

# Assessment Specification for SQE Stage 1 pilot

## Overview of the SQE Stage 1 pilot

### Structure of the pilot assessment

The Stage 1 pilot assessment will consist of Functioning Legal Knowledge (FLK) assessments and a practical legal skills assessment.

#### Stage 1

**The FLK assessments will cover three domains, each comprising the following subject areas:**

- Business law and Practice, Dispute Resolution, Contract, Tort.
- Property Practice, Wills and the Administration of Estates and Trusts, Solicitors' Accounts, Land Law.
- Public and Administrative Law, and The Legal System of England and Wales, Criminal law and Practice.

Questions may draw on any combination of the topics within each of the above domains, which might be encountered in practice.

Ethics and Professional Conduct will be examined pervasively across all three domains above.

Principles of taxation will be examined only in the context of:

- Business law and Practice, Dispute Resolution.
- Property law and practice, Wills and the Administration of Estates and Trusts, Solicitors' Accounts.

**The Legal Skills Assessment will cover the following:**

- Legal Research
- Writing.

The subject areas for the FLK Assessments are grouped within each of the three assessment domains. For each subject area, Assessment Objectives are set out, followed by the knowledge of law and practice (taken from [Annex 2 \[#A2\]](#) of the June 2017 SQE Draft Assessment Specification) which candidates are expected to apply in order to answer questions in the assessments.

[Annex 4 \[#A4\]](#) provides an overview of how the Stage 1 pilot is mapped against the [Statement of Solicitor Competence](https://qltt.sra.org.uk/solicitors/resources-archived/continuing-competence/cpd/competence-statement/) (SoSC) ([Annex 1 \[#A1\]](#)).

[Annex 6 \[#A6\]](#) contains an extract from pages 5 and 6 of the June 2017 SQE Draft Assessment Specification, referring to how the approach to Stage 1 of the SQE draws upon Miller's pyramid.

This Assessment Specification is for the Stage 1 pilot. The final version of the Assessment Specification for Stage 1 of the SQE may contain changes and will be subject to stakeholder views.

### Assessment format

Over the Stage 1 pilot examination period of two and a half days, candidates will complete:



- for the FLK Assessments, three multiple choice tests (MCTs) of 120 questions each, corresponding to the three assessment domains, completed over a period of two days
- for the Legal Skills Assessment, two practical legal skills assessments, each containing a legal research and two writing exercises, completed over a period of half a day.

For the MCTs, candidates should answer all 360 multiple choice questions (MCQs). On each day, the questions will be divided into three sections of 60 questions each. Each of these three sections will cover one of the assessment domains, so candidates will answer 60 questions from each assessment domain on each day. Candidates have 110 minutes for each section.

For the MCQs, each question is followed by five possible answers. Candidates should choose the best answer from the five stated alternatives. Candidates should mark only one answer for each question; multiple answers will be scored as incorrect. Marks are not subtracted for incorrect answers.

The Legal Skills Assessment will consist of a legal research exercise and two writing exercises, and candidates will be asked to complete this cycle twice, answering all questions.

The legal research exercise will require the candidate to investigate a problem for a client. Candidates will be given an email from a partner which asks the candidate to research an issue or issues, so that the partner can report back to the client. Candidates will have to write to the partner explaining their legal reasoning and the key sources they rely on, but they will not need to produce a research trail.

Candidates will be provided with the sources for the legal research exercise: these may include both primary and secondary sources. Some of the sources provided may not be relevant. Candidates have 60 minutes for the legal research exercise.

For the writing element of the assessment - which is a separate exercise and not on the topics that candidates are asked to research - candidates will be asked to write a letter or an email as a trainee acting in a matter. Candidates have 30 minutes for each writing exercise.

There are no permitted materials for the Stage 1 pilot. Candidates will not therefore be able to bring their own materials, such as books or notes, into the assessment.

## **Functioning Legal Knowledge**

The depth and breadth of knowledge of the law of England and Wales required of candidates is that of Functioning Legal Knowledge. This means that candidates must apply their knowledge of the law to demonstrate the competences required to the level of a newly-qualified solicitor of England and Wales.

The core legal principles and rules a candidate will be asked to apply are identified by subject area below. A candidate should be able to apply these fundamental legal principles and rules appropriately and effectively to realistic client-based and ethical problems and situations which might be encountered by a newly-qualified solicitor in practice. The Stage 1 assessments are closed book. The questions in the FLK Assessments are designed to test the application of fundamental legal principles which can be expected of a newly-qualified solicitor without reference to books and notes. They are not designed to test matters of detail which a newly-qualified solicitor would be expected to look up.

Candidates will be tested on the law as it stands at the date of the assessment. They will not be assessed on the development of the law.

The relationship between the SoSC and the legal principles and rules which candidates must know and apply is indicated at [Annex 2 \[#A2\]](#). In the FLK Assessments, candidates will be tested at level 3 of the Threshold Standard - ie that of the newly-qualified solicitor - as set out in [Annex 5 \[#A5\]](#). For the practical Legal Skills Assessment, candidates will be tested on whether they have a threshold skill level to enable them to work effectively in professional legal services in an unqualified capacity.

## **Legal authorities**

Candidates are not required to recall specific case names, or cite statutory or regulatory authorities, save where reference to such authorities is in very common use in practice (e.g. *Rylands v Fletcher*, CPR Part 36, Section 25 notice).

## **Subject matter**

The FLK Assessments of the Stage 1 pilot will sample from the content indicated in this Assessment Specification. A blueprint is provided at [Annex 3 \[#A3\]](#).

## **Ethics and professional conduct**

As set out in SoSC (A1), candidates are required to demonstrate their ability to act honestly and with integrity, and in accordance with:

- The purpose, scope and content of the SRA Principles.
- The purpose, scope and content of the SRA Code of Conduct.

Ethics and professional conduct will be examined pervasively across all subject areas.

## **Stage 1: Functioning Legal Knowledge assessments**

### **Assessment Objectives: Business Law and Practice, Dispute Resolution, Contract, Tort**

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#### **Business Law and Practice**

Candidates are required to apply relevant core legal principles and rules appropriately and effectively, to the level of a competent newly-qualified solicitor in practice, to client-based and ethical problems and situations encountered in practice by a newly-qualified solicitor in the following areas:

1. Starting a new business through the vehicle of a company, partnership or as a sole trader.
2. The management of a business and company decision making to ensure compliance with statutory and other legal requirements.
3. The interests, rights, obligations and powers of stakeholders in a business.
4. Financing a business.
5. The calculation, distribution and taxation of a business and its profits.
6. The termination of a solvent business, corporate insolvency and personal bankruptcy.

Candidates must demonstrate their ability to act honestly and with integrity and in accordance with the SoSC, the SRA Principles and the Code of Conduct.

Questions may draw on any combination of the topics within this assessment domain, which might be encountered in practice. Candidates are expected to draw upon and apply knowledge from the [areas of law and practice \[#practice\]](#).

## **Dispute Resolution**

Candidates are required to apply relevant core legal principles and rules appropriately and effectively, to the level of a competent newly-qualified solicitor in practice, to client-based and ethical problems and situations encountered in practice by a newly-qualified solicitor in the following areas:

1. Analysis of merits of claim or defence.
2. Arbitration, mediation and litigation as an appropriate mechanism to resolve a dispute.
3. Pre-action considerations and steps.
4. Commencing, responding to or progressing claim.
5. Case management and any interim applications relevant to the claim.
6. The evidence needed, and disclosure steps required in commencing, responding to, progressing or defending a claim.
7. Preparation of a case for a trial, the trial and any post trial steps.
8. Procedures and processes relevant to costs and funding involved in dispute resolution.

Candidates must demonstrate their ability to act honestly and with integrity and in accordance with the Statement of Solicitor Competence, the SRA Principles and the Code of Conduct.

Questions may draw on any combination of the topics within this assessment domain, which might be encountered in practice. Candidates are expected to draw upon and apply knowledge from the [areas of law and practice \[#practice\]](#).

## **Contract**

Candidates are required to apply relevant core legal principles and rules appropriately and effectively, to the level of a competent newly qualified solicitor in practice, to client-based and ethical problems and situations encountered in practice by a newly-qualified solicitor in the following areas:

1. Existence/formation of a contract.
2. Contents of a contract.
3. Causation.
4. Vitiating elements.
5. Discharge of contract and remedies.
6. Unjust enrichment.

Candidates must demonstrate their ability to act honestly and with integrity and in accordance with the Statement of Solicitor Competence, the SRA Principles and the Code of Conduct.

Questions may draw on any combination of the topics within this assessment domain, which might be encountered in practice. Candidates are expected to draw upon and apply knowledge from the [areas of law and practice \[#practice\]](#).

## **Tort**

Candidates are required to apply relevant core legal principles and rules appropriately and effectively, to the level of a competent newly-qualified solicitor in practice, to client-based and ethical problems and situations encountered in practice by a newly-qualified solicitor in the following areas:

1. Negligence.
2. Nuisance and the rule in Rylands v Fletcher.
3. Breach of statutory duty and product liability.
4. Remedies and defences.

Candidates must demonstrate their ability to act honestly and with integrity and in accordance with the Statement of Solicitor Competence, the SRA Principles and the Code of Conduct.

Questions may draw on any combination of the topics within this assessment domain, which might be encountered in practice. Candidates are expected to draw upon and apply knowledge from the [areas of law and practice](#) [#practice].

## **Legal Knowledge: Business, Dispute Resolution, Contract, Tort**

### **Business organisations, rules and procedures**

- Business and organisational structures (sole trader/partnership/LLP/private and public companies).
- Legal personality and limited liability.
- Procedures and documentation required to incorporate a company/form a partnership/LLP and other steps required under companies and partnerships legislation to enable the entity to commence operating:
  - Memorandum and articles of association
  - Companies House filing requirements
  - Partnership agreement.
- Finance:
  - funding options: debt and equity
  - types of security
  - distribution of profits and gains
  - financial records, information and accounting requirements.
- Corporate governance and compliance:
  - rights, duties and powers of directors and shareholders of companies
  - company decision-making and meetings: procedural, disclosure and approval requirements
  - documentary, record-keeping, statutory filing and disclosure requirements
  - appointment and removal of directors
  - minority shareholder protection.
- Partnership decision-making and authority of partners:
  - procedures and authority under PA 1890
  - common provisions in partnership agreements.
- Insolvency (corporate and personal):
  - options and procedures
  - claw-back of assets for creditors
  - order of priority for distribution to creditors.

### **Taxation of business organisations**

- Income tax:
  - who is chargeable (employees, sole traders, partners, shareholders, lenders and debenture holders)
  - what is chargeable (types of income/main reliefs and exemptions)
  - how is the charge calculated and collected (deduction at source/PAYE/self-assessment)
  - anti-avoidance provisions (in outline).
- Capital Gains tax:
  - who is chargeable (sole traders, partners, and shareholders)
  - what is chargeable (calculation of gains/allowable deductions/main reliefs and exemptions)
  - how is the charge calculated and collected (self-assessment/PAYE/agents)
  - anti-avoidance provisions (in outline).
- Inheritance tax:
  - basis of charge
  - relevant exemptions and business reliefs (including business property relief).



- Corporation tax:
  - basis of charge
  - calculation, payment and collection of tax (self-assessment)
  - tax treatment of company distributions or deemed distributions to shareholders
  - outline of anti-avoidance legislation.
- Value added tax:
  - Key principles relating to scope, supply, input and output tax
  - Registration requirements and issue of VAT invoices
  - Returns/payment of VAT and record keeping.

## Core principles of contract law

- Formation:
  - offer and acceptance
  - consideration
  - intention to create legal relations
  - certainty.
- Parties:
  - privity of contract
  - rights of third parties.
- Contract terms:
  - express terms
  - incorporation of terms
  - terms implied by common law and statute
  - exemption clauses
  - boilerplate and other common terms (including retention of title, insurance and title clauses)
  - interpretation of contracts
  - variation.
- Vitiating factors:
  - misrepresentation
  - mistake
  - unfair terms
  - duress and undue influence.
- Termination:
  - expiry or other specified event
  - breach
  - frustration.
- Remedies:
  - damages
  - liquidated sums and penalties
  - specific performance
  - injunctions
  - duty to mitigate
  - indemnities
  - guarantees.
- Causation.
- Candidates should also have an awareness of the principles of restitution for unjust enrichment (especially in the context of termination of a contract).

## Core principles of tort

- Negligence:
  - duty of care and breach of duty of care
  - causation and remoteness of damage
  - pure economic loss and psychiatric illness damage.
- Breach of statutory duty and product liability.
- Nuisance, and the rule in Rylands v Fletcher.
- Vicarious liability.



- Remedies, including damages and injunctions.
- Defences, including consent and contributory negligence.

## **The principles, procedures and processes involved in dispute resolution**

Different options for dispute resolution:

- The characteristics of arbitration, mediation and litigation which make them an appropriate mechanism to resolve a dispute.

Resolving a dispute through a civil claim:

- Preliminary considerations: limitation, pre-action protocols:
  - calculating limitation periods for claims in contract and tort
  - Practice Direction – Pre-action conduct
  - pre-action protocols governing particular claims
  - the applicable law governing the dispute and available jurisdictions.
- Where to start proceedings:
  - allocation of business between the High Court and the County Court
  - jurisdiction of the specialist courts.
- Issuing and serving proceedings:
  - issuing a claim form
  - joinder of parties and of causes of action
  - service of a claim form within the jurisdiction
  - service of a claim form outside the jurisdiction, with or without the court's permission
  - deemed dates of service and time limits for serving proceedings
  - service by an alternative method.
- Responding to a claim:
  - admitting the claim
  - acknowledging service and filing a defence
  - disputing the court's jurisdiction
  - entering and setting aside judgment in default
  - discontinuance and settlement
  - time limits for responding to a claim.
- Statements of case:
  - purpose, structure and content of a claim form, particular of claim, or defence relating to a claim in contract or tort
  - purpose, structure and content of a reply, Part 20 claim, or defence to Part 20 claim
  - requests for further information about statements of case.
- Interim applications:
  - procedure for making an application
  - purpose, procedure and evidence required for particular applications:
    - summary judgment
    - interim payments
    - interim injunctions (including freezing injunctions and search orders).
- Case management:
  - the overriding objective
  - track allocation
  - case management directions for cases proceeding on the fast or multi-tracks
  - non-compliance with orders, sanctions and relief
  - case management conferences.
- Evidence:
  - relevance, hearsay and admissibility
  - the burden and standard of proof
  - expert evidence -
    - opinion evidence
    - duties of experts



- single joint experts
  - discussion between experts.
  - witness evidence -
    - producing witness statements.
- Disclosure:
  - standard disclosure
  - orders for disclosure
  - specific disclosure
  - privilege, without prejudice communications
  - pre-action and non-party disclosure
  - electronic disclosure.
- Trial:
- summoning witnesses
- preparations for trial -
  - pre-trial hearing
  - trial bundles
- conduct of the trial
- Costs and funding:
  - costs management and budgeting
  - inter-partes costs orders
  - non-party costs
  - qualified one-way costs shifting
  - Part 36 and other offers
  - security for costs
  - fixed and assessed costs
  - options for funding litigation: conditional fee agreements, damages-based agreements, fixed fees, third party funding, legal aid.
- Appeals:
  - destination of appeals
  - grounds for appeals
  - time limits for appeals.
- Enforcement of money judgments:
  - oral examination
  - methods of enforcement
  - mechanisms for enforcement in another country.

## **Assessment Objectives: Property, Wills, Solicitors' Accounts, Land**

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### **Property Practice**

Candidates are required to apply relevant core legal principles and rules appropriately and effectively, to the level of a competent newly-qualified solicitor in practice, to client-based and ethical problems and situations encountered in practice by a newly-qualified solicitor in the following areas:

1. The key elements of a freehold and/or leasehold residential or commercial property transaction.
2. Investigation of a registered or an unregistered freehold and/or leasehold title.
3. Pre-contract searches and enquiries undertaken when acquiring a freehold and/or leasehold property.
4. Steps in progressing a freehold and/or leasehold property transaction to exchange of contracts.
5. Pre-completion steps relevant to a freehold and/or leasehold property transaction.
6. Completion and post-completion steps relevant to a freehold and/or leasehold property transaction including remedies for delayed completion .
7. Planning law.
8. The grant and the assignment of a commercial lease and/or underlease.





9. The key lease covenants in a commercial lease and the law relating to a breach of these covenants.
10. Security of tenure under the Landlord and Tenant Act 1954 Part II.

Candidates must demonstrate their ability to act honestly and with integrity and in accordance with the SoSC, the SRA Principles and the Code of Conduct.

Questions may draw on any combination of the topics within this assessment domain, which might be encountered in practice. Candidates are expected to draw upon and apply knowledge from the [areas of law and practice](#) [#land].

### **Wills and the Administration of Estates and Trusts**

Candidates are required to apply relevant core legal principles and rules appropriately and effectively, to the level of a competent newly-qualified solicitor in practice, to client-based and ethical problems and situations encountered in practice by a newly-qualified solicitor in the following areas:

1. The validity of a will and interpretation of the contents of a will. The distribution of testate, intestate and partially intestate estates.
2. The law and practice in connection with an application for a grant of representation.
3. The law and practice of Inheritance Tax to lifetime gifts and transfers on death.
4. The planning, management and progression of the administration of an estate including claims under the Inheritance (Provision for Family and Dependents) Act 1975.
5. The law and practice relating to Personal Representatives and Trustees in the administration of estates and consequent trusts. The rights, powers and remedies of beneficiaries of wills and consequent trusts.

Candidates must demonstrate their ability to act honestly and with integrity and in accordance with the SoSC, the SRA Principles and the Code of Conduct.

Candidates will not be required to demonstrate knowledge relating to foreign assets, foreign law or foreign taxes.

Questions may draw on any combination of the topics within this assessment domain, which might be encountered in practice. Candidates are expected to draw upon and apply knowledge from the [areas of law and practice](#) [#land].

### **Solicitors' Accounts**

Candidates are required to apply relevant core principles of double entry bookkeeping and the SRA Accounts Rules appropriately and effectively, to the level of a competent newly-qualified solicitor in practice, to client-based and ethical problems and situations encountered in practice by a newly-qualified solicitor in the following areas:

1. Transactions involving client money and office money.
2. Accounting entries made in ledgers and bank accounts.
3. Breaches of the SRA Handbook.

Candidates must demonstrate their ability to act honestly and with integrity and in accordance with the SoSC, the SRA Principles and the Code of Conduct.

Questions may draw on any combination of the topics within this assessment domain, which might be encountered in practice. Candidates are expected to draw upon and apply knowledge from the [areas of law and practice](#) [#land].

### **Land Law**

Candidates are required to apply relevant core legal principles and rules appropriately and effectively, to the level of a competent newly-qualified solicitor in practice, to client-

based and ethical problems and situations encountered in practice by a newly-qualified solicitor in the following areas:

1. Registered and unregistered land.
2. Freehold and leasehold estates, and legal and equitable interests in land.
3. Landlord and tenant.
4. Co-ownership.

Candidates must demonstrate their ability to act honestly and with integrity and in accordance with the SoSC, the SRA Principles and the Code of Conduct.

Questions may draw on any combination of the topics within this assessment domain, which might be encountered in practice. Candidates are expected to draw upon and apply knowledge from the [areas of law and practice \[#land\]](#).

## **Legal Knowledge: Property, Wills, Solicitors' Accounts, Land**

### **Core knowledge areas of freehold real estate law and practice**

- Investigation of a registered and unregistered freehold title:
  - key elements and structure of freehold property transactions
  - process of analysing Land Registry official copy entries
  - process of analysing an epitome of title and deducing ownership
  - issues that could arise from an investigation of title and further action required
  - purpose and process of reporting to the client.
- Pre-contract searches and enquiries:
  - range and purpose of making searches and raising enquiries
  - who would make the searches and raise enquiries
  - role of National Land Information Service
  - results of searches and enquiries.
- Finance:
  - sources of finance for a property transaction
  - types of mortgage.
- Acting for a lender:
  - lender's requirements
  - purpose of a CLLS certificate of title.
- Preparation for, and, exchange of contracts:
  - key conditions contained in the:
    - Standard Conditions of Sale
    - Standard Commercial Property Conditions.
  - purpose of, and matters covered by, special conditions.
  - methods of holding a deposit:
    - stakeholder
    - agent.
  - insurance and risk.
  - basics of VAT in a contract
  - timing for issuing draft CLLS certificate of title to a lender
  - the practice, method and authority to exchange
  - consequences of exchange.
- Pre-completion:
  - Form of transfer deed and formalities for execution
  - Pre-completion searches
  - Pre-completion steps.
- Completion and post-completion:
  - methods and effect of completion
  - post-completion steps.
- Remedies for delayed completion:
  - common law damages
  - contractual compensation
  - notice to complete



- rescission.

## Core knowledge areas of leasehold real estate law and practice

- Structure and content of a lease:
  - key landlord and tenant obligations in a lease
  - options for the term of a lease
  - Code for Leasing Business Premises.
- Procedural steps for the grant of a lease:
  - drafting the lease
  - purpose of an agreement for lease
  - deduction of title
  - pre-contract enquiries and searches
  - pre-completion formalities
  - completion and post completion steps -
    - Stamp Duty Land Tax
    - Land Registry in England and Wales.
- Procedural steps for the assignment of a lease:
  - deduction of title
  - pre-contract enquiries and searches
  - landlord's consent
  - deed of assignment and covenants for title
  - pre-completion formalities
  - authorised guarantee agreement
  - completion and post-completion steps -
    - Stamp Duty Land Tax
    - Land Registry
    - notice of assignment.
- Procedural steps for the grant of an underlease:
  - considering the head lease
  - drafting the lease
  - deduction of title
  - pre-contract enquiries and searches
  - superior landlord's consent
  - pre-completion formalities
  - completion and post completion steps -
    - Stamp Duty Land Tax
    - Land Registry
    - notice of underlease.
- Licence to assign and licence to underlet:
  - purpose and who prepares the draft
  - privity of contract and how the licence deals with this
  - key provisions in the licence.
- Leasehold covenants:
  - liability on covenants in leases -
    - leases granted before 1 January 1996
    - leases granted on or after 1 January 1996.
- Contents of a lease:
  - purpose, effect and relationship between repair and insurance clauses
  - alterations, user and planning obligations
  - rent and rent review provisions.
- Remedies for breach of a leasehold covenant:
  - action in debt
  - forfeiture
  - Commercial Rent Arrears Recovery
  - pursue guarantors and/or rent deposit
  - specific performance
  - damages
  - self-help/*Jervis v Harris* clause.



- Termination of a lease:
  - effluxion of time
  - notice to quit
  - surrender
  - merger.
- Security of tenure under a business lease:
  - Landlord and Tenant Act 1954 (Part II) –
    - application of 1954 Act
    - renewal lease by the tenant
    - termination by the landlord
    - landlord's grounds of opposition
    - terms of new lease
    - availability of compensation.

## Core principles of planning law

- Statutory definition of "Development"
- Matters that do not constitute "Development"
- Matters that do not require express planning permission
- Building regulation control
- Enforcement: time limits and the local planning authority's enforcement powers

## Core principles of property taxation

- Stamp Duty Land Tax:
  - understand the basis of charge in both England and Wales –
    - rates for residential freehold property
    - rates for non-residential or mixed use freehold property
    - leasehold property rates.
- Value-added tax:
  - understand the basis of charge –
    - what constitutes a Vatable supply
    - differences between standard, exempt and zero-rated supplies.
  - reasons why a client would make an option to tax and the effect that has.
- Capital gains tax:
  - understand the basis of charge
  - principal private dwelling-house exemption.

## Wills and Intestacy

- Validity of wills and codicils:
  - testamentary capacity
  - duress and undue influence
  - formal requirements.
- Personal Representatives
  - the appointment of executors
  - renunciation and reservation of power.
- Alterations and amendments to wills:
  - effect of alterations made to wills both before and after execution
  - use of codicils.
- Revocation of wills:
  - methods of revocation
  - effect of marriage and divorce of a testator.
- The interpretation of wills:
  - effect of different types of gift
  - failure of gifts.
- The intestacy rules:
  - Section 46 of The Administration of Estates Act 1925
  - the statutory trusts.



- Property passing outside the estate
  - joint property
  - life policies
  - pension scheme benefits
  - trust property.

## **Probate and Administration Practice**

- Grants of representation:
  - need for grant.
  - the relevant provisions of the Non-Contentious Probate Rules
  - application procedure
  - excepted estates
  - methods of funding the initial payment of Inheritance Tax.
- Administration of estates:
  - duties of personal representatives
  - liabilities of personal representatives and their protection
  - the sale of assets to raise funds to pay funeral expenses, tax, debts and legacies
  - distribution of the estate.
- Claims against estates under the Inheritance (Provision for Family and Dependents) Act 1975:
  - time limit
  - applicants
  - grounds.

## **Taxation**

- Inheritance tax in the context of:
  - lifetime transfers
  - transfers on death
  - exemptions and reliefs
  - anti-avoidance.
- Income and Capital Gains Tax in respect of the period of the administration of an estate:
  - the personal representatives' liability to Income Tax and Capital Gains Tax
  - the beneficiaries' liability to Capital Gains Tax on inherited assets.

## **Trust Law**

- How to recognise and when to use the more commonly arising kinds of trust:
  - trusts for minors
  - life interest trusts
  - the statutory trusts
  - discretionary trusts.
- Powers of Personal Representatives and Trustees in the context of:
  - charging
  - investment
  - insurance
  - maintenance
  - advancement
  - appropriation.
- Personal Representatives and Trustee of will trusts:
  - their duties
  - their liabilities
  - their protection
- Beneficiaries:
  - their rights
  - their remedies



- their powers.

## Solicitors' Accounts

- The purpose, scope and content of SRA Accounts Rules
- Client money and office money:
  - identification of client money and office money
  - receipts and payments of both types of money, including cash, cheques, petty cash, deposits received as agent and stakeholder, client money that is not paid into a client bank account and disbursements using the agency and principal methods
  - accounting entries required.
- Office and client ledgers and bank accounts:
  - requirement to maintain separate ledgers and bank accounts
  - the limited exception that applies when acting for an institutional lender.
- Transfers between bank accounts and ledgers:
  - when these may and must be made
  - accounting entries for transfers.
- Interest:
  - when interest must be paid
  - accounting entries for interest payments.
- Breach of the SRA Accounts Rules:
  - identification of breaches
  - the action required to remedy a breach
  - accounting entries required.
- Bills:
  - submission, reduction and payment of bills including the VAT element
  - accounting entries required.
- The keeping of accounting records:
  - Records that must be kept to comply with the SRA Accounts Rules.

## Core principles of land law

- Nature of Land
  - how to acquire and transfer legal and equitable estates
  - how to acquire and dispose of legal and equitable interests in land
  - methods to protect and enforce third party interests
  - different ways in which land can be held
  - legal formalities required to create and transfer interests in land
  - the registered and unregistered land systems.
- Co-ownership and Trusts
  - differences between joint tenants and tenants in common in law and in equity
  - rule of survivorship
  - severance of joint tenancies
  - role of trustees and beneficiaries.
- Proprietary Rights
  - essential characteristics of easements
  - methods for creation of easements
  - rules for the passing of the benefit and burden of freehold covenants
  - mortgages including enforceability of terms, priority of mortgages and a lender's rights and duties.
- Landlord and Tenant:
  - relationship between landlord and tenant in a lease
  - essential characteristics of a lease including the difference between a lease and a licence
  - structure of a lease
  - privity of contract and privity of estate
  - purpose and effect of an alienation covenant.
- Leasehold Covenants:



- rules for the passing of the benefit and burden of leasehold covenants and enforceability
- remedies for breach of leasehold covenants (including forfeiture)
- different ways a lease can be terminated
- scope of protection for tenants if they enjoy security of tenure under a lease.

## **Assessment Objectives: Public and Administrative, Legal System, Criminal**

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### **Public and Administrative Law and The Legal System of England and Wales**

Candidates are required to apply relevant core legal principles and rules appropriately and effectively, to the level of a competent newly-qualified solicitor in practice, to client-based and ethical problems and situations encountered in practice by a newly-qualified solicitor in the following areas:

1. The Legal System of England and Wales.
2. Sources of law.
3. Constitutional law and EU law.
4. The Human Rights Act 1998 and Equality Act 2010.
5. Regulation: money laundering and financial services.
6. Legal services.

Candidates must demonstrate their ability to act honestly and with integrity and in accordance with the SoSC, the SRA Principles and the Code of Conduct.

Questions may draw on any combination of the topics within this assessment domain, which might be encountered in practice. Candidates are expected to draw upon and apply knowledge from the [areas of law and practice \[#law\]](#).

### **Criminal Law and Practice**

Candidates are required to apply relevant core legal principles and rules appropriately and effectively, to the level of a competent newly-qualified solicitor in practice, to client-based and ethical problems and situations encountered in practice by a newly-qualified solicitor in the following areas:

1. The core principles of criminal liability including specified criminal offences, specific and general defences and participation.
2. The law, procedure and processes involved in advising a client at the police station.
3. The law, procedure and processes involved in pre-trial considerations and steps.
4. The law, procedure and processes involved in criminal litigation to advise a client to meet the client's objectives and to prosecute in the interests of justice.
5. The law, procedure and processes involved in Magistrates' Court and Crown Court trials, sentencing and post-trial steps.

Candidates must demonstrate their ability to act honestly and with integrity and in accordance with the SoSC, the SRA Principles and the Code of Conduct.

Questions may draw on any combination of the topics within this assessment domain, which might be encountered in practice. Candidates are expected to draw upon and apply knowledge from the [areas of law and practice \[#law\]](#).

### **Legal Knowledge: Public and Administrative, Legal System, Criminal**

#### **The Legal System of England and Wales**



- The main legal institutions and their interaction:
  - the court hierarchy and court personnel: the judiciary and court officials
  - jurisdiction
  - Permitted rights of audience as a solicitor and civil higher rights of audience.
- Common law
  - meaning
  - remedies.
- Development of case law
  - judicial precedent
  - binding precedent and persuasive case law.
  - Practice Statement (Judicial Precedent) [1966] 1 WLR 1234 "1966 Practice Statement".
- Equitable interests, principles and remedies.
- Primary legislation:
  - Classification of Bills -
    - Public Bills
    - Private Bills
    - Structure of a Statute-Enacting formula
    - Preamble
    - Main body
    - Schedules
    - Explanatory notes.
  - Progress of a Bill to Royal Assent.
- Delegated (secondary) legislation:
  - Statutory instruments.
- Rules of statutory interpretation:
  - the literal rule
  - the golden rule
  - the mischief rule
  - the literal approach
  - the purposive approach
  - presumptions
  - duty to interpret law in a way that is compatible with Convention Rights.

## **Constitutional law and EU law**

- The organisation of the state:
  - the executive.
  - the legislature -
    - Parliament
    - The Crown.
  - the judiciary.
- Key aspects of the British Constitution:
  - unwritten and uncodified
  - The rule of law
  - Separation of powers.
- Parliamentary sovereignty:
  - legitimacy.
  - law-making role and powers
  - The Royal Prerogative
  - Parliamentary privilege
  - The Government of Wales Acts 1998 and 2006
  - National Assembly of Wales
  - Welsh Assembly Government
  - Legislative competence and devolved subjects under Part 4 and Schedule 7 GoWA 2006.
- Judicial control:
  - the nature and process of judicial review
  - supervisory nature





- discretionary remedies
- decisions which may be challenged
- standing.
- grounds:
  - illegality
  - irrationality
  - procedural impropriety
  - legitimate expectation.
- time limits
- outline of procedure.
- The place of EU law in the British Constitution:
  - effect of the European Communities Act 1972
  - regulations
  - directives
  - decisions
  - recommendations
  - opinions
  - the legal position following the UK's exit from the EU.
- An outline of the role of the institutions of the EU:
  - European Parliament
  - European Council
  - Council of the European Union
  - European Commission
  - Court of Justice of the European Union.
  - The legal position following the UK's exit from the EU.

## **The Human Rights Act 1998 and Equality Act 2010**

- Human Rights Act 1998:
  - the European Convention on Human Rights
  - Schedule 1 HRA 1998 the "Convention Rights"
  - Articles 1,6,7, 8 and 10
  - duty to interpret law in a way that is compatible with Convention Rights
  - impact on parliamentary sovereignty.
- Equality Act 2010:
  - protected characteristics
  - prohibited conduct
  - impact on the provision of legal services.

## **Regulation: money laundering and financial services**

- Money laundering:
  - Purpose, scope and content of anti-money laundering legislation -
    - Terrorism Act 2000
    - Proceeds of Crime Act (POCA) 2002
    - Serious Crime Act 2015
    - Money Laundering Regulations (MLR) 2007 (or its successors, and relevant amendments)
    - Definition of criminal property and the main money laundering offences.
  - Due diligence requirements
  - Disclosure and reporting requirements and procedures.
- Financial services:
  - Purpose and requirements of the Financial Conduct Authority and regulatory requirements of the SRA
  - Regulated activities
  - S.327 FSMA Designated Professional Bodies
  - SRA Financial Services (Scope) Rules 2001
  - SRA Financial Services (Conduct of Business) Rules 2001



- Financial Services and Markets Act 2000
- Regulated Activities Order 2001
- Non-exempt Activities Order 2001.

## **Legal Services**

- Contractual basis of legal services
- Individual and entity-based regulation
- Solicitors, regulation and reserved legal activities
- Other regulated providers of legal services and their relationship with solicitors:
  - Barristers
  - Chartered Legal Executives.
- Appropriate client options for funding of legal services
  - private retainer
    - fixed fee
    - hourly rate
    - disbursements.
  - Conditional Fee Arrangements
  - Damages Based Agreements
  - Legal aid
  - Trade Union Funding
  - Third Party Funding
  - Legal Expenses Insurance
    - after the event
    - before the event.
- Professional services delivered alongside legal services.

## **Core principles of criminal liability**

The core principles of criminal liability relating to the following specified criminal offences listed below:

- Definition of the offence:
  - actus reus
  - mens rea.
- Defences available specific to the offence and more generally:
  - intoxication
  - loss of control
  - diminished responsibility
  - necessity.
- Secondary participation
- Conspiracy and attempts
- Relevant sentencing principles
- Specified criminal offences:
  - offences against the person –
    - assault and battery
    - assault occasioning actual bodily harm
    - wounding and grievous bodily harm.
  - theft offences -
    - theft
    - burglary
    - robbery.
  - criminal damage –
    - simple criminal damage
    - aggravated criminal damage
    - arson.
  - Homicide –
    - murder
    - manslaughter.



## **The procedure and processes involved in advising clients, including vulnerable clients, at the police station**

- Rights of a suspect being detained by the police for questioning
  - Appropriate police conduct and limitations on police detention
  - Time limits under PACE 1984 code C for detaining a suspect.
- Identification procedures:
  - When an identification procedure must be held
  - Different types of identification procedure
  - Procedure for carrying out an identification procedure PACE 1984 code D.
- Advising a client whether to answer police questions:
  - Right to silence
  - Adverse inferences
  - Vulnerable clients.
- Procedure for interviewing a suspect
  - PACE 1984 code C
  - Appropriate conduct by defence solicitor sitting in on a police interview.
- Procedure for charging the suspect and granting police bail PACE 1984 Code C
  - Charging standards
  - Bail conditions.
- The suspect's rights under PACE 1984 and the Human Rights Act 1998.

## **The procedures and processes involved in criminal litigation**

- Bail applications:
  - the right to bail and exceptions
  - conditional bail
  - procedure for applying for bail
  - further applications for bail
  - appeals against decisions on bail
  - absconding and breaches of bail
- First hearings before the Magistrates:
  - applying for a representation order
  - procedural overview – what will happen at the hearing
  - the role of the defence solicitor at the hearing.
- 
- Plea before Venue:
  - procedure on defendant entering plea
  - advising the client on trial venue.
- Allocation of business between Magistrates' Court and Crown Court:
  - procedure sections 19–20 Magistrates' Courts Act 1980
  - sending without allocation section 50A Crime and Disorder Act 1998.
- Case management and pre-trial hearings:
  - Magistrates' Court case management directions
  - Crown Court preliminary hearings
  - plea and case management hearing
  - disclosure – prosecution, defence and unused material.
- Procedures to admit and exclude evidence:
  - visual identification evidence and corroboration
  - inferences from silence ss 34, 35, 36, 37 Criminal Justice and Public Order Act 1994
  - hearsay evidence –
    - definition
    - procedure for admitting hearsay evidence.
  - confession evidence –
    - definition
    - admissibility
    - challenging admissibility sections 76 and 78 PACE 1984.
  - character evidence –



- definition of bad character
- the 7 gateways s 101 (1) Criminal Justice Act 2003
- procedure for admitting bad character evidence
- court's power to exclude bad character evidence
- evidence of good character.
- exclusion of evidence –
  - Section 78 PACE and the right to a fair trial
  - illegal searches
  - police undercover operations
  - abuse of process.
- Trial procedure in Magistrates' and Crown Courts:
  - the prosecution case –
    - opening speech
    - prosecution evidence including examination, cross examination and re-examination of witnesses.
  - The defence case:
    - submission of no case to answer
    - defence witnesses including examination, cross examination and re-examination of witnesses
    - closing speech.
  - modes of address and Court room etiquette
  - directions to the Jury (basic principles; candidates are not be required to know the detail of JSB specimen directions)
  - solicitor's duty to the court.
- Sentencing principles:
  - sentencing powers
  - types of sentence – custodial and community
  - Newton hearings
  - Mitigation.
- Appeals procedure:
  - appeals from the Magistrates' Court –
    - procedure for appeal against conviction and/or sentence
    - powers of the Crown Court
    - appeal to the High Court by way of case stated.
  - appeals from the Crown Court –
    - grounds of appeal
    - procedure for making the appeal
    - powers of the Court of Appeal.
- Youth court procedure
  - jurisdiction
  - allocation
  - sentencing.

## Stage1: Legal Skills Assessment

### Assessment Objectives

Candidates are required to:

- A. Carry out research into a legal issue and provide advice for the client on that issue:
  1. using appropriate resources
  2. interpreting, evaluating and applying the research results
  3. providing appropriate advice for the client.
- B. Produce a letter or an email providing correct and appropriate advice for a client:
  1. communicating clearly and effectively
  2. establishing a professional relationship with the client
  3. responding appropriately to the client's concerns.

## Annexes

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### **Annex 1 - Statement of Solicitor Competence (SoSC)**

This statement takes a broad definition of competence as being "the ability to perform the roles and tasks required by one's job to the expected standard" (Eraut and du Boulay, 2001).

The advantage of this definition is that it recognises that requirements and expectations change depending on job role and context. It also recognises that competence develops, and that an individual may work 'competently' at many different levels, either at different stages of their career, or indeed from one day to the next depending on the nature of their work.

The competence statement should be read holistically. By way of example, the requirement in A1d to respect diversity and act fairly and inclusively pervades all areas of work and underpins all of the competences in the statement.

Solicitors should be able to:

#### **A. Ethics, professionalism and judgment**

##### **A1. Act honestly and with integrity, in accordance with legal and regulatory requirements and the SRA Handbook and Code of Conduct, including:**

- a. Recognising ethical issues and exercising effective judgment in addressing them.
- b. Understanding and applying the ethical concepts which govern their role and behaviour as a lawyer.
- c. Identifying the relevant SRA Principles and rules of professional conduct and following them.
- d. Resisting pressure to condone, ignore or commit unethical behaviour.
- e. Respecting diversity and acting fairly and inclusively.

##### **A2. Maintain the level of competence and legal knowledge needed to practise effectively, taking into account changes in their role and/or practice context and developments in the law, including:**

- a. Taking responsibility for personal learning and development.
- b. Reflecting on and learning from practice and learning from other people.
- c. Accurately evaluating their strengths and limitations in relation to the demands of their work.
- d. Maintaining an adequate and up-to-date understanding of relevant law, policy and practice.
- e. Adapting practice to address developments in the delivery of legal services.

##### **A3. Work within the limits of their competence and the supervision which they need, including:**

- a. Disclosing when work is beyond their personal capability.
- b. Recognising when they have made mistakes or are experiencing difficulties and taking appropriate action.
- c. Seeking and making effective use of feedback, guidance and support where needed.
- d. Knowing when to seek expert advice.

##### **A4. Draw on a sufficient detailed knowledge and understanding of their field(s) of work and role in order to practise effectively, including:**



- a. Identifying relevant legal principles.
- b. Applying legal principles to factual issues, so as to produce a solution which best addresses a client's needs and reflects the client's commercial or personal circumstances.
- c. Spotting issues that are outside their expertise and taking appropriate action, using both an awareness of a broad base of legal knowledge (insofar as relevant to their practice area) and detailed knowledge of their practice area.

**A5. Apply understanding, critical thinking and analysis to solve problems, including:**

- a. Assessing information to identify key issues and risks.
- b. Recognising inconsistencies and gaps in information.
- c. Evaluating the quality and reliability of information.
- d. Using multiple sources of information to make effective judgments.
- e. Reaching reasoned decisions supported by relevant evidence.

**B. Technical legal practice**

**B1. Obtain relevant facts, including:**

- a. Obtaining relevant information through effective use of questioning and active listening.
- b. Finding, analysing and assessing documents to extract relevant information.
- c. Recognising when additional information is needed.
- d. Interpreting and evaluating information obtained.
- e. Recording and presenting information accurately and clearly.

**B2. Undertake legal research, including:**

- a. Recognising when legal research is required.
- b. Using appropriate methods and resources to undertake the research.
- c. Identifying, finding and assessing the relevance of sources of law.
- d. Interpreting, evaluating and applying the results of the research.
- e. Recording and presenting the findings accurately and clearly.

**B3. Develop and advise on relevant options, strategies and solutions, including:**

- a. Understanding and assessing a client's commercial and personal circumstances, their needs, objectives, priorities and constraints.
- b. Ensuring that advice is informed by appropriate legal and factual analysis and identifies the consequences of different options.

**B4. Draft documents which are legally effective and accurately reflect the client's instructions including:**

- a. Being able to draft documents from scratch as well as making appropriate use of precedents.
- b. Addressing all relevant legal and factual issues.
- c. Complying with appropriate formalities.
- d. Using clear, accurate and succinct language.

**B5. Undertake effective spoken and written advocacy, including:**

- a. Preparing effectively by identifying and mastering relevant facts and legal principles.
- b. Organising facts to support the argument or position.
- c. Presenting a reasoned argument in a clear, logical, succinct and persuasive way.



- d. Making appropriate reference to legal authority.
- e. Complying with formalities.
- f. Dealing with witnesses appropriately.
- g. Responding effectively to questions or opposing arguments.
- h. Identifying strengths and weaknesses from different parties' perspectives.

**B6. Negotiate solutions to clients' issues, including:**

- a. Identifying all parties' interests, objectives and limits.
- b. Developing and formulating best options for meeting parties' objectives.
- c. Presenting options for compromise persuasively.
- d. Responding to options presented by the other side.
- e. Developing compromises between options or parties.

**B7. Plan, manage and progress legal cases and transactions, including:**

- a. Applying relevant processes and procedures to progress the matter effectively.
- b. Assessing, communicating and managing risk.
- c. Bringing the transaction or case to a conclusion.

**C. Working with other people**

**C1. Communicate clearly and effectively, orally and in writing, including:**

- a. Ensuring that communication achieves its intended objective.
- b. Responding to and addressing individual characteristics effectively and sensitively.
- c. Using the most appropriate method and style of communication for the situation and the recipient(s).
- d. Using clear, succinct and accurate language avoiding unnecessary technical terms.
- e. Using formalities appropriate to the context and purpose of the communication.
- f. Maintaining the confidentiality and security of communications.
- g. Imparting any difficult or unwelcome news clearly and sensitively.

**C2. Establish and maintain effective and professional relations with clients, including:**

- a. Treating clients with courtesy and respect.
- b. Providing information in a way that clients can understand, taking into account their personal circumstances and any particular vulnerability.
- c. Understanding and responding effectively to clients' particular needs, objectives, priorities and constraints.
- d. Identifying and taking reasonable steps to meet the particular service needs of all clients including those in vulnerable circumstances.
- e. Identifying possible courses of action and their consequences and assisting clients in reaching a decision.
- f. Managing clients' expectations regarding options, the range of possible outcomes, risk and timescales.
- g. Agreeing the services that are being provided and a clear basis for charging.
- h. Explaining the ethical framework within which the solicitor works.
- i. Informing clients in a timely way of key facts and issues including risks, progress towards objectives, and costs.
- j. Responding appropriately to clients' concerns and complaints.

**C3. Establish and maintain effective and professional relations with other people, including:**

- a. Treating others with courtesy and respect.
- b. Delegating tasks when appropriate to do so.

- c. Supervising the work of others effectively.
- d. Keeping colleagues informed of progress of work, including any risks or problems.
- e. Acknowledging and engaging with others' expertise when appropriate.
- f. Being supportive of colleagues and offering advice and assistance when required.
- g. Being clear about expectations.
- h. Identifying, selecting and, where appropriate, managing external experts or consultants.

## **D. Managing themselves and their own work**

**D1. Initiate, plan, prioritise and manage work activities and projects to ensure that they are completed efficiently, on time and to an appropriate standard, both in relation to their own work and work that they lead or supervise, including:**

- a. Clarifying instructions so as to agree the scope and objectives of the work.
- b. Taking into account the availability of resources in initiating work activities.
- c. Meeting timescales, resource requirements and budgets.
- d. Monitoring, and keeping other people informed of, progress.
- e. Dealing effectively with unforeseen circumstances.
- f. Paying appropriate attention to detail.

**D2. Keep, use and maintain accurate, complete and clear records, including:**

- a. Making effective use of information management systems (whether electronic or hard copy), including storing and retrieving information.
- b. Complying with confidentiality, security, data protection and file retention and destruction requirements.

**D3. Apply good business practice, including:**

- a. Demonstrating an adequate understanding of the commercial, organisational and financial context in which they work and their role in it.
- b. Understanding the contractual basis on which legal services are provided, including where appropriate how to calculate and manage costs and bill clients.
- c. Applying the rules of professional conduct to accounting and financial matters.
- d. Managing available resources and using them efficiently.

## **Annex 2 - Assessment Objectives and SoSC mapping**

The competencies candidates must demonstrate in applying their knowledge of the law are indicated below, cross-referencing with the Statement of Solicitor Competence (SoSC).

	<b>Subject area Assessment Objectives</b>	<b>Coverage of SoSC</b>
Business Law and Practice	The law, rules and procedures relating to companies, partnerships and sole traders in order to advise on starting a new business.	A1, A4, A5, B3, B7, D2, D3
	Rules and procedures relating to the management of a business and company decision making to ensure compliance with statutory and other legal requirements.	A1, A4, A5, B3, B7, D2, D3
	The interests, rights, obligations and powers of stakeholders in a business.	A1, A4, A5, B3, B7, D2, D3
	Financing a business.	A1, A4, A5, B3, B7, D2,





		D3
	Rules for the calculation, distribution and taxation of a business and its profits.	A1, A4, A5, B3, B7, D2, D3
	The law, rules and procedures relating to the termination of a solvent business, corporate insolvency and personal bankruptcy.	A1, A4, A5, B3, B7, D2, D3
Dispute Resolution	Arbitration, mediation and litigation as an appropriate mechanism to resolve a dispute.	A1, A4, A5, B3, B7
	The procedures and processes relevant to pre-action considerations and steps.	A1, A4, A5, B3, B7
	The procedures, processes and statements of case relevant to commencing or responding to a claim.	A1, A4, A5, B3, B7
	The procedures and processes in relation to case management and any interim applications relevant to the claim.	A1, A4, A5, B3, B7
	The evidence needed, and disclosure steps required in commencing, responding to, progressing or defending a claim.	A1, A4, A5, B3, B7
	The procedures and processes relevant to preparation of a case for a trial, the trial and any post trial steps.	A1, A4, A5, B3, B7
	The procedures and processes relevant to costs and funding involved in dispute resolution.	A1, A4, A5, B3, B7
Contract	Offer, acceptance and consideration; privity; contents of a contract; breach; remedies.	A4, A5, B3
Tort	Nuisance and the rule in <i>Rylands v Fletcher</i> ; negligence; breach of statutory duty; remedies and defences.	A4, A5, B3
Ethics and Professional Conduct		A1
Property Practice	The key elements of a freehold and/or leasehold residential or commercial property transaction.	A1, A4, A5, B3, B7
	Investigation of a registered or an unregistered freehold and/or leasehold title.	A1, A4, A5, B3, B7
	Pre-contract searches and enquiries undertaken when acquiring a freehold and/or leasehold property.	A1, A4, A5, B3, B7
	Steps in progressing a freehold and/or leasehold property transaction to exchange of contracts.	A1, A4, A5, B3, B7
	Pre-completion steps relevant to a freehold and/or leasehold property transaction.	A1, A4, A5, B3, B7
	Completion and post-completion steps relevant to a freehold and/or leasehold property transaction including remedies for delayed completion.	A1, A4, A5, B3, B7
	The grant and the assignment of a commercial lease and/or underlease.	A4, A5, B3, B7
	The key lease covenants in a commercial lease and the law relating to a breach of these covenants.	A4, A5, B3, B7
	Security of tenure under the Landlord and Tenant Act 1954 Part II.	A4, A5, B3, B7



Wills and the Administration of Estates and Trusts	The validity of a will and interpretation of the contents of a will. The distribution of testate, intestate and partially intestate estates.	A1, A4, A5
	The law and practice in connection with an application for a grant of representation.	A4, A5, B3, B7
	The law and practice of Inheritance Tax to lifetime gifts and transfers on death.	A4, A5, B3, B7
	The planning, management and progression of the administration of an estate including claims under the Inheritance (Provision for Family and Dependants) Act 1975.	A4, A5, B3, B7
	The law and practice relating to Personal Representatives and Trustees in the administration of estates and consequent trusts. The rights, powers and remedies of beneficiaries of wills and consequent trusts.	A4, A5, B3, B7
SRA Accounts Rules	Transactions involving client money and office money; accounting entries made in ledgers and bank accounts; breaches of the SRA Handbook.	A1, A4, A5
Land law	Registered and unregistered land; freehold and leasehold estates, and legal and equitable interests in land; Landlord and tenant; co-ownership.	A4, A5, B3
Ethics and Professional Conduct		A1
Public and Administrative Law, and The Legal System of England and Wales	The Legal System of England and Wales and Sources of law.	A4, A5, B3, B7
	Constitutional law and EU law.	A4, B3, B7
	The Human Rights Act 1998 and the Equality Act 2010.	A1, A4, B3, B7
	Legal services.	A1, A4, B3, D2, D3
	Regulation: money laundering and financial services.	A1, A4, A5, B3, B7, D2, D3
Criminal Law and Practice	The core principles of criminal liability including specified criminal offences, specific and general defences and participation.	A4, A5, B3
	The law, procedure and processes involved in advising a client at the police station.	A1, A4, A5, B3, B7
	The law, procedure and processes involved in pre-trial considerations and steps.	A1, A4, A5, B3, B7
	The law, procedure and processes involved in criminal litigation to advise a client, to meet the client's objectives and to prosecute in the interests of justice.	A1, A4, A5, B3, B7
	The law, procedure and processes involved in Magistrates' Court and Crown Court trials, sentencing and post-trial steps.	A1, A4, A5, B3, B7
Ethics and Professional Conduct		A1

**Legal skills Assessment Objectives**



Research	Carry out research into a legal issue and provide advice for the client on that issue.	A4, B1, B2, C1
Writing	Produce a letter or an email providing correct and appropriate advice for a client.	A1, A4, A5, B1, C1

### Annex 3 - Functioning Legal Knowledge blueprint

This annex indicates blueprinting of the Functioning Legal Knowledge for the Stage 1 pilot. The method of classification used for this blueprint is "Single Best Classification". This means an item is assigned to the classification that is considered to be the primary focus of that question. This does not imply that questions are discrete and neatly fit into each category as, for example, an item may require knowledge of 'dispute resolution' and 'contract' in order for a candidate to answer it correctly. As such, a blueprint may describe an assessment as having 20 percent of questions on a particular classification, but application of the knowledge in that classification would be required to answer more than 20 percent of the questions included in the paper.

Assessment domain	Assessed as a % of paper
Business, Dispute Resolution, contract, tort	
Business organisations, rules and procedures, including taxation of business organisations	20-30%
The principles, procedures and processes involved in dispute resolution	20-30%
Core principles of contract law	20-30%
Core principles of tort	20-30%
Ethics	Pervades
<b>Property, Wills, Solicitors' Accounts</b>	
Core knowledge areas of freehold and leasehold real estate law and practice, including core principles of planning law and property taxation. Solicitors' Accounts in the context of conveyancing.	20-30%
Core principles of land law.	20-30%
Wills and Intestacy, and Probate and Administration Practice. Taxation and Solicitors' Accounts in the context of Wills and Probate Practice.	20-30%
Trust law	20-30%
Ethics	Pervades
<b>Public law, Legal System, Regulation, Criminal</b>	
The Legal System of England and Wales, Sources of law, Constitutional and EU law, the Human Rights Act 1998 and the Equality Act 2010.	25%-40%
Regulation: Money laundering and Financial services. Legal services.	15%-20%
The procedures and processes involved in advising clients at the police station and in criminal litigation.	20-30%
Core principles of criminal liability.	20-30%
Ethics	Pervades

### Annex 4 - Overview: SoSC mapped against Stage 1 pilot

SoSC	Stage 1 Functioning Legal Knowledge Assessments			Stage 1 Skills
	Business, Disputes, contract, tort	Property, Wills, land law	Public, Legal System, Criminal	Legal Research and Writing
A. Ethics				
A1	x	x	x	x
A2				



A3				
A4	x	x	x	x
A5	x	x	x	x
B. Technical legal practice				
B1				x
B2				x
B3	x	x	x	
B4				
B5				
B6				
B7	x	x	x	
C. Working with other people				
C1				x
C2				
C3				
D. Managing themselves and their own work				
D1				
D2	x	x	x	
D3	x	x	x	

**Annex 5 - Threshold Standard**

Level 3 of the Threshold Standard for the Statement of Solicitor Competence describes the level at which the competences in the SoSC should be performed upon qualification as a solicitor:

<b>Functioning Legal Knowledge</b>	<b>Standard of work</b>	<b>Autonomy</b>	<b>Complexity</b>	<b>Perception of context</b>	<b>Innovation and originality</b>
Identifies the legal principles relevant to the area of practice and applies them appropriately and effectively to individual cases.	Acceptable standard achieved routinely for straightforward tasks. Complex tasks may lack refinement.	Achieves most tasks and able to progress legal matters using own judgment, when support is needed.	Able to deal with straightforward transactions, including occasional, unfamiliar tasks which present a range of problems and choices.	Understands the significance of individual actions in the context of the objectives of the transaction/strategy for the case.	Uses experience to check information provided and to form judgments about possible courses of action and ways forward.

**Annex 6 - Extract from the June 2017 SQE Draft Assessment Specification (Miller's pyramid)**

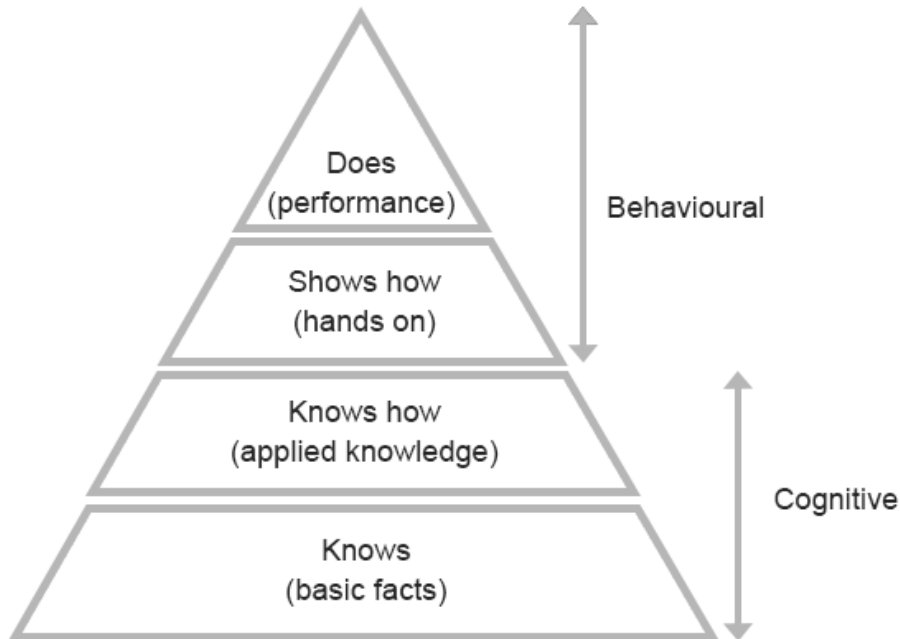
The following is taken from pages 5 and 6 of the 2017 SQE Draft Assessment Specification, and refers to Miller's pyramid in connection with Stage 1 of the SQE:

The SQE has been designed to establish the competence of candidates by the time they qualify as a solicitor. Therefore all candidates who have passed the SQE will have

demonstrated the competences specified in the SoSC to the standard expected of a newly-qualified solicitor as set out in our Threshold Standard.

The SQE model we have developed uses Miller's pyramid<sup>1</sup> to provide a framework for the assessment of solicitor competence. Miller's pyramid is used extensively for the assessment of professional competence, including within medical and dental training.

### Miller's pyramid



### SQE stage 1

Stage 1 assesses the Functioning Legal Knowledge required for effective practice – the 'knows' and 'knows how' of Miller's pyramid.

The depth and breadth of legal knowledge required of candidates is that of Functioning Legal Knowledge. This means that a candidate should be able to:

- identify relevant core legal principles or rules – whether derived from cases, statutes or regulatory sources
- apply them appropriately and effectively to client-based and ethical problems and situations encountered in practice.

### Footnote

1. Miller, G.E., 1990. The assessment of clinical skills/competence/performance. *Academic Medicine* 65(9); 563-567