

Proposed amendments to regulatory arrangements - Updated post-consultation

Text to be added as a consequence of the proposed changes to qualified lawyer exemptions is shown in **green** and text to be deleted shown in **strikethrough**.

Text to be added as a consequence of the proposed changes to English or Welsh language requirements is shown in **red** and text to be deleted shown in **strikethrough**.

Proposed amendments to SRA Authorisation of Individual Regulations

Regulation 1: Eligibility for admission

- 1.1 You will be eligible for admission as a **solicitor** if the **SRA** is satisfied:
- (a) you have successfully and satisfactorily passed an assessment which is designed to assess your competence against the **prescribed** competences for solicitors and is conducted by an assessment organisation appointed by the SRA for the purpose;
 - (b) you hold a **degree** or qualifications or experience which the **SRA** is satisfied are equivalent to a **degree**;
 - (c) you have completed qualifying work experience which meets the requirements of regulation 2;~~and~~
 - (d) as to your **character and suitability** to be a **solicitor**; ~~and~~
 - (e) **you have evidenced proficiency in English or Welsh.**

Regulations 3.1 - 3.23: Eligibility for admission of qualified lawyers

- 3.1 You will be eligible for admission as a solicitor if the **SRA** is satisfied:
- (a) you hold a legal professional qualification that is recognised by the **SRA**, which confers rights to practise in England and Wales or in an **overseas** jurisdiction; and
 - (b) subject to regulation 3.2, you meet the criteria in regulation 1.1(a), (b), ~~and~~(d) **and (e).**

- 3.2 Subject to regulation 3.3, if you hold a qualification recognised under regulation 3.1(a) and the **SRA** is satisfied that your qualifications and/or experience demonstrate that you meet some or all of the **prescribed** competences, the **SRA** may decide you are ~~not required~~ exempt from the requirement to pass the assessment under regulation 1.1(a) or such parts of it as it considers appropriate.
- 3.3 The **SRA** will not exempt you from the requirement to pass the assessment under regulation 1.1(a) if you have previously taken and failed the part or parts of that assessment from which you seek exemption.

Regulation 6: Eligibility requirements

- 6.1 The **SRA** shall only grant an application for a practising certificate, or registration in the **register of European lawyers** or the **register of foreign lawyers** if you meet the eligibility requirements in this regulation.
- 6.2 You will be eligible to apply for a practising certificate if:
- (a) your name is on the roll; and
 - ~~(b) you have sufficient knowledge of written and spoken English or Welsh; and~~
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 - (c) you are not suspended from practice as a **solicitor**.

Proposed amendments to Principles for Qualified Lawyers

The Solicitors Qualifying Examination (SQE): approach to qualified lawyers seeking admission as a solicitor of England and Wales

The principles

Overarching requirements

1. Qualified lawyers who wish to be admitted as a solicitor of England and Wales will need to:
 - a. Hold a legal professional qualification that we recognise which confers rights to practise in England and Wales or in an overseas jurisdiction;
 - b. Demonstrates that they have the competences set out in the [Statement of Solicitor Competence](#) (SoSC), 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](#);
 - c. Have a degree or qualifications or experience which we are satisfied are equivalent to a degree;
 - d. Satisfy our character and suitability requirements; and
 - e. have evidenced proficiency in English or Welsh.
2. The SQE consists of two parts, SQE1 and SQE2. SQE1 consists of two components, FLK1 and FLK2. We will consider recognise the knowledge, skills and competences that qualified lawyers have gained when deciding whether to grant an exemption from any component or part of the SQE¹ through professional qualifications and professional experience. An exemption decision This recognition may relate to SQE1 and/or SQE2 in full totality, or individual components² which make up SQE1 and/or 2. We will only grant an exemption recognise professional legal qualifications or professional experience as equivalent to an individual component of the SQE where the knowledge, skills and competences for which a qualified lawyer seeks recognition correspond to the whole of SQE2 or an individual component of SQE1. There will be no recognition available We will not grant an exemption for only part of SQE2 or part of an individual component of SQE1 as it is not possible to assess all candidates on a reliable and accurate basis where some candidates are only being assessed on some aspects of SQE2 or some aspects of an individual a component of SQE1.
3. Subject to Principle 4 below, we will not grant an exemption for an individual component or part of the SQE where a qualified lawyer has previously taken and failed that component.
4. Principle 3 above applies to a lawyer who has qualified in Switzerland where there exists a substantial difference between the qualified lawyer's professional qualifications and the essential knowledge or skills required to practise in England

and Wales, as set out in Statement of Solicitor Competence (SoSC), and the knowledge of English and Welsh law set out in the Statement of Legal Knowledge.

~~Recognition of p~~Professional qualifications

3. For us to ~~recognise a qualified lawyer's professional qualification as equivalent to~~ grant an exemption from ~~part or all of the SQE (SQE1 and/or SQE2),~~ ~~recognise a qualified lawyer's professional qualification as equivalent to~~ ~~qualified lawyers~~ they will need to demonstrate that the qualification they hold is equivalent to SQE1 and/or SQE2 in ~~full its entirety,~~ ~~full its entirety,~~ or individual components of the SQE1 in the following ways:
 - Content: the professional qualification will need to cover content which is not substantially different to the areas of English and Welsh law set out in the Statement of Legal Knowledge and the competences set out in the SoSC.
 - Standard: the professional qualification will need to be of an equivalent standard – it will have to assess to a level which is comparable to level three of the SRA threshold standard.³

~~Recognition of p~~Professional experience

4. Where qualified lawyers have acquired professional experience in legal practice⁴ through practising under their home title and/or in their home jurisdiction, we will consider whether the knowledge, skills and competences developed by this professional experience are equivalent to corresponding ~~parts of~~ ~~components~~ parts of SQE1 and/or SQE2. For us to ~~recognise a qualified lawyer's knowledge, skills and competences~~ grant an exemption on the basis of knowledge, skills and competences acquired through professional experience, ~~they~~ ~~qualified lawyers~~ they will need to demonstrate that the knowledge, skills and competences acquired are equivalent to ~~the whole of the SQE,~~ ~~the whole of the SQE,~~ or individual components of the SQE1 in the following ways:
 - Content: the knowledge, skills and competences acquired through the professional experience will need to cover content which is not substantially different to the areas of English and Welsh law set out in the Statement of Legal Knowledge and the competences set out in the SoSC.
 - Standard: the knowledge, skills and competences acquired through the professional experience will need to be developed to a level which is comparable to level three of the SRA threshold standard.⁵
5. ~~As a starting point, we envisage that a~~ ~~Qualified lawyers~~ Qualified lawyers will typically have a minimum of two years' professional experience in order to show us that they have satisfactorily developed to an equivalent standard the competences assessed by the part(s) or component(s) of the SQE for which they are seeking an exemption recognition. However, some candidates may be able to demonstrate to our satisfaction that they have developed the respective competences to an equivalent standard within a shorter period of professional experience or through lifelong learning (or through a combination of both).⁶ ~~They~~ ~~Qualified lawyers~~ Qualified lawyers can still apply to us for an exemption recognition by submitting formal evidence and we will ~~review~~ ~~assess~~ assess the evidence to ~~assess~~ ~~determine~~ determine whether their knowledge, skills and competences meet our content and standard requirements.

English or Welsh language requirement

6. ~~Where necessary, there will be~~ **is** an English or Welsh language requirement ~~imposed for all solicitors, including~~ qualified lawyers whose professional qualification(s) or professional experience we have recognised as equivalent to all or part of SQE2 ~~have received an exemption from SQE2~~. This ~~will~~ **must be verified before** ~~take place post-admission, at the point applicants may apply for a~~ **be admitted to the roll** ~~first practising certificate~~. Qualified lawyers can submit evidence that they are proficient in English or Welsh in one of the following ways:
- passing SQE2; or
 - holding a certificate of language assessment from a [Secure English Language Test](#)⁷ (SELT) showing attainment to the equivalent of at least IELTS level 7.5 and issued no more than three years prior to the date submitted as evidence; or
 - relying upon a professional legal qualification for an exemption from SQE2 that was taught and assessed in English or Welsh; or
 - passing the Legal Practice Course (LPC) where they are eligible to apply for admission to the roll under the transitional provision in regulation 11.6.

Notes on the principles

Regulatory/professional bodies

7. A regulatory/professional body may make an application to us for **exemption from a component or part(s) of the SQE** ~~recognition of a professional title~~.
8. We will continue to recognise **legal qualifications and titles** ~~professions~~ which we have recognised previously. However, a regulatory/professional body applying for ~~recognition~~ **exemption** for the whole of **or components of SQE1** and/or SQE2 ~~or individual components of the SQE~~ for their profession will need to undertake a mapping exercise and submit evidence to us showing how their members' professional qualification is equivalent to the **relevant component or part(s)** of the SQE **in content and standard**.
9. We will review the mapping exercise the regulatory/professional body has undertaken and **grant exemption for** ~~recognise~~ the professional qualifications of a regulatory/professional body as equivalent to the SQE or individual **parts or components** of it, where we assess that the content and standard of the qualification scheme is not substantially different to **the corresponding component or part(s)** ~~corresponding areas~~ of the SQE. We will look at the content and standard of the profession's qualification scheme only,⁸ and whether the ~~recognition~~ **exemption** sought covers the entirety of an individual component and/or the whole of SQE1 and/or **SQE2**.

Individuals

10. Qualified lawyers who are seeking admission will have to contact us and demonstrate how their professional qualification or professional experience is

equivalent to the SQE, or part of it, based either on the areas of **exemption recognition** agreed with us by their regulatory/professional body, and/or their individual circumstances. In order to do this, they will be required to submit formal evidence, including an explanation of how their professional experience has enabled them to develop the competences in relation to which they are seeking **exemption recognition**.⁹

11. Qualified lawyers may make an application to us for **exemption using recognition** of a professional title that they hold and which confers practice rights in England and Wales or in an overseas jurisdiction which has not previously been **assessed recognised** by us and has not been the subject of an application to us by the regulatory/professional body. If the qualification has not already been **assessed recognised** sufficient information will need to be provided to enable the mapping exercise referred to in paragraphs 8 and 9 above to be carried out.

Notes

1. ~~Recognition of part or all of the SQE will be granted to candidates who hold a legal professional title we recognise (a professional qualification).~~ **We will consider applications for exemption from qualified lawyers who hold a professional legal title we recognise for exemption.** Where an **exemption recognition** is granted, the qualified lawyer will not be required to sit the corresponding components **or part(s)** of the SQE assessment(s).
2. "Component" of the SQE means an individual assessed element of the SQE for which a separate standard is set and a mark provided.
3. www.sra.org.uk/threshold
4. Periods of professional experience in legal practice which are undertaken either pre or post qualification can be taken into consideration.
5. www.sra.org.uk/threshold.
6. 'lifelong learning': all general education, vocational education and training, non-formal education and informal learning undertaken throughout life, resulting in an improvement in knowledge, skills and competences, which may include professional ethics.
7. ~~in cases of "serious and concrete doubt" about the applicant's language knowledge in respect of the professional activities which they intend to pursue as per the European Union (Recognition of Professional Qualifications) Regulations 2015.~~
7. **If an English or Welsh language certificate is being relied upon, qualified lawyers must ensure it was issued no more than three years from the time it is submitted as evidence and that it is a [SELT](#) assessment awarded by a Home Office approved test provider. [SELT](#) certificates can be uploaded when applying to be admitted to the roll in [mySRA](#).**
8. ie - we will not look at features such as the assessment methodology or the format of the assessment.
9. In practice this could be achieved either on the basis of confirming to us that they are a member of a profession which has pre-agreed areas of **recognition exemption** in place (based on the standard qualification route of the profession), and/or by submitting evidence in support of 'less typical' periods of professional experience.

10. Evidence of English or Welsh proficiency from the Legal Practice Course may only be relied upon until 2032 when the transitional provisions come to an end, in accordance with regulation 11.3.