

## **SRA Admission Regulations, Suitability Test, Qualified Lawyer Transfer Scheme Regulations and Handbook Glossary (Amendment) Rules 2014**

Rules dated 6 June 2014 made by the Solicitors Regulation Authority Board.

Made under Part I, Part II, sections 79 and 80 of, and paragraph 6B of Schedule 1 to, the Solicitors Act 1974 and section 9 and 9A of, and paragraphs 14A, 14B and 32 to 34 of Schedule 2 to, the Administration of Justice Act 1985, and section 83 of, and Schedule 11 to and paragraph 6 of Schedule 14 to, the Legal Services Act 2007 and paragraphs 2 and 3 of Schedule 14 to the Courts and Legal Services Act 1990.

Subject to the approval of the Legal Services Board under paragraph 19 of Schedule 4 to the Legal Services Act 2007 and coming into force on 1 July 2014.

### **Rule 1**

The SRA Admission Regulations 2011 shall be amended as follows:

- (a) in the final paragraph of the 'Outcomes' section, replace "students" with "unadmitted persons"
- (b) in regulation 2, replace "student enrolment" with "eligibility to commence *recognised training*"
- (c) in regulation 2.1, replace "a certificate of *student enrolment*" with "assessment of a *character and suitability* issue", "regulation 15" with "regulation 6.4", "regulation 15.3" with "regulation 17.1", after "Part 1 – Qualification" insert "and Provider" and delete "Part 1" wherever it appears
- (d) in guidance note (i) to regulation 2.2, delete "(DBS)"
- (e) in guidance note (ii) to regulation 2.2, replace "DBS" with "Disclosure and Barring Service"
- (f) in regulation 2.5(b) replace "issue a *certificate of enrolment*" with "grant eligibility to commence or continue a period of *recognised training*"
- (g) in regulation 3.1(a), replace "regulation 33.2" with "regulation 17.1", insert "and Provider" after "Part 1 – Qualification", replace "the imposition of a prohibition or sanction" with "a refusal to recognise a period of training or eligibility to commence or continue *recognised training*", and delete "Part 1"
- (h) delete regulation 3.1(c), and renumber 3.1(d) accordingly
- (i) in regulation 3.3(b) delete "or (d)"
- (j) in regulation 3.4(b) replace "issue a *certificate of enrolment*" with "grant eligibility to commence a period of *recognised training*"
- (k) in the guidance note to regulation 6.1(b) replace "CRB" with "Disclosure and Barring Service", delete "and Police National Computer checks," and delete "," after "self-disclosure"

- (l) after regulation 6.2 insert  
“6.3 If we refuse to issue a *certificate of satisfaction* for either reason given in regulation 6.1(a) or (b), *you* may apply to *us* in writing for a review of the decision within one month of receiving notification of the refusal.”
- (m) in regulation 6.5, after “the Establishment Directive,” insert “and we have upheld that refusal or deemed refusal following a review under regulation 6.3,”.

## **Rule 2**

The SRA Suitability Test 2011 shall be amended as follows:

- (a) in the second paragraph of the ‘Outcomes’ section, replace “student enrolment” with “applying for eligibility to commence *recognised training*”
- (b) in the first paragraph of ‘Part 1: Basic requirements’, replace “student enrolment” with “applying for eligibility to commence *recognised training*”
- (c) in the section 1.1(i) replace “*your student enrolment*” with “commencement or continuation of a period of *recognised training*”
- (d) delete “(PND)” from section 1.3(c)
- (e) in guidance note (i) to section 1.3(e), replace “PND” with “Penalty Notice for Disorder”
- (f) delete guidance note (iii) to section 1.3(e), and renumber guidance notes (iv), (v) and (vi) accordingly
- (g) in guidance note (i) to section 2.2 replace “You should bear in mind that Regulation 35 of the *SRA Training Regulations Part 1 – Qualification Regulations* requires” with “We require”, and delete “We also reserve the right to require applicants to provide a PNC check.”
- (h) in guidance note (viii)(a) to section 8.3 replace “*student enrolment*” with “eligibility to commence or continue a period of *recognised training*”.

## **Rule 3**

The SRA Qualified Lawyers Transfer Scheme Regulations 2011 shall be amended as follows:

- (a) insert new regulation 2.9 “These regulations apply to *qualified lawyers* seeking to be admitted as *solicitors* via transfer from another jurisdiction or *barristers*. Such individuals are not eligible to qualify under the *SRA Training Regulations*.”

## **Rule 4**

Rule 2 of the SRA Handbook Glossary Rules shall be amended as follows:

- (a) replace the definition of “**academic stage**” as follows:

“means the undertaking by an individual of the following programmes of study which satisfy the requirements of the *Joint Statement*.”

- (i) a *QLD*;
  - (ii) a *CPE*; or
  - (iii) an *Exempting Law Degree*;
- at an *approved education provider*.”

(b) replace the definition of “**adequate training**” as follows:

“during a period of *recognised training* means training:

- (i) and experience in at least three distinct areas of English law and practice;
- (ii) to enable a *trainee* to develop the skills needed to meet the *Practice Skills Standards* and comply with the *Principles*;
- (iii) which is appropriately supervised; and
- (iv) which meets the requirements of regulation 12 of the *SRA Training Regulations – Qualification and Provider Regulations*.”

(c) after the definition of “**appointed representative**”, insert:

“approved education provider  
means a provider recognised by us as providing a *QLD*, *CPE* and/or an *Exempting Law Degree*.”

(d) after the definition of “**approved regulator**” insert:

**“authorised education provider**

means a provider recognised by *us* as providing the *LPC* and/or the *PSC*.

**authorised training provider**

means an organisation, body, *firm*, *company*, *in-house practice* or individual authorised by *us* under the *SRA Training Regulations* to *take* and train a *trainee solicitor*.”

(e) delete the definition of “**certificate of enrolment**”

(f) delete the definition of “**certificate of training**”

(g) delete the definition of “**Chartered Legal Executive**”

(h) delete the definition of “**Diploma in law**”

(i) after the definition of “**entitled to practice**”, insert:

**“equivalent means**

means undertaking assessed learning and/or undertaking a formal period of workplace training leading to the award of a professional legal qualification which *we* determine meets the outcomes and/or standards of the current *solicitor* training framework. *We* will assess equivalence in accordance with guidance *we* may issue from time to time.”

(j) in the definition of “**foundations of legal knowledge**”, after “the *BSB*” delete “through the *JASB*”

(k) after the definition of “**full route to qualification**”, insert:

**“full time**

in relation to a period of *recognised training*, means working 32 hours a week or more.”

(l) delete the definition of “**Graduate of CILEx**”

(m) delete the definition of “**integrated course**”

(n) delete the definition of “**JASB**”

(o) delete the definition of “**Justices’ Clerks Assistant**”

(p) after the definition of “**Joint Insolvency Committee**”, insert

**“Joint Statement**

means the Joint Statement on Qualifying Law Degrees, prepared jointly by *us* and the *BSB*, setting out the conditions a law degree course must meet in order to be recognised by *us* as a *QLD*.”

(q) delete the definition of “**LPC Outcomes**”

(r) delete the definition of “**mature student**”

(s) delete the definition of “**modular training contract**”

(t) delete the definition of “**parent training establishment**”

(u) replace the definition of “**part-time**” as follows:

**“part time**

in relation to a period of *recognised training* means working fewer than 32 hours a week.”

(v) delete the definition of “**permitted exemptions**”

(w) replace the definition of “**Practice Skills Standards**” as follows

“means the standards published by *us* which set out the practice skills *trainees* will develop during the *period of recognised training* and use when qualified.”

(x) delete the definition of “**PSC provider**”

(y) delete the definition of “**PSC standards**”

(z) delete the definition of “**qualifying employment**”

(aa) after the definition of “**recognised sole practitioner**”, insert:

**“recognised training**

means training required under *SRA Training Regulations* Regulation 5.1, and “period of recognised training” and “recognise training” should be construed accordingly”

- (bb) after the definition of “**reconciled list**”, insert:

**record of training**

means a record created and maintained by a *trainee*, which contains details of the work he or she has performed, how the *trainee* has acquired, applied and developed his or her skills by reference to the *Practice Skills Standards* and the *Principles*, and the *trainee*'s reflections on his or her performance and development plans, and is verified by the individual(s) supervising the *trainee*.”

- (cc) after the definition of “**relevant successor practice**”, insert:

**“relevant work-based experience**

means experience which an *authorised training provider* may recognise as satisfying up to six months of the period of *recognised training*, and which:

- (i) has been gained in the preceding three years;
- (ii) was in English and Welsh law and practice and in one or more areas of law;
- (iii) enabled the acquisition of one or more of the *Practice Skills Standards* and/or the *Principles*; and
- (iv) was adequately supervised and appraised.”

- (dd) delete the definition of “**satisfactory completion**”

- (ee) delete the definition of “**seats**”

- (ff) replace the definition of “**secondment**” as follows:

“means the temporary transfer of a *trainee* to an organisation other than his or her *authorised training provider*, the *authorised training provider* remaining responsible for ensuring that the requirements of the *SRA Training Regulations* are met.”

- (gg) at the end of the definition of “**SRA Training Regulations**” replace “2011” with “2014”

- (hh) delete the definition of “**student enrolment**”

- (ii) delete the definition of “**take a trainee**”

- (jj) replace the definition of “**trainee solicitor**” as follows:

“means any person receiving *recognised training* with the express purpose of qualification as a *solicitor*, at an *authorised training provider* and “trainee” should be construed accordingly.”

- (kk) delete the definition of “**training contract**”

- (ll) delete the definition of “**training contract consortium**”

- (mm) delete the definition of “**training contract record**”

(nn) delete the definition of “**training establishment**”

(oo) replace the definition of “**training principal**” as follows:

“means a *solicitor* or *barrister* nominated by an *authorised training provider* and who meets the requirements of regulation 13 of the *SRA Training Regulations 2014 - Qualification and Provider Regulations* to oversee *recognised training* within that organisation.”

(pp) replace the definition of “**unadmitted person**” as follows:

“means a person who:

- (i) has requested *us* to assess a *character and suitability* issue under regulation 6 of the *SRA Training Regulations 2014 – Qualification and Provider Regulations*;
- (ii) has commenced a period of *recognised training* under regulation 5 of the *SRA Training Regulations 2014 – Qualification and Provider Regulations*;
- (iii) is seeking to establish eligibility to apply for admission under regulation 2 of the *QLTSR*; or
- (iv) is seeking admission pursuant to Directive 2005/36/EC;

but who has not been admitted as a *solicitor*, and “unadmitted persons” should be construed accordingly”

(qq) replace the definition of “**vocational stage of training**” as follows

“**vocational stage**

means:

- (i) the *LPC*;
- (ii) a required period of *recognised training*; and
- (iii) the *PSC*.”

(rr) delete the definition of “**Voluntary Code of Good Practice**”

(ss) in subsection (i) in the definition of “**you**”, delete “Part 1”.

## Rule 5

The SRA Training Regulations 2011 – Part 3 CPD Regulations shall be amended as follows:

- (a) in the Overview section, delete “These regulations, together with the *SRA Training Regulations Part 1 - Qualification Regulations* and *Part 2 - Training Provider Regulations*, form the *SRA Training Regulations*, which set out the outcomes-focused requirements governing the education and training for people seeking to be admitted as *solicitors*, and those in *practice*.”
- (b) in regulation 17.1(e) delete “or part of a *training contract consortium* authorised as in-house *CPD* providers” and “or *training contract consortium*”.

## Rule 6

These amendment rules come into force on 1 July 2014 or the date of approval of the Legal Services Board, whichever is the later.