for candidates and employers on the range of different ways to meet the requirements of the period of qualifying work experience and on our policy for recognising qualified lawyers.

### **Consultation question 1**

Do you agree that these regulations implement the agreed policy framework for the SQE?

## **Recognition of qualified lawyers**

We said in the second SQE consultation that we would look at arrangements for the recognition of qualified lawyers. We have already spoken about this with a number of other legal regulators. We have taken into account the implications of the UK's departure from the EU and the

desirability of reinforcing our jurisdiction as one that is an attractive place to do business.

We want to be consistent in our approach to recognising the knowledge, skills and competences that qualified lawyers have gained through professional qualifications and professional experience. We will require all qualified lawyers to take the SQE unless they can establish that there is no substantive difference between their qualification and experience and the SQE or parts of the SQE<sup>1</sup>[\[#note1\]](#). Where they can demonstrate that there is no substantive difference, we will not require them to take the SQE or the relevant part of it.

We propose that qualified candidates who wish to be admitted as a solicitor in England and Wales must:

- hold a legal professional qualification which confers rights to practise in England or Wales or in an overseas jurisdiction we recognise
- demonstrate they have the competences set out in the Statement of Solicitor Competence, and the knowledge of English and Welsh law set out in the Statement of Legal Knowledge either on the basis of the principles set out below and/or through successful completion of the SQE
- have a degree or qualifications or experience which we are satisfied are equivalent to a degree
- satisfy our character and suitability requirements.

We will recognise the knowledge and competences that qualified lawyers have gained through professional legal qualifications and professional experience on the basis of the principles set out in [annex 2](#) [\[#download\]](#). It is the relevant regulatory/professional body that must make the application to us for recognition of a professional title and/or to become a recognised jurisdiction. Qualified lawyers who are seeking admission will have to contact us and demonstrate how their professional qualification or experience is equivalent to the SQE, or part of it, based either on the areas of recognition agreed with us by their regulatory/professional body, and/or their circumstances.

The SRA is considering charging an administrative fee to qualified lawyers who apply for admission as a solicitor of England and Wales on the basis of recognition.

## **Consultation question 2**

Do you have any comments on the proposals for recognition of the knowledge and competences of qualified lawyers?

## **Next steps**

We plan to submit the new admission regulations to the Legal Services Board towards the end of this year. This is so we can move to implementation, giving stakeholders certainty about the new qualification system and the proposed timetable.

## Questions

**Question 1** - Do you agree that these regulations implement the agreed policy framework for the SQE?

**Question 2** - Do you have any comments on the proposals for recognition of the knowledge and competences of qualified lawyers?

## Notes

1. The current situation for EU lawyers is that their qualification will be sufficient for recognition purposes unless we can establish that there are significant differences. This position will continue whilst we remain in the EU.

## Questions and answers

### Qualified lawyers and our regulations consultation

**Q. How does the proposed approach differ from the current approach?**

Currently, qualified lawyers, outside of England and Wales, are required to pass both parts of the Qualified Lawyers Transfer Scheme (QLTS), unless they are from an EU jurisdiction. EU qualified lawyers are allowed to apply for exemptions from all or part of QLTS based on the qualifications they hold and work experience gained within their jurisdiction.

When the SQE is introduced, we propose to introduce a more consistent approach for all qualified lawyers, whether from jurisdictions within the EU or elsewhere globally.

Everyone will have the opportunity to apply for recognition of their existing qualifications and work experience. For details on how the system for recognition will work please see [draft Principles \[#download\]](#).

**Will the proposals affect anyone who has already qualified through the QLTS?**

A. No

### **Will qualified lawyers be required to pass an English language test?**

A. When qualified lawyers apply for their first Practising Certificate, we will be looking for assurance that they can demonstrate having an appropriate standard of English language. We will publish exact criteria for how we will assess this in due course.

### **Will you continue to recognise the jurisdictions that are already recognised under the QLTS?**

A. Yes.

### **Who can apply for recognition of a jurisdiction?**

A. Only the jurisdiction itself can apply for recognition, and not individuals from that jurisdiction.

### **Who will be able to apply for recognition of qualifications and experience?**

A. The jurisdiction or an individual qualified lawyer will be able to apply for recognition of qualifications and work experience.

### **Will the policy change post-Brexit?**

A. No. Everyone will continue to be assessed through a consistent approach to recognition.

### **When will the new approach to recognition come into effect?**

A. The target date for the introduction of the SQE is September 2020. We expect the assessment specification, containing the finer details of the SQE, to be finalised in advance of this date. We will publish it as soon as it is available and will allow jurisdictions and individuals to apply for recognition as soon as possible after that.

## **Downloadable document(s)**

- [Our consultation response and analysis of responses \(PDF 21 pages, 684KB\)](https://guidance.sra.org.uk/globalassets/documents/sra/consultations/sqe3-response-regulations.pdf)  
[<https://guidance.sra.org.uk/globalassets/documents/sra/consultations/sqe3-response-regulations.pdf>]
- [Draft SQE Regulations - post consultation \(PDF 3 pages, 224KB\)](https://guidance.sra.org.uk/globalassets/documents/sra/consultations/draft-sqe-reg-board.pdf)  
[<https://guidance.sra.org.uk/globalassets/documents/sra/consultations/draft-sqe-reg-board.pdf>]
- [Consultation responses \(PDF 131 pages, 6MB\)](https://guidance.sra.org.uk/globalassets/documents/sra/consultations/sqe3-consultation-responses.pdf)  
[[https://guidance.sra.org.uk/globalassets/documents/sra/consultations/sqe3-](https://guidance.sra.org.uk/globalassets/documents/sra/consultations/sqe3-consultation-responses.pdf)



- [responses.pdf](#)
- [Closed consultation paper \(PDF 7 pages, 175KB\)](#)  
[<https://guidance.sra.org.uk/globalassets/documents/sra/consultations/sqe3-consultation.pdf>]
- [Annex 1 - Draft regulations \(PDF 3 pages, 62KB\)](#)  
[<https://guidance.sra.org.uk/globalassets/documents/sra/consultations/sqe3-annex1.pdf>]
- [Annex 2 - Draft Principles \(PDF 6 pages, 220KB\)](#)  
[<https://guidance.sra.org.uk/globalassets/documents/sra/consultations/sqe3-annex2.pdf>]

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