

Annex 4: Proposed changes to Functioning Legal Knowledge 2

Area of FLK	Change	Reason
Property Law and Practice		
Assessment Objectives and FLK – Guidance	Add a guidance note to confirm that short residential leases are not examinable in Property Law and Practice.	To provide clarity to stakeholders in relation to the extent of the Property Law and Practice FLK
Structure and content of a lease: rent and rent review	Add a new bullet (replacing “and rent review”) in the original bullet: Open market rent review: - the hypothetical lease and its assumptions and disregards - process for determination Basic principles of: - stepped rent review - turnover rent review - index-linked rent review	To provide clarification that candidates will be assessed on different forms of rent review but to give an indication on the focus given to the more common open market rent review.
Security of tenure under a business lease: Landlord and Tenant Act 1954 (Part II)	Add a new bullet: termination by tenant (s.27 LTA 1954)	Considered to be core and fundamental legal principles/rules for a newly qualified solicitor in line with the other bullet points in this area of the FLK.
Core principles of planning law in England and Wales	Add: Listed Buildings and Conservation Areas	Considered to be core and fundamental legal principles/rules for a newly qualified solicitor in line with the other bullet points in this area of the FLK.
Wills and the Administration of Estates		
Inheritance Tax: the scope of anti-avoidance	Remove this topic	Considered to be complex and potentially above the core and fundamental legal

provisions		principle threshold required from a competent newly qualified solicitor.
Intestacy rules	Add new bullet: • spouse or civil partner's right to acquire the matrimonial home	Considered to be core and fundamental legal principle/rule for a newly qualified solicitor in line with the other bullet points in this area of the FLK.
Post death variations and disclaimers	Add as a new topic	Considered to be core and fundamental legal principles/rules for a newly qualified solicitor
Personal Representatives: fiduciary duties	Add new bullet: • Fiduciary duties of personal representatives: ○ not to profit from fiduciary position ○ not to purchase estate property ○ not to put themselves in a position where their interest and duty conflict	Considered to be core and fundamental legal principles/rules for a newly qualified solicitor. The wording replicates that in the current Trusts Law part of the FLK. A proposal to limit the Trusts Law part of the FLK is made below.
Interpretation of wills:	Add new bullet: • Letter of wishes	Considered to be core and fundamental legal principle/rule for a newly qualified solicitor.
Solicitors Accounts		
Breach of the SRA Accounts Rules: • duty to correct breaches of SRA Accounts Rules promptly on	Amend to: • duty to correct and report breaches of SRA Accounts Rules promptly on discovery	Considered to be fundamental legal principle/rule for a newly qualified solicitor.

discovery		
Operation of joint account; operation of a client's own account	Remove: Operation of joint account; operation of a client's own account	Considered to be encountered infrequently and not core and fundamental legal principles/rules for a newly qualified solicitor
Land Law		
No changes suggested		
Trusts Law		
Creation and requirements of express trusts	Add new bullets: - the beneficiary principle - the rules against perpetuity (instruments taking effect after 6 April 2010)	Considered to be core and fundamental legal principles/rules for a newly qualified solicitor.
Creation and requirements of express trusts	Add new bullet: Trust Registration Service: registrable trusts; information obligations; deadlines; penalties	Considered to be core and fundamental legal principles/rules for a newly qualified solicitor.
Beneficial entitlement: fixed, discretionary, vested, contingent interests	Amend to: fixed, discretionary, vested, contingent, income, capital and successive interests	To provide clarification that candidates will be assessed on identifying life tenants / remainder beneficiaries and their respective interests, in the context of both inter vivos and testamentary dispositions.
Beneficial entitlement:	Add new bullet: letters of wishes	Considered to be part of the core and fundamental legal principles/rules for a newly qualified solicitor.

Beneficial entitlement:	Add new bullet: • dispositions of equitable interests	Considered to be part of the core and fundamental legal principles/rules for a newly qualified solicitor.
The distinction between charitable trusts and non-charitable purpose trusts	Remove from FLK	The scope of valid purpose trusts is something considered to be complex and potentially above the core and fundamental legal principle threshold required from a competent newly qualified solicitor.
Trusts of the family home: • establishment of a common intention constructive trust: - legal title in the name of both parties/sole party - express declaration or agreement as to equitable ownership - direct and indirect contributions • requirements to establish proprietary estoppel.	Remove current text and replace with: Trusts of the family home: • presumption that equity follows the law • establishing common intention • detrimental reliance • quantification Proprietary estoppel: • establishing the estoppel • remedies	Revised wording adopts and better reflects current terminology. Proprietary estoppel cases often relate to businesses as well as homes and can extend beyond 'the family'.
Trustees	Add new bullet: • delegation of trustees' powers and duties	To provide clarification that candidates will be assessed on the delegation of trustees' powers and duties
The nature of equitable remedies and the availability of tracing in	Remove current text and replace with:	Other equitable remedies (specific performance, injunctions etc.) are covered

equity	The nature and availability of proprietary claims	elsewhere on the FLK. The application of specific tracing rules is something considered to be complex and potentially above the core and fundamental legal principle threshold required from a competent newly qualified solicitor.
Criminal Liability		
Criminal damage	Add a new bullet: aggravated arson	Feedback to date suggests this is an omission from the existing offences under this heading which are simple criminal damage, aggravated criminal damage and arson.
Theft offences	Add a new bullet: handling stolen goods Note: the heading for this section would need to be amended to: Theft and related offences as handling stolen goods is not a theft offence	Feedback to date suggests this is an omission from the existing offences under this heading which are theft, robbery, burglary and aggravated burglary.
Criminal Law and Practice		
Advising clients, including vulnerable clients, about the procedure and processes at the police station	Add new line: Searches: searches under s.18 PACE 1984	Feedback to date suggests this is an omission from the existing areas under this heading. These searches form part of the procedure at the police station.
Sentencing	Add new bullets: - breach of sentence - committals for sentence	Required to demonstrate understanding of sentencing, particularly in light of the Sentencing Act 2026. Committals for sentence are an integral part of sentencing, and also required to

		understand allocation.
Sentencing: types of sentence	Add: new bullets under 'types of sentence': • fines • conditional discharges • absolute discharges	Considered to be core and fundamental legal principles/rules for a newly qualified solicitor