

## **ADMISSION AS SOLICITOR (SCOTLAND) REGULATIONS 2019**

Regulations in terms of section 5 of the Solicitors (Scotland) Act 1980 dated 1 November 2019 and made on behalf of the Council of the Law Society of Scotland by the Regulatory Committee formed in accordance with Section 3B(1) of the Solicitors (Scotland) Act 1980 and with the concurrence of the Lord President of the Court of Session.

### ***Title and commencement***

- 1 These Regulations may be cited as the Admission as Solicitor (Scotland) Regulations 2019 and come into force on 1 November 2019.

### ***Interpretation***

- 2 (1) In these Regulations -

"accreditation procedure" means the procedure whereby the Council approves the courses offered by organisations or other persons to meet the requirements of the foundation programme qualification or of a PEAT 1 qualification;

"the Act" means the Solicitors (Scotland) Act 1980;

"applicant" means a person seeking to become admitted as a solicitor in Scotland;

"certificate of fitness" means a certificate issued by the Council under section 6 of the Act once an applicant has complied with the requirements of these Regulations;

"certificate of eligibility" means a certificate issued by the Council when it is satisfied an applicant is eligible to sit the examinations required under the qualified lawyers assessment;

"the Council" means the Council of the Law Society of Scotland exercising its functions under the Act;

"entrance certificate" means a certificate issued by the Council which allows an applicant who has met the relevant requirements under these Regulations to enter into a training contract;

"foundation programme qualification" means a degree of Bachelor of Laws awarded by a University or any other foundation programme and which must be accredited by the Council in accordance with the accreditation procedure;

"foundation programme outcomes" means such outcomes as may be prescribed by the Council;

"incorporated practice" has the meaning given in section 34(1A)(c) of the Act;

"licensed provider" means licensed legal services provider construed in accordance with Part 2 of the Legal Services (Scotland) Act 2010;

"multi-national practice" has the meaning given in section 65(1) of the Act;

"non-PEAT 1 training contract" means a training contract entered into between a training unit and an applicant who holds an entrance certificate and who has been exempted by the Council from obtaining a PEAT 1 qualification;

"PEAT" means professional legal education and training including non-PEAT 1, PEAT 1 and PEAT 2;

"PEAT 1" means the professional vocational learning stage of PEAT;

"PEAT 1 outcomes" means such outcomes as may be prescribed by the Council;

"PEAT 1 qualification" means the Diploma in Professional Legal Practice or other qualification awarded by a University or other body, or in conjunction with other Universities or bodies, and which is accredited by the Council in accordance with its accreditation procedure;

"PEAT 2" means the work-based learning stage of professional legal education and training carried out by a trainee solicitor;

"PEAT 2 outcomes" mean such outcomes as may be prescribed by the Council;

"practising certificate" means a certificate issued by the Council under section 14 or 15 of the Act;

"preliminary entrance certificate" means a certificate issued by the Council which allows an applicant who has met the relevant requirements under these Regulations to enter into a pre-PEAT training contract;

"pre-PEAT training contract" means a training contract entered into between a training unit and an applicant who holds a preliminary entrance certificate;

"professional body" means the relevant authority in an applicant's home jurisdiction who may authorise or regulate the professional activities of qualified lawyers within the applicant's home jurisdiction;

"qualified lawyers assessment" means the examination and assessment process determined by the Council which enables a lawyer qualified out with Scotland to become an applicant;

"registered European lawyer" has the meaning given in section 65(1) of the Act;

"registered foreign lawyer" has the meaning given in section 65(1) of the Act;

"regulated person" means for the purposes of these Regulations a solicitor, a trainee solicitor, a registered European lawyer, a registered foreign lawyer or a training unit;

"the 2011 Regulations" means the Admission as Solicitor (Scotland) Regulations 2011 made by the Council under section 5 of the Act;

"required CPD" means the number of hours of Continuing Professional Development a trainee solicitor must complete during their training contract as provided by such persons and in such manner as may be determined by the Council;

"standard training contract" means a training contract entered into between a training unit and an applicant who holds an entrance certificate;

"solicitor" means a person enrolled as a solicitor in terms of the Act;

"trainee solicitor" means an applicant who holds an entrance certificate, is training to be a solicitor and who is supervised by a training manager;

"training contract" means a non-PEAT 1 training contract or a standard training contract;

"training manager" means a person who has been so appointed by the training unit in accordance with regulation 7;

"training unit" means -

- (a) a solicitor who is a sole practitioner; or
  - (b) a firm of regulated persons; or
  - (c) an incorporated practice; or
  - (d) a multi-national practice; or
  - (e) a licensed provider; or
  - (f) one or more solicitors in employment, not being in private practice, within the same employing organisation.
- (2) "outcomes" in these Regulations means the foundation programme outcomes, the PEAT 1 outcomes and the PEAT 2 outcomes specified in Schedule 1 of these Regulations.
- (3) The provisions of the Interpretation and Legislative Reform (Scotland) Act 2010 will apply to the interpretation of these Regulations as they apply to an Act of the Scottish Parliament.

***Application of these Regulations, Revocations and Savings***

- 3 (1) These Regulations will apply to any person seeking to be admitted as a solicitor in Scotland after the commencement of these Regulations.
- (2) The EC Qualified Lawyers Transfer (Scotland) Regulations 1994 are hereby revoked but such revocation will not affect the validity or effect of any application made or certificate issued under those Regulations before the date these Regulations come into force.
- (3) The Admission as Solicitor (Scotland) Regulations 2011 are hereby revoked but such revocation will not -
- (a) affect the validity of any application, determination or other thing done under those Regulations which will have effect as if it were made, granted or done under these Regulations; or
  - (b) interrupt any time periods or affect any obligations by a person to deliver any declaration, documents or other thing to the Council or the rights of the Council in respect of any failure to so deliver any declaration, documents or thing; or
  - (c) affect the taking or continuation of any proceedings or the continued exercise of any power by the Council or any other person in respect of any act or thing done or omitted to be done under or any breach of, or any matter arising from, those Regulations; or

- (d) apply to situations where an applicant has commenced, but not yet completed, a training contract which is governed by the 2011 Regulations prior to these Regulations coming into force.
- (4) A preliminary entrance certificate or an entrance certificate issued by the Council under the 2011 Regulations will have effect as if it had been issued under these Regulations.
- (5) An applicant who has, in terms of the 2011 Regulations, commenced a training contract or is a special inrant under Part V of the 2011 Regulations may ask the Council to authorise completion of the admission requirements applicable to that applicant solely under these Regulations and to treat any admission requirements under the 2011 Regulations as if they had been granted or met under these Regulations.
- (6)
  - (a) An applicant who qualifies in Scotland must comply with Schedule 2 of these Regulations.
  - (b) A trainee solicitor must comply with Schedule 3 of these Regulations and have regard to any guidance issued by the Council under regulation 17(3).
- (7) An applicant must comply with the requirements of these Regulations before seeking to become admitted as a solicitor in Scotland including providing undertakings to and satisfying the Council on any matter it considers necessary under these Regulations.

## **ENTRANCE QUALIFICATIONS AND TRAINING CONTRACTS**

### ***Preliminary Entrance Certificate and Entrance Certificate***

- 4
  - (1) An applicant must hold a preliminary entrance certificate or an entrance certificate issued by the Council before entering into a pre-PEAT training contract or a training contract.
  - (2) An application for issue of a preliminary entrance certificate or an entrance certificate must be made by the applicant to the Council at least 28 days before entering into such a contract.
  - (3) The Council will issue a preliminary entrance certificate to an applicant whom it is satisfied -
    - (a) is a fit and proper person to enter into a pre-PEAT training contract; and
    - (b) indicates an intention to enter into a pre-PEAT training contract by advising the Council of the date the contract will commence and the name of the training unit.

- (4) The Council will issue an entrance certificate to an applicant whom it is satisfied -
- (a) is a fit and proper person to be a trainee solicitor; and
  - (b) holds a foundation programme qualification or has served for a period of three years under a pre-PEAT training contract and has passed or obtained exemption from the Society's examinations; and
  - (c) holds a PEAT 1 qualification or is exempt from obtaining a PEAT 1 qualification having satisfied the Council that it is reasonable in the circumstances to grant such an exemption to the applicant; and
  - (d) indicates an intention to enter into a training contract by advising the Council of the date the contract will commence and the name of the training unit.
- (5) A preliminary entrance certificate or an entrance certificate will be valid for a period of two years from the date of issue.

### ***Contracts for training***

- 5 (1) An applicant must enter into a pre-PEAT training contract or a training contract with a training unit in the form required by the Council.
- (2) A training unit must not enter into a combined number of pre-PEAT training contracts and training contracts with applicants greater than that which may be determined by the Council.

### ***Period of Training***

- 6 (1) The period of training under a pre-PEAT training contract will comprise three years full time training or, with the prior written consent of the Council, part time training which is equivalent in length to three years full time training.
- (2) The period of training under a standard training contract will comprise two years full time training or, with the prior written consent of the Council, part time training which is equivalent in length to two years full time training.
- (3) An applicant who holds a PEAT 1 qualification must commence a standard training contract within a period of five years from the date of 1 January first occurring after the date when the applicant became entitled to the award of the PEAT 1 qualification.
- (4) An applicant may, with the consent of the training manager, fulfil part of the training period required under the pre-PEAT training contract or under a training contract at any of the training unit's places of business or on secondment to another place of business

whether or not located within Scotland provided that for a minimum period of six months the applicant will fulfil the requirements of the training contract in Scotland.

- (5) An applicant under a pre-PEAT training contract, with the consent of the training manager, may be permitted to attend classes in law at a University or other body during contracted working hours as part of the period of training required under the training contract.
- (6) The training manager will advise the Council within 14 days of the commencement of a secondment.
- (7) The training manager may determine that a period of training may be shortened by a period of up to six months, with the written consent of the applicant, or extended by a period of up to six months where satisfied that would be reasonable and will inform the Council of that decision together with the reasons for that decision within a period of 14 days of advising the applicant of that decision.

#### ***Role of training unit and training managers***

- 7 (1) A training unit which intends to enter into a pre-PEAT training contract or a training contract with an applicant must appoint a solicitor from within the training unit as training manager and advise the Council of the identity of that solicitor at least 14 days before entering into that contract and of any later change in the identity of the training manager within 14 days of that change.
- (2) A solicitor appointed as training manager must have practised as a solicitor for a cumulative period of not less than three years and have held a practising certificate without conditions throughout that period, at the time of appointment and while acting as training manager.
- (3) The training manager's duties include -
  - (a) acting as the named point of contact for the Council with the training unit in respect of an applicant who has entered into a pre-PEAT training contract or a training contract with that unit;
  - (b) ensuring the training unit meets the requirements under a pre-PEAT training contract or a training contract;
  - (c) ensuring the supervision and training of a trainee solicitor in that training unit and that the trainee solicitor complies with Schedule 3 of these Regulations and with any conditions imposed in a practising certificate issued by the Council;
  - (d) ensuring the trainee solicitor completes the required CPD;

- (e) ensuring the trainee solicitor's quarterly performance reviews are undertaken timeously and overseeing assessment of the trainee solicitor's achievement of PEAT 2 outcomes in accordance with the requirements of the Council; and
- (f) assessing and certifying that in their opinion the trainee solicitor is a fit and proper person to be a solicitor.

### ***Registration of Training Contracts***

- 8 An executed pre-PEAT training contract or training contract and any variation or assignation of that contract must be delivered by the parties within 28 days of its commencement date to the Council together with such fees as may be required to be remitted by the parties to the Council and any executed contract, variation or assignation will be presented by the Council for registration in the Books of Council and Session.

### ***Intervention in pre-PEAT training contracts and training contracts***

- 9
- (1) The Council may make enquiry concerning any matter relating to performance or obligations under a pre-PEAT training contract or a training contract, including the conduct of the parties to the contract at any time during the period of the contract.
  - (2) The Council may require parties to the contract, or a regulated person, to produce such evidence or documentation as it considers necessary in connection with that enquiry within a reasonable period.
  - (3) The Council must afford parties to the pre-PEAT training contract or training contract a reasonable period to make representations in writing to the Council on any matter under enquiry and the Council will make any such representations available to the parties unless the Council is prevented from such disclosure by any other enactment.
  - (4) If the Council, having considered the evidence available to it and any representations received from the parties to the contract, is of the opinion that a pre-PEAT training contract or a training contract should be terminated, assigned, extended or varied, or that the parties should take specific actions to meet the supervision, training or any other requirements under the contract, the parties will take those actions and comply with any reporting requirements within such period as may be determined by the Council.
  - (5) The Council may, after enquiry, withdraw the applicant's preliminary entrance certificate or entrance certificate if it is no longer satisfied that the applicant is a fit and proper person.



- (6) The Council may, after enquiry, determine that the training unit or the training manager, or both, may not enter into a training contract with an applicant or a trainee solicitor or be responsible for their supervision and training without the written consent of the Council.

### ***Assignment of contracts***

- 10 (1) The parties to a pre-PEAT training contract or a training contract may agree to enter into an assignation of that contract to a different training unit and the assignee training unit must also be a party to the assignation.
- (2) The parties to the contract must give written notice to the Council at least 14 days in advance of the proposed effective date of any assignation agreement together with reasons for the assignation to enable the Council to give their consent to such assignation.
- (3) A pre-PEAT training contract or a training contract may not be assigned during the final three months of the period of training.
- (4) Where a training contract has been assigned the assignor training unit must provide any documentation or other evidence including a declaration in terms of regulation 15 to the Council within 14 days of receiving a written request to do so to enable a trainee solicitor to apply for a certificate of fitness.
- (5) The parties to the contract must return the completed assignation to the Council within 28 days of the effective date together with such fees as may be required by the Council.

## **COUNCIL EXAMINATIONS**

### ***Examinations***

- 11 (1) The Council may set examinations in the laws of Scotland in accordance with a syllabus prescribed by the Council and may determine which examinations, if any, must be passed by an applicant seeking admission as a solicitor.
- (2) The Council may determine the format of any examination including whether it is to be oral or in writing.
- (3) The Council may set a period of notice within which an applicant intending to sit an examination must notify the Council of that intention.

### ***Exemptions***

- 12 The Council may exempt an applicant from sitting any of the Council's examinations where the applicant has passed an examination to a standard approved by the Council and corresponding to the Council examinations or can provide evidence of knowledge of the law of Scotland through professional experience.

### ***Appointment of Examiners***

- 13 (1) The Council may appoint suitably qualified persons to be Examiners to conduct examinations who must comply with any directions given by the Council.
- (2) The examinations will be under the management and control of the Council and directions of the Council may include -
- (a) requirements on the number of papers in any subject;
  - (b) the number of questions to be set;
  - (c) the grade to be attained to achieve a pass;
  - (d) the frequency and location of examination diets.
- (3) The Examiners may be appointed for such period of time, subject to terms and conditions and be paid such remuneration as the Council may determine.

### ***Eligibility of applicants***

- 14 An applicant who -
- (1) holds a preliminary entrance certificate and is serving under a pre-PEAT training contract; or
  - (2) holds, or is entitled to hold, a degree of Bachelor of Laws awarded by a university accredited by the Council but where the applicant has not met all of the foundation programme outcomes required by the Council in terms of these Regulations; or
  - (3) regulation 16 applies to; or
  - (4) is otherwise exempt having satisfied any requirements set by the Council in terms of these Regulations; and
  - (5) has given notice of an intention to sit an examination; and
  - (6) has paid such fees as may be required by the Council;
- may sit any examination set on behalf of the Council.

## ADMISSION

### ***Certificate of Fitness***

- 15 (1) The Council must issue a certificate of fitness under section 6 of the Act if an applicant -
- (a) has been determined by the Council to be a fit and proper person; and
  - (b) has submitted a declaration to the Council made by the training manager in such form as the Council may prescribe that during a period of training the applicant has fulfilled their obligations under the training contract and is, in the opinion of the training manager, a fit and proper person to be admitted as a solicitor; and
  - (c) holds or is exempt from obtaining a PEAT 1 qualification; and
  - (d) either (i) has passed or obtained exemption from all of the Council's required examinations and completed a pre-PEAT training contract; or (ii) holds or is exempt from meeting the foundation programme outcomes under these Regulations; and
  - (e) meets the requirements of subsection (2).
- (2) An applicant must have -
- (a) completed not less than three months under a standard training contract and undertaken such additional training, including sitting in training and a required advocacy course as prescribed in Schedule 4, as may be required by the Council; or
  - (b) completed not less than one year under a standard training contract; or
  - (c) completed not less than 15 months under a non-PEAT 1 training contract and has undertaken such additional training, including sitting in training and a required advocacy course as prescribed in Schedule 4 as may be required by the Council; or
  - (d) completed not less than two years under a non-PEAT 1 training contract; or
  - (e) completed the full period required under a training contract and has achieved the PEAT 2 outcomes.
- (3) In reaching a view as to whether an applicant is a fit and proper person to be admitted as a solicitor, the training manager will have regard to any guidance issued by the Council.

### ***Requirements for Members of the Faculty of Advocates or applicants qualified as a lawyer in another jurisdiction***

- 16 (1) A Member of the Faculty of Advocates may apply to the Council to be admitted as a solicitor in Scotland but must satisfy the Council that they are a fit and proper person and must provide a Certificate of Good Standing to the Council including the information in Schedule 5 from their home professional body issued not more than one year before the date of an application to enable the Council to be satisfied that the applicant is a fit and proper person.
- (2) An applicant who is a lawyer qualified in a jurisdiction other than Scotland may apply to the Council to be admitted as a solicitor in Scotland but must satisfy the Council that they are a fit and proper person and that they have met the requirements of and have passed the required examinations of the qualified lawyers assessment as set out in Schedule 5 or as may be determined by the Council.
- (3) (a) An applicant must apply for and obtain a certificate of eligibility from the Council before sitting the qualified lawyers assessment and must provide to the Council at the time of any application -
- (i) a Certificate of Good Standing including the information in Schedule 5 from their home professional body issued not more than one year before the date of the application for a certificate of eligibility; and
  - (ii) a completed learning portfolio setting out the applicant's academic and professional qualifications and experience.
- (b) Any application for a certificate of eligibility must be made to the Council no less than four months before the date of the first examination of the qualified lawyers assessment the applicant intends to sit.
- (4) An applicant who has successfully met the requirements of the qualified lawyers assessment and who seeks to be admitted as a solicitor in Scotland must make that application to the Council within a period of five years from the date the Examiners are satisfied that the requirements of the qualified lawyers assessment have been met.

## GENERAL

### *Council's discretion and enquiry powers*

- 17 (1) The Council may relieve any person from any failure to comply with or may waive any requirement under these Regulations where it is satisfied that to do so is reasonable.
- (2) The Council may determine fees to be paid in terms of these Regulations and may vary the level of those fees from time to time with the approval of the Lord President where applicable.
- (3) The Council may publish guidance on any matter under these Regulations, may vary that guidance as it considers appropriate from time to time and which will then become the in force guidance.
- (4) The Council may ask any applicant or regulated person to provide information to enable it to be satisfied on any matter in terms of these Regulations.
- (5) The Council will issue any decision or determination made under these Regulations in writing.

## SCHEDULE 1

Regulation 2(2)

Foundation Programme, PEAT 1 and PEAT 2 Outcomes

Foundation Programme Outcomes

- 1 An applicant must display a fundamental knowledge and understanding of the purpose and sources of law and the main elements of public and private law in Scotland in the context of the UK, EU and wider international law setting through study of the profession of law; legal systems and institutions affecting Scotland; Human Rights; freedoms and protections; persons; property; obligations; commerce; and crime together with personal skills in research, communication, personal management, teamwork, independence, analysis, synthesis, critical judgement and evaluation, numeracy and information technology, as well as display informed knowledge and understanding of the social, economic, moral and ethical context in which law operates and ability to learn.

PEAT 1 Outcomes

- 2 An applicant must display an understanding of business, financial and practice awareness; private client; conveyancing; litigation; professionalism; professional communication and relationships and professional ethics and standards.

#### PEAT 2 Outcomes

- 3 An applicant must exhibit personal professionalism in all aspects of delivery of legal services and be able to exhibit professional communication in all aspects of delivery of legal services taking account of the regulatory framework, duty to the court, profession and client and adhering to professional standards, conflict of interest and confidentiality, business, commercial and practice awareness and any relevant regulatory and fiscal frameworks.

#### SCHEDULE 2

#### Regulation 3(6)(a)

- 1 Any person seeking to apply to be admitted as a solicitor in Scotland must have met the required outcomes and obtained any consents required under these Regulations and must -
- (1) hold a foundation programme qualification and have completed a PEAT 1 qualification and a standard training contract; or
  - (2) have completed a pre-PEAT training contract, a PEAT 1 qualification and a standard training contract; or
  - (3) hold a foundation programme qualification and have completed a non-PEAT 1 training contract; or
  - (4) have completed a pre-PEAT training contract and a non-PEAT 1 training contract.
- 2 (1) An applicant seeking to complete a pre-PEAT training contract must complete a work-based module and pass examinations in -
- (a) Scottish legal system and legal method;
  - (b) Public law;
  - (c) Property law and conveyancing;
  - (d) Law of obligations;
  - (e) Family law;
  - (f) Trusts and succession;
  - (g) Evidence;
  - (i) Scots criminal law;

- (j) European Union law;
  - (k) Scots commercial law; and
  - (l) Business organisations.
- (2) An applicant seeking to complete a non-PEAT 1 training contract must pass examinations in -
- (a) Accounting;
  - (b) Procedure; and
  - (c) Professional responsibility.
- 3 This Schedule does not apply to a Member of the Faculty of Advocates or a lawyer qualified in another jurisdiction making an application to the Council under regulation 16.

### SCHEDULE 3

Regulations 3(6)(b) and 7(3)(c)

- 1 A trainee solicitor who has not been admitted may in respect of court, tribunal and police procedure matters -
- (1) sit with and instruct Counsel in any Court including the High Court and the Court of Session;
  - (2) appear in the Sheriff Court in a Simple Procedure matter;
  - (3) appear at a Fatal Accident Inquiry with the leave of the Sheriff;
  - (4) appear before the Lands Tribunal with the leave of the Tribunal;
  - (5) appear before an Employment Tribunal;
  - (6) appear before the Valuation Appeals Committee;
  - (7) appear before a Mental Health Tribunal;
  - (8) appear before a licensing board;
  - (9) appear at a Children's Hearing unless the case is referred to a Sheriff;
  - (10) visit a client in custody;
  - (11) attend police station procedures and Video Identification Parade Electronic Recording Scheme.
- 2 A trainee solicitor who has been admitted and holds a practising certificate subject to conditions may in addition to the matters in paragraph 1 -
- (1) in relation to an action raised prior to 28 November 2016 appear in Small Claims, Summary Cause, Ordinary Cause and Family Actions but during the first year of their standard training contract or the first two years of their non-PEAT 1 training contract a

trainee solicitor may not conduct a debate or proof in an Ordinary Cause or Family Action where the value of the case is greater than £20,000;

- (2) in relation to an action raised after 28 November 2016 appear in a Summary Cause, Ordinary Cause or Family Actions but during the first year of their standard training contract or the first two years of their non-PEAT 1 training contract a trainee solicitor may not conduct a debate or proof where the value of the case is greater than £20,000;
- (3) appear in a solemn matter but only at a first appearance, bail application or full committal hearing;
- (4) appear in summary trials;
- (5) appear at a pleading diet (including custody cases) or intermediate diet;
- (6) appear at a sentencing diet and make a plea in mitigation;
- (7) appear at a criminal summary Community Payback Order review;
- (8) appear in the Justice of the Peace Court;
- (9) appear before an Immigration Tribunal;
- (10) appear at a Children's Hearing;
- (11) appear at a potential police interview;
- (12) be appointed as a curator ad litem;
- (13) grant legal advice and assistance but not as the nominated solicitor;
- (14) give advice on settlement agreements in employment law;
- (15) sign a document which requires to be signed by a solicitor.

3 A trainee solicitor who has been admitted as a Notary Public and holds a practising certificate may carry out notarial functions including -

- (1) swear oaths, affidavits and affirmations;
- (2) swear affidavits in undefended divorces;
- (3) swear affidavits under the Title Conditions (Scotland) Act 2003;
- (4) protest in a maritime law matter;
- (5) notarise foreign documents;
- (6) undertake notarial execution.



- 1 Where a trainee solicitor must meet the requirements of regulation 15(2)(a) or (c) before making an application for a certificate of fitness, a trainee solicitor must carry out a period of at least 20 hours sitting in on and observing proceedings in a court in which a trainee solicitor would be entitled to appear once admitted and holding a practising certificate.
- 2 A trainee solicitor who intends to appear in both civil and criminal courts will require to complete sitting in training in both courts with at least eight hours sitting in training relating to each court as part of the required total of at least 20 hours.
- 3 Sitting in training cannot be carried out during or in attendance at -
  - (1) police station interviews;
  - (2) Tribunals;
  - (3) non-evidential simple procedure matters;
  - (4) non-evidential Summary Cause hearings;
  - (5) Licensing Boards;
  - (6) Justice of the Peace Courts.
- 4 Trainee solicitors must keep a record of their sitting in training in the form prescribed by the Council and must submit the record, verified by the training manager, as an accurate account of the sitting in training carried out by the trainee, to the Council to enable a certificate of fitness to be issued.

#### Advocacy Course

- 5 (1) Where a trainee solicitor must meet the requirements of regulation 15(2)(a) or (c) before making an application for a certificate of fitness, a trainee solicitor must complete an advocacy course set by the Council.
- (2) Completion of the advocacy course will not count as required CPD.

#### SCHEDULE 5

#### Regulation 16(1) and (2)

#### Certificate of Good Standing

- 1 A certificate of good standing must be issued by a professional body and will include -

- (1) the date the applicant was admitted as a qualified lawyer to carry out professional activities in their home jurisdiction and confirmation the applicant remains entitled to carry out such professional activities within that jurisdiction;
- (2) confirmation the applicant has not been struck off or suspended from carrying out professional activities as a qualified lawyer in that jurisdiction;
- (3) confirmation there are no pending disciplinary hearings or investigations by another professional or regulatory body in the home or any other jurisdiction relating to the applicant;
- (4) any other information the professional body considers relevant in relation to the applicant's right to carry out professional activities in their home or any other jurisdiction.

### Qualified Lawyers Assessment Examinations

- 2 Unless exempted in terms of paragraph 3 of this schedule an applicant must pass examinations set by the Council in -
  - (1) Legal system and legal method;
  - (2) Public Law;
  - (3) Obligations;
  - (4) Criminal Law;
  - (5) Evidence;
  - (6) Procedure;
  - (7) Conveyancing;
  - (8) Trusts and Succession;
  - (9) European Law and Institutions;
  - (10) Professional Conduct;
  - (11) The Accounts Rules.

### Exemptions from Examinations

- 3 (1) English and Welsh solicitors and barristers, Northern Irish solicitors and barristers and Solicitors and Advocates from the Channel Islands and the Isle of Man are exempt from sitting examinations in -
  - (a) Public Law;
  - (b) Obligations;
  - (c) European Law and Institutions;
  - (d) Professional Conduct.
- (2) Lawyers qualified in non-UK European Economic Area jurisdictions or Switzerland are exempt from sitting an examination in European Law and Institutions.

- (3) Lawyers qualified in other common law jurisdictions are exempt from sitting part of the examination in Legal system and legal method.