

## **Guidance**

## **Guidance**

## **Admission as a solicitor**

# **Admission as a solicitor**

Updated 25 November 2019 (Date first published: 8 August 2016)

[Print this page \[#\]](#) [Save as PDF \[https://qltt.sra.org.uk/pdfcentre/?type=ld&data=1406865391\]](https://qltt.sra.org.uk/pdfcentre/?type=ld&data=1406865391)

## **Status**

This guidance is to help you understand your obligations and how to comply with them. We will have regard to it when exercising our regulatory functions.

## **Who is this guidance for?**

Those seeking to be admitted as a solicitor.

## **Purpose of this guidance**

This guidance is about how we make decisions about the authorisation of solicitors to practise in England and Wales. It is intended to provide transparency for those who wish to become solicitors.

## **General**

We are responsible for setting and maintaining standards for all solicitors practising in England and Wales. We need to be satisfied that solicitors have the knowledge and competence necessary for practice and the level of honesty, integrity and professionalism the public expect of them.

If you wish to be admitted as a solicitor, in accordance with section 3(1) of the Solicitors Act 1974 we need to be satisfied:

- that you have complied with our education and training requirements, and
- of your character and suitability to be a solicitor.

This guidance should be read in the context of our [decision making at the SRA \[https://qltt.sra.org.uk/sra/decision-making/decision-making-sra/\]](https://qltt.sra.org.uk/sra/decision-making/decision-making-sra/) and other guidance, listed at the end of this document. It is a living document and will be reviewed and updated as appropriate.

## What can a solicitor do?

An admitted solicitor with a practising certificate is an authorised person under the Legal Services Act 2007. This legislation provides that a person can only carry on a reserved legal activity if they are authorised by us, or another regulator approved by the Legal Services Board (LSB), unless they are exempt from the requirement to be authorised.

A solicitor with a practising certificate can undertake the following reserved legal activities, set out at section 12 of the Legal Services Act 2007, as well as immigration work:

- the exercise of a right of audience before certain courts
- the conduct of litigation (which can be described as the taking of formal steps in proceedings, such as issuing a claim or filing documents or forms)
- reserved instrument activities (which covers certain conveyancing transactions – for example preparing and lodging transfers or charges with the Land Registry – and preparing instruments relating to court proceedings, such as pleadings)
- probate activities, namely preparing papers on which to seek or challenge grant of probate or letters of administration
- notarial activities
- the administration of oaths.

However, the requirements to have a practising certificate are wider. These are set out in sections 1 and 1A of the Solicitors Act 1974. Section 1 provides that a person will not be qualified to "act as a solicitor" (broadly, holding oneself out as a solicitor or doing work which solicitors are entitled to do, namely the reserved legal activities) unless:

- they have been admitted as a solicitor
- their name is on the roll, and
- they have a current practising certificate issued by us (replaced on 1 November each year).

It is an offence, under sections 20 and 21 of the Solicitors Act 1974, for an unqualified person (someone who is not both on the roll and in possession of a current practising certificate) to act as, or pretend to be, a solicitor.

A solicitor also needs a practising certificate if they are on the roll and employed to provide legal services by a person who:

- is qualified to act as a solicitor, or
- is authorised to provide reserved legal services (such as a barrister, legal executive, or a law firm regulated by us or another LSB approved regulator).

In these circumstances, section 1A of the Solicitors Act 1974 says that the person will be deemed to be "acting as a solicitor" even if they otherwise would not be.

We can decide to issue a practising certificate free from conditions, with conditions, or refuse one altogether.

## **Pathways to admission as a solicitor**

There are three pathways you can currently follow to become admitted as a solicitor.

### **The education and training stages**

Most candidates currently follow this pathway (regulation 3A.1(a)(ii) of the Authorisation of Individuals Regulations), which involves completion of both an education and a training stage.

The education (or academic) stage involves completing either:

- a Qualifying Law Degree (QLD)
- any other UK degree followed by the Common Professional Examination (CPE)
- an Exempting Law Degree, or
- an Integrated Course at an approved education provider.

The training (or vocational) stage involves completion of:

- the Legal Practice Course (LPC), and
- a required period of recognised training (PRT), which is work-based or 'on the job' training, and
- the Professional Skills Course (PSC).

If you can demonstrate you have acquired the same knowledge and skills through 'Equivalent Means' (regulation 3A.2 of the Authorisation of Individuals Regulations), you may be exempt from the requirement to complete some or all of the [education and training stages \(see below\)](#).  
[\[#para4\]](#).

### **Apprenticeship route to qualification**

This allows you to qualify as a solicitor if you meet certain requirements (regulation 3A.1(a)(i) of the Authorisation of Individuals Regulations). These are set out in the assessment plan for the Apprenticeship Standard for a Solicitor (England) or the Apprenticeship Framework for the Level 7 Higher Apprenticeship in Legal Practice (Wales) (Regulation 3B.1 of the Authorisation of Individuals Regulations). The apprenticeship route takes between five and six years, and includes passing an assessment, which can either be conducted by us or approved by us as suitable for the



purpose. Completing the apprenticeship is demonstrated through an Apprenticeship Completion Certificate.

## Qualified Lawyers Transfer Scheme (QLTS)

Overseas lawyers (including those from Scotland, Northern Ireland and the Republic of Ireland) and English and Welsh barristers can qualify through the Qualified Lawyers Transfer Scheme (QLTS). [Exemptions from the QLTS assessments are available in certain circumstances \(see below\) \[para51\]](#).

## Equivalent Means

### Rationale and criteria

We recognise that specific knowledge and skills outcomes can be achieved by 'Equivalent Means', that is, through other assessed and work-based learning. You will then be exempt from our requirement to complete all or part of the prescribed education and training on the basis that the relevant outcome has already been achieved.

Exemptions fall into two main categories (the details of which are set out in [Annex A \[AnnexA\]](#)):

- **Block exemptions** – this is where we have pre-assessed other professional education, training or experience against the outcomes of our standard education and training route and are satisfied that these will always meet some or all of our criteria. For example, certain exemptions can be claimed by members of CILEx as we have decided that their qualifications meet our education and training outcomes for admission as a solicitor. If you claim a block exemption, and fall within the block exemption criteria, we can simply go on to grant or refuse admission, provided you meet our character and suitability requirements.
- **Case by case exemptions** - these are where you apply to us based on your specific circumstances, for us to decide if other learning, training or experience you have is equivalent to all or part of the education and training requirements to be a solicitor. We consider these applications on a case by case basis.

In both cases we will grant exemptions where:

- i. the level, standard, volume and content of prior learning achieved is equivalent to all, or part, of a particular stage of education and training, and
- ii. there is relevant and sufficient evidence of such achievement. The content of that evidence will vary depending on the nature of the exemption.

[For more details see our Equivalent Means guidance.](https://qltt.sra.org.uk/become-solicitor/legal-practice-course-route/equivalent-means-information-pack/)

[<https://qltt.sra.org.uk/become-solicitor/legal-practice-course-route/equivalent-means-information-pack/>]

## **Determining the outcome of a case by case application for an exemption**

You must provide sufficient evidence of your knowledge and skills to enable us to evaluate whether or not you have met the outcomes claimed. For example, certificates of academic qualifications or records of supervised training verified by your supervisor.

For certain applications (such as those for PRT, LPC or Morganbesser), we will send the information received to an external assessor for evaluation. The assessor will recommend an outcome in a report (which is not binding on us) and you can make representations based on that report. We will consider the assessor's report and any representations, along with all information received, and make a decision as to whether equivalence has been suitably demonstrated.

### **Example 1**

Candidate A has completed a qualifying law degree and the LPC. Since her LPC, she has spent another three years dealing with legal claims with an insurance company. She applies for that experience to be recognised as equivalent to undertaking a Period of Recognised Training (PRT).

The assessor has concerns relating to the absence of any supervision of the candidate throughout the period of experience claimed. This is because effective supervision of the candidate is a fundamental part of the requirement for recognised training as provided by Regulation 4.1(c) of the Education, Training and Assessment Provider Regulations).

The decision maker refuses the application to recognise the candidate's experience as equivalent to undertaking a PRT. The decision maker considers there is insufficient evidence provided to demonstrate that the necessary outcomes have been met. There is no clear alignment or equivalence between the experience evidenced within the application and the work which would have been performed by a trainee within a PRT.

## **Qualified Lawyers Transfer Scheme (QLTS)**

If you are a qualified lawyer in a recognised foreign jurisdiction, you can qualify as a solicitor under the QLTS without having to complete the full education and training requirements. The scheme also applies to barristers qualified in England and Wales who have completed pupillage and want to qualify as a solicitor. These applications are made under regulations 3F.1 to 3F.4 of the Authorisation of Individuals Regulations.

The QLTS assessment comprises both a Multiple Choice Test (MCT) and an Objective Structured Clinical Examination (OSCE). Applications for the assessments are made direct to the [QLTS provider \[http://qlts.kaplan.co.uk/\]](http://qlts.kaplan.co.uk/).

If you are a lawyer listed in regulation 3F.3 of the Authorisation of Individual Regulations, and have completed the LPC, you may be entitled to an exemption from some or all of the QLTS assessment. This will depend upon the extent to which you have already met the learning outcomes required of a newly qualified solicitor (known as the [Day One Outcomes \[https://qltt.sra.org.uk/become-solicitor/qualified-lawyers/qlts/day-one-outcomes-table/\]](https://qltt.sra.org.uk/become-solicitor/qualified-lawyers/qlts/day-one-outcomes-table/)). Applications for these exemptions will be determined on a case by case basis (see below).

In addition, we have certain 'block exemptions'. For example, we are required to admit registered European lawyers (RELs) who have met the period of practice requirement set out in Article 10 of the Establishment of Lawyers Directive 98/5/EC. We also grant some exemptions to solicitors of Northern Ireland and the Republic of Ireland on the basis we have pre-assessed their qualifications against the outcomes under the QLTS. More details about the block exemptions are set out at [Annex B \[#AnnexB\]](#).

Applications for case by case exemptions from all or part of the QLTS assessments are made to us. Decisions to grant exemptions are made in a similar way to exemptions for [Equivalent Means \[#EqM\]](#). Where we consider you have demonstrated the required knowledge, skills and experience in some, but not all, areas, we will grant a partial exemption. You will need to undertake the remaining parts of the assessment in the normal way.

## **Example 2**

Candidate B is an admitted Barrister of Gibraltar seeking admission through the QLTS. She applies for exemption from all of the MCT and all of the OSCE. Our external assessor recommends that exemptions be granted in part for both the MCT and the OSCE. The assessor is of the view that the candidate has demonstrated sufficient knowledge of eight of the MCT outcomes, including jurisdiction and property law, and one of the OSCE outcomes (litigation).

We grant an exemption in respect of those outcomes. The candidate is still required to undertake assessment in relation to three MCT outcomes and three OSCE outcomes.

## **Character and suitability**

In order to be admitted as a solicitor, you must meet our character and suitability requirements.



Our Assessment of Character and Suitability Rules (the Suitability Rules) highlight the issues that we take into account when assessing candidates. For example: criminal convictions or cautions; regulatory or other offences or findings; financial history including insolvency; or evidence of behaviour which indicates a lack of honesty and integrity. We will consider each application on its own facts to establish whether you have the level of honesty, integrity and professionalism expected, and do not pose a risk to the public or to confidence in the delivery of legal services.

You are required to disclose all matters set out in the Suitability Rules, including convictions or cautions which are 'spent' under the Rehabilitation of Offenders Act 1974. However, we are not entitled to ask for disclosure of a limited category of convictions such as very old or trivial ones (which are known as protected convictions and cautions) under the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975.

We consider some issues to be more serious than others. For example, some, such as criminal convictions for dishonesty or fraud offences, are likely to result in refusal.

In all cases where an issue is identified under the Suitability Rules, we will consider the aggravating and mitigating factors set out in rule 5.1 of the Suitability Rules in reaching our decision.

Aggravating factors may include:

- repeated, or a pattern of, behaviour,
- no or little evidence of remorse or rehabilitation
- being in a position of trust when the event happened

Mitigating factors may include:

- evidence of remorse and / or rehabilitation
- your age at the time and / or how much time has elapsed
- no evidence of harm caused. it was a one-off event

For example, a candidate may demonstrate that in the years since being made subject to an individual voluntary arrangement (IVA), they have complied with that arrangement, paid all sums required under the arrangement on time and in full and have managed their finances appropriately since. We will therefore be satisfied that they have been fully rehabilitated, are of good character and that it would be disproportionate to refuse admission.

## **Early assessment of suitability**

There is no requirement to have suitability assessed before commencing any stage of the training to become a solicitor. However, if you are aware that you have an issue that may lead to us rejecting your admission

application on the grounds of character and suitability, you may wish to apply for an early assessment. You can do that under regulation 5.2 of the Authorisation of Individuals Regulations.

## **Assessment of suitability on admission**

All candidates need to go through pre-admission screening to assess their suitability (regulation 1.1(d) of the Authorisation of Individuals Regulations). You should apply at least eight weeks before your preferred admission date. That screening verifies your identity and checks for criminal history and adverse financial issues (such as bankruptcy, individual voluntary arrangements and county court judgments). If you are undertaking a training contract, we will contact you towards the end of your training period about how to make your application. If you are not following the training contract route, you should contact us to ask for details to be sent to you.

Where you are authorised by another regulator, you must provide a certificate of good character from your regulator dated within the previous three months. If you have lived outside of the UK for a period of 12 months or more in the last five years, you will also need to provide an overseas criminal record check.

### **Example 3**

Candidate C discloses in her application that she has two drink-driving convictions from 1995 and 1996.

She provides a statement of events explaining her circumstances at the time. She explains that her mother passed away unexpectedly in 1995 and she divorced later that year. She began drinking heavily and this led to the convictions.

The candidate also provides what she believes demonstrates rehabilitation. This includes a certificate for completion of a drink-driving course; a copy of her electronic driving licence, which shows no further driving offences; and demonstrates a positive attitude towards the offences, including insight she has gained in the 20 years since the last conviction and how she has changed her lifestyle since. Two supporting references are also provided by solicitors that have supervised the candidate for a number of years and they confirm awareness of the convictions.

We consider that the candidate has demonstrated successful rehabilitation. Twenty years has passed since the last conviction with no further incident. This is supported by her driving licence and the referees. The candidate has provided evidence that she has completed a course aimed at helping with rehabilitation. She has also taken



responsibility for her actions and demonstrated she has learnt from the experience.

We decide that the candidate does not pose a risk to the public or their confidence in the delivery of legal services and grant her application on the grounds that she could be considered of good character and suitable for admission as a solicitor.

## **Decision on admission**

We can decide to either grant your application for admission as a solicitor or refuse it. We will refuse your application if we are not satisfied that you have complied with our education and training requirements and/or of your character and suitability.

If you have a character and suitability issue that we consider poses a risk, but it is a risk that can be mitigated by certain controls, we can decide to admit you and impose conditions on your first practising certificate (regulations 7.1(b) - 7.6 of the Authorisation of Individuals Regulations).

This will not be appropriate in all cases. It is intended for borderline cases where we feel, for example, there is suitable remorse and clear rehabilitation, but a risk remains which can only be managed by the imposition of a condition.

## **Practising certificates (PCs) and English language requirement**

Following admission, you will need to have a PC before you can practise as a solicitor. You can apply for this at the same time as you apply for admission, or at a time that suits you after admission.

There is an eligibility requirement, in regulation 6.2(b) of the Authorisation of Individuals Regulations, that you have sufficient knowledge of written and spoken English or Welsh to apply for a PC. This reflects outcomes previously contained in the SRA Qualified Lawyers Transfer Regulations 2011 and the SRA Training Regulations 2014. This regulation will not change our practice in relation to how we deal with such applications, or result in the need to take an English language test in circumstances in which one was not required previously.

The following applicants will satisfy this requirement:

- a. an applicant who has taken the domestic route to qualification
- b. an applicant admitted after taking the Qualified Lawyer Transfer Tests, and
- c. an applicant admitted through the integration route provided in the European Communities (Lawyer's Practice) Regulations 2000.

Following the introduction of the SQE, an English language test will only be applied in the circumstances set out in the Principles relating to the transfer of qualified lawyers. Any individual admitted through the integration route provided in the European Communities (Lawyer's Practice) Regulations 2000 once the SQE is introduced will satisfy this requirement.

## **Annex A - Equivalent Means**

### **Block exemptions**

Block exemptions exist for individuals who have completed the specified education and training requirements of other legal regulators or professional bodies. These are set out below.

#### **1. CILEx**

##### **Eligibility for full/partial exemption from the Common Professional Examination (CPE)**

If you are a Chartered Legal Executive or Graduate of CILEx, you can claim full or partial exemption from the CPE if you have passed corresponding papers in the level six membership examinations.

To claim a full exemption from the CPE, you should apply to us. For partial exemptions, you should apply to the CPE provider.

##### **Exemption from the PRT**

If you are a Chartered Legal Executive who has

- i. satisfied the requirements of the education stage through study or exemptions granted, and
- ii. completed the LPC, and
- iii. been engaged as a Chartered Legal Executive in the practice of law

we will exempt you from the requirement to undertake a PRT. You will also be exempt from the elective elements of the Professional Skills Course. This exemption is automatic and you do not need to apply to us. However, when you apply to be admitted as a solicitor, you will need to provide us with evidence of your qualification as a Chartered Legal Executive.

#### **2. Assistant Justices' Clerks**

If you are employed as an Assistant Justices' Clerk and you have:

- i. completed the education stage, and



- ii. completed the LPC, and
- iii. completed the core modules of the PSC, and
- iv. before attending the LPC, have served for at least five years out of the last 10 years in the Magistrates' Courts Service as an Assistant Justices' Clerk

we will exempt you from the requirement to complete a PRT and you are automatically exempt from the elective elements of the PSC. You do not need to apply to us for this exemption.

## **Case by case exemptions**

We may also provide exemptions based on your qualifications or experience.

1. Partial qualification in an EU/EEA Member State outside of the UK (Morgenbesser applicants)

If you are an EU, EEA or Swiss national who is partially qualified in another EU/EEA Member State, and you wish to qualify as a solicitor, you may apply to us to assess the equivalence of your professional qualifications against the outcomes required of a newly qualified solicitor. These outcomes are known as the Day One Outcomes. The '[Day One Outcomes \[https://qltt.sra.org.uk/become-solicitor/qualified-lawyers/qlts/day-one-outcomes-table/1\]](https://qltt.sra.org.uk/become-solicitor/qualified-lawyers/qlts/day-one-outcomes-table/1)' cover what is expected of a solicitor on admission. They form part of our training framework.

You will need to provide us with evidence of your qualifications and experience, translated into English, where necessary.

We may determine that you must undertake further assessment or training to meet the Day One Outcomes we are not satisfied you have met.

2. Mature candidates

If you are a mature candidate, you may be eligible to commence the CPE without having a degree.

We do not set age requirements around who we consider to be 'mature' students. We instead define mature students as people who wish to be eligible to commence the CPE based on work experience and general education.

If you have:

- considerable experience or have shown exceptional ability in an academic, professional, business or administrative role (for instance, several years of experience as a teacher, police officer, etc, at middle-management level or more senior), and



- achieved a sufficient standard of general education (normally A-level passes sufficient to be granted admission to a full-time degree programme) then we may accept you are eligible to commence a CPE. It should be noted that a good command of both spoken and written English is required by providers for admission onto the CPE. These applications need to be made to us.

### 3. Common Professional Examination (CPE)

Full or partial exemption from the seven foundations of legal knowledge subjects in English and Welsh law, and from one further area of legal study in the CPE, may be granted if you have already passed corresponding subjects within a degree you have been awarded. Applications for full exemption are made to us while applications for partial exemption must be made to the CPE provider.

### 4. Legal Practice Course (LPC)

Applications for exemption from all or both of either Stage 1 or Stage 2 of the LPC should be made to us. Applications for exemption for some part of either Stage 1 or Stage 2 should be made directly to the LPC provider. They consider them in accordance with their policy on Accreditation of Prior Learning.

Graduates of either the Bar Vocational Course (BVC) or the Bar Professional Training Course (BPTC) are permitted exemptions from assessment in some areas of the LPC.

BVC graduates are exempt from the following areas:

- Stage 1 - Litigation, advocacy, drafting, practical legal research
- Stage 2 - Two vocational electives.

BPTC graduates are exempt from the following areas:

- Stage 1 - Litigation, advocacy, drafting
- Stage 2 - Two vocational electives

You will need to have successfully completed your BVC/BPTC not more than five years prior to your enrolment on the LPC.

We do not consider applications for BPTC/BVC exemption or grant these exemptions ourselves. LPC providers may grant these exemptions to BPTC/BVC graduates but we do not require them to. Some providers may not offer these exemptions because of the nature of the academic award they make on successful completion of the LPC. It is also for each LPC provider to determine whether, in granting exemptions, you will study the course over less time or at a reduced fee.



## 5. Professional Skills Course (PSC)

We may grant to trainees, or others required to complete the PSC, exemptions from one or more of the core elements. The exemptions can be based on experience and/or training which covers the same ground as the PSC's Written Standards. These applications need to be made to us.

The PSC is designed to build on the LPC, so completion of the LPC cannot be used as a basis to apply for exemptions from the core elements of the PSC.

We can also grant exemptions from the elective subjects on the PSC. Courses in the following topics/subjects will count as PSC electives:

- The shortened Accounts Course for trainees that have taken the Law Society Finals or the pre 1997 LPC
- The courses leading to the Higher Rights of Audience Qualification

If there are assessments as part of these courses, they do not have to be passed in order for the exemption to be available, as the PSC electives themselves have no assessments.

## 6. Period of Recognised Training (PRT)

A PRT is a period of work-based learning that is intended to achieve specified outcomes. A PRT must

- be supervised by solicitors and/or other individuals who have adequate legal knowledge, and the necessary skills and experience to provide effective supervision and make sure that relevant learning, development opportunities and personal support is provided to allow the trainee to meet the [Practice Skills Standards](https://qltt.sra.org.uk/become-solicitor/legal-practice-course-route/resources/legal-practice-course-information-pack/) [https://qltt.sra.org.uk/become-solicitor/legal-practice-course-route/resources/legal-practice-course-information-pack/]
- provide appropriate training to ensure that the trainee knows the requirements of the Principles and can comply with them, and
- include regular review and appraisal of the trainee's performance and development in respect of the Practice Skills Standards, the Principles, and the trainee's record of training.

We recognise that these outcomes may be achieved by individuals outside the framework of a formal training contract.

You may apply to us to recognise the equivalence of your professional qualifications and experience against the requirements for recognised training under Regulation 4.1 of the Education, Training and Assessment Provider Regulations.

## Annex B - QLTS

### Block exemptions

#### 1. Solicitors of Northern Ireland / Republic of Ireland

We have determined that, of the outcomes tested prior to admission, there are currently no areas of substantial difference between the law and practice of both Northern Ireland/Republic of Ireland and that of England and Wales, except those relating to the law and practice of land/property law. We have therefore agreed that:

- For NI solicitors, provided you have a Qualifying Law Degree (QLD) (which must by definition have included as one of its foundations the study of English and Welsh land law) and have been admitted as a solicitor by the Law Society of Northern Ireland, we do not require you to pass any QLTS assessments. You can apply directly for admission without needing to apply for any exemption.
  - For Republic of Ireland solicitors, you have the choice of either:
    - completing the land/property elements of each of the QLTS assessments (for the OSCE this involves being assessed on property and probate, as the probate element is inextricably linked), or
    - completing the English Property Law module provided by the Law Society of Ireland before applying for admission.
- #### 2. Registered European Lawyers (RELs)

You can apply for admission as a solicitor if:

- you are a member of one of the legal professions listed in the European Establishment Directive, and
- you are an EU national, and
- as an established EU lawyer, you have been practising as a lawyer in the law of the United Kingdom "on a permanent basis" in the UK for three years or more, and
- you have been registered with us as a REL for three years.

You can apply directly for admission without needing to apply for any exemption. If your registration as a REL is with a professional body other than the SRA (for example, the Bar Standards Board), you must register with us before your application for admission as a solicitor can be considered.