



Solicitors
Regulation
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Changes to the Principles for Qualified Lawyers

Consultation responses

5 June 2020

List of respondents

Publish the response with my name

Responses from organisations

Respondent	Respondent type
Junior Lawyers Division	Representative group
The Law Society of England and Wales	Law society
New Zealand Council for Legal Education	Other
New Zealand Law Society	Law society
Welsh Language Commissioner	Other

Responses from individuals

Respondent	Respondent type
Ghulam Mustafa	Other legal professional - lawyer
Krishna Sharma	Other
Hamzah Yusuf	Other

Publish the response anonymously

Responses from individuals

Respondent	Respondent type
ID - 002	Other legal professional – Registered European Lawyer
ID - 005	Solicitor
ID - 007	Solicitor
ID - 015	Other legal professional – Registered European Lawyer
ID - 016	Other – retired solicitor
ID - 019	Solicitor

Do not publish my response and do not publish my name

Responses from organisations

Respondent	Respondent type
ID - 013	Law firm or other legal services provider

Responses from individuals

Respondent	Respondent type
ID - 004	Student
ID - 010	Other legal professional



The Law
Society

Changes to the
Principles for Qualified
Lawyers -

SRA consultation

Junior Lawyers Division

May 2020

Changes to the Principles for Qualified Lawyers: Consultation

A response from the Junior Lawyers Division of the Law Society of England and Wales 6 May 2020

Introduction

The Junior Lawyers Division (JLD) is a division of the Law Society of England and Wales with an independent representative voice. The JLD is one of the largest communities within the Law Society with over 70,000 members. Membership of the JLD is free and automatic for those within its membership group including Legal Practice Course (LPC) students, LPC graduates, trainee solicitors, solicitor apprentices and solicitors up to five years qualified.

The JLD welcomes the opportunity to comment on the SRA's recently revised proposals for the Solicitor's Qualifying Exam (SQE) concerning principles for qualified lawyers seeking admission to the jurisdiction. The JLD has had the opportunity to read the Law Society's response and is broadly in agreement.

Generally, the JLD agrees with the SRA's overall aim to ensure that qualified lawyers who want to be admitted as a solicitor in England and Wales have sufficient professional experience and/or qualifications to equip them with the necessary skills to practice as a solicitor. However, the JLD wishes to outline some issues which are of particular concern to its members, including those qualified lawyers seeking admission who are likely to fall within the JLD's future membership.

Questions

1. Do you agree with our proposal to remove the requirement for qualified lawyers seeking an exemption from the SQE to be from a jurisdiction we recognise?

The JLD supports the removal of the requirement for qualified lawyers seeking an exemption from the SQE to be from a recognised jurisdiction and agrees that the professional experience or qualification of a qualified lawyer must be of an equivalent standard to the SQE. The JLD also agrees that the previous requirement is an unnecessary barrier to admission.

It is important that qualified lawyers from all countries, irrespective of whether the jurisdiction is recognised, have the opportunity to cross-qualify to ensure that England and Wales remain the jurisdiction of choice for legal services. The proposals will help improve competition and the provision of legal services by enabling the best legal talent from diverse backgrounds to enter the market. They also propagate the general aim of the SQE to further open access to the profession. However careful analysis of the qualification and experience obtained must be carried out against the content and standard of the SQE (as per paragraph 12 of the consultation).

Paragraph 13 of the consultation states:

“This emphasis on the qualification and experience means that we do not need separately to assess the particular features of the jurisdiction in which the qualification was obtained or in which the lawyer has been practising. Recognising the jurisdiction itself is not therefore a necessary part of the process.”

It is noted that paragraph 8 of the initial impact assessment does not expand on this point and the JLD would welcome further clarification on the basis that proper analysis of qualifications and experience would necessarily involve consideration of jurisdictional features to some degree.

Nonetheless, a clear and strenuous process must still be adopted by the SRA when assessing individual circumstances and the JLD is concerned that the burden of this approach will lie with the qualified lawyers, rather than the SRA.

The notes to the Annex 3 Principles (paragraphs 7-9) do provide for regulatory/professional bodies to make applications for recognition of a professional title by way of undertaking a mapping exercise and submitting evidence demonstrating how their members' professional qualification is equivalent to the SQE. As noted by the Law Society, this will not only protect standards and public interest, but it will also ensure that those seeking to qualify from a non-recognised jurisdiction have a full understanding of what is required to practice in England and Wales.

However, individuals from overseas jurisdictions which have not previously been recognised and those who do not have the support of a regulatory/professional body behind them will have to apply separately under paragraphs 10-12 of the notes to the Annex 3 Principles. This may, contrary to paragraph 10 of the initial impact assessment, have a detrimental or disproportionate impact on qualified lawyers from certain jurisdictions who must field their own applications (and presumably the associated costs). It is also contended that such a case-by-case assessment could go against the whole objective of having one universal qualification assessment.

The JLD welcomes further information on how qualifications will be recognised on an individual basis before it can comment further.

2. Do you agree with our proposal to amend the principles to add a Welsh language test requirement so qualified lawyers have the option to demonstrate their language competence in either English or Welsh?

The JLD agrees that the principles should be amended to rid the inconsistency described in paragraph 15 of the proposal by failing to mention Welsh as a language requirement despite Regulation 6.2(b) of the SRA Authorisation of Individuals Regulations providing that one of the eligibility requirements for a practising certificate is that the applicant has sufficient knowledge of written and spoken English or Welsh depending on the language they use.

We support the resolution of the potential disadvantage highlighted in paragraph 12 of the initial impact assessment.

To this end, the JLD would echo the Law Society's comments that this consultation should serve as a reminder of the importance of the Welsh language within the jurisdiction and further

encourage the SRA to commit to offering the SQE assessments in Welsh so as to not disadvantage those qualifying domestically.

The JLD represents junior lawyers across both England and Wales and not incorporating a domestic equivalent would see a large percentage of our members being unfairly prejudiced against. The JLD has already engaged on this topic through our letter to the Welsh Language Commissioner on 8 November 2019 following the SRA's decision not to offer SQE assessments in Welsh. The JLD welcomes the necessary amendments to ensure consistency between the principles and SQE admission regulations for both domestic and international candidates alike.

3. Do you agree with our proposal to amend the principles to extend to qualified lawyers exempt from parts of SQE2?

The JLD supports the extension of the language requirement to qualified lawyers who are exempt from parts of SQE2 (as well as the whole of it, as originally drafted) where the SRA has serious and concrete doubts about their language knowledge. The JLD considers that a high level of proficiency in written and spoken English or Welsh is important to meet the standard of language necessary to provide competent legal services and to maintain public confidence and trust in the legal system.

The JLD agrees that the proposed amendment is proportionate in line with the principles of Better Regulations (paragraph 29 of the initial impact assessment), yet the SRA's proposals on how to mitigate the risks uncovers some points for clarification.

Paragraph 18 of the initial impact assessment states:

“We have taken appropriate and proportionate steps to mitigate this risk by:

- a) Only applying the requirements where we have serious and concrete doubt about the applicant’s language knowledge in English or Welsh.*
- b) Targeting the requirements at those elements of English or Welsh knowledge which they have not been able to demonstrate through taking relevant elements of the SQE2.*
- c) Developing flexible guidance (annex 1) against which an applicant can demonstrate English or Welsh language knowledge if required.”*

Paragraph 16 of the initial impact assessment states that the SRA will

“have serious and concrete doubts about English or Welsh language knowledge of an applicant for a first practising certificate if they have not taken any part of the SQE or if they have taken parts of the SQE and in doing so have not demonstrated their knowledge in all the four elements of English or Welsh language knowledge”.

This suggests that the SRA will have serious doubts in respect of all internationally qualified lawyers unless they take the SQE and the JLD would welcome further clarification of this point.

The JLD agrees with the proposed objective that a qualified lawyer who is exempt from part of SQE2 may not have demonstrated all four elements of language knowledge (listening, speaking, reading and writing) and would like to take this opportunity to reiterate our previous concerns that multiple choice questions alone cannot fully demonstrate a candidate's proficiency in English or Welsh.

The JLD agrees that the flexible criteria in Annex 1 will facilitate greater diversity within the profession and will not pose a significant or disproportionate barrier to admission for qualified lawyers given that it may only affect a minority of candidates (as suggested in paragraphs 21-22 of the initial impact assessment).

However when read alongside paragraph 6 of the Annex 3 Principles, there may be a disproportionate cost for qualified lawyers if the language requirement is imposed post-admission. Language ability should be assessed before admission to not protract the process unnecessarily.

The JLD awaits further guidance outlining how language knowledge can be evidenced, as suggested by paragraph 23 of the initial impact assessment, before providing any further comments.

4. Do you agree with our proposed approach to demonstrating English or Welsh language competence and proposal to remove the word “test” from our principles accordingly?

The JLD supports the removal of the word “test” from the language requirement section on the basis that it is unnecessary from a linguistic perspective. The JLD agrees that the wide range of flexible approaches may assist in opening the profession to more candidates, but caution must be taken to ensure that a consistent approach is taken.

5. Do you have any further information on our proposals or how we propose to implement them to inform our impact assessment?

The JLD will comment further when the final impact assessment and consultation response becomes available in summer 2020.

In the meantime, the JLD raise some further points in relation to exemptions from the SQE. In our response of July 2017 to the SRA's consultation on new regulations, the JLD highlighted the concern of allowing exemptions to a minimum of two years' qualifying work experience. We maintain that everyone applying to be admitted as a solicitor in England and Wales must have a minimum of two years' qualifying work experience.

We also maintain that the starting point should be that anyone to be admitted as a solicitor in England and Wales following implementation must have passed SQE (subject to those who have already commenced on the 'traditional' route to qualification and qualify prior to the longstop date). We understand that the SRA does not consider that there can be an exemption from SQE1 (to test the knowledge of the law of England and Wales, including professional conduct and ethics) and will only be considering exemptions from SQE2. We note previously that the SRA had considered that there could not be partial exemption from SQE2, but has since changed its position. We would welcome further information on how the candidate will

be assessed in SQE2 if a partial exemption is granted and how an overall pass/fail will be evaluated, incorporating exemptions, and awarded for SQE2.

We stress again the importance of evidence for all candidates applying for an exemption from SQE2. The SRA must carefully consider this evidence before allowing a candidate an exemption from parts or the whole of SQE2. We also maintain that if a candidate is to be granted an exemption from the whole of SQE2, then the SRA must be confident that the candidate has provided reliable and strong evidence of competence in every skill under SQE2. We would suggest that any candidate who is granted an exemption from the whole of SQE2, should initially be presumed to need to demonstrate the language requirement.

**Junior Lawyers Division
May 2020**

The views expressed in this consultation response are those of the Junior Lawyers Division and do not necessarily reflect the view of the Law Society of England and Wales or any other organisation unless stated.

Changes to the Principles for Qualified Lawyers: Consultation

A response from the Law Society of England and Wales

Introduction

The Law Society ("The Society") is the representative body for over 180,000 solicitors in England and Wales. The Society welcomes the opportunity to comment on the SRA's recently revised proposals for the Solicitor's Qualifying Exam (SQE) concerning principles for qualified lawyers seeking admission to the jurisdiction.

The SQE is due to replace the Qualified Lawyers Transfer Scheme (QLTS) and must ensure that the standards and reputation of the jurisdiction are upheld, whilst further opening access internationally to qualifying within the England and Wales jurisdiction.

The Society, in recent discussions with the SRA, have raised a wide range of concerns surrounding the SQE and its implementation in 2021. Many of the concerns discussed are relevant to qualified lawyers qualifying from another jurisdiction. If England and Wales is to remain the jurisdiction of choice, we hope the proposed changes dealt with in this consultation form part of wider consideration of the SQE and are reviewed as part of the SRA's planned equality, diversity and inclusion impact assessment on the SQE.

Questions

1. Do you agree with our proposal to remove the requirement for qualified lawyers seeking an exemption from the SQE to be from a jurisdiction we recognise?

The Law Society tentatively supports the removal of the requirement for qualified lawyers to be from a recognised jurisdiction. England and Wales is the jurisdiction of choice for many qualified lawyers around the world and remains a hub for international law and business. One of the stated aims of the SQE is to further open access to the profession. The Society wants people from all backgrounds to be able to enter the profession based on merit and therefore welcomes the SRA's proposals to create the potential for qualified lawyers from non-recognised jurisdictions to join the profession.

However, further information would be welcome. The objective in adopting the recognised jurisdiction route was to assess foreign qualified lawyers' qualifications in a quicker, cheaper, and more consistent way. The SRA must ensure that any new system provides the same cost effectiveness when assessing each lawyer individually. The SRA should also be mindful that this may lead to more appeals against its decisions.

There is concern that issues may arise with the move from a professional body reporting an individual's qualifications, to them reporting themselves. Since the individual has a clear interest in the outcome, this increases the possibility for false or partial information being provided, which may undermine the integrity of the overall decision for admission. This may be further aggravated by the kind of factors which might have influenced a jurisdiction being granted recognition or not, such as, content and quality of training. These are easier to assess when looking at a country as a whole, with the help of experts, rather than when assessing an individual's personal application. There is a significant difference between judging someone's experience, which is a subjective exercise, and someone's qualification, which should be an objective exercise based on the knowledge of the relevant jurisdiction and its professional bodies.

Taking this all into account, it is essential that the SRA adopt a clear and objective process for assessing whether the experience and professional qualifications provided are of an equivalent standard to those provided by the legal education system in England and Wales. As highlighted by the impact assessment, information must be provided to international bar associations and international firms. This will protect standards and public interest, but it will also ensure that those seeking to qualify from an unrecognised jurisdiction have a full understanding of what is required to practice in England and Wales.

There will be a need to communicate clearly the message that this change is about maintaining England and Wales as an open jurisdiction to foreign lawyers. There is a danger that abolishing the recognised jurisdictions list could be wrongly interpreted as closing England and Wales to lawyers from those countries. This is a sensitive time as the UK Government seeks to maintain market access after Brexit.

2. Do you agree with our proposal to amend the principles to add a Welsh language test requirement so qualified lawyers have the option to demonstrate their language competence in either English or Welsh?

The Society welcomes the addition of a Welsh language test requirement, allowing qualified lawyers to use their knowledge of the Welsh language to qualify within the jurisdiction. The Society agrees that this will bring the updated principles in line with existing regulations by providing qualified lawyers with a choice to demonstrate ability in English or Welsh when qualifying in England and Wales. This should serve as a reminder of the importance of the Welsh language within the jurisdiction.

We would encourage the SRA to commit to offering the SQE assessments in Welsh. If the aim is to provide an equal footing for Welsh speakers qualifying, this should also apply to those who are qualifying domestically.

3. Do you agree with our proposal to amend the principles to extend to qualified lawyers exempt from parts of SQE2?

The Society welcomes the amendment to the principles, in the interests of consumer protection and overall public trust in the profession. The SRA has a duty to ensure that those qualifying within the jurisdiction have the necessary skills to work as a solicitor. This includes a high level of proficiency in written and spoken English or Welsh. While, as highlighted by the impact assessment, this may disadvantage those qualifying from a non-English speaking country, the society believes it is a necessary addition to maintain and ensure standards. The SRA must ensure that the actions taken to mitigate risks of discrimination are not so flexible as to render the change in principles useless.

It may also be worth noting, the Society is currently working with some Bars in Europe on relaxing the language requirement for solicitors seeking to requalify in a small number of European countries prior to Brexit.

The Law Society would welcome the adoption of a balanced approach, with careful communications and messaging.

4. Do you agree with our proposed approach to demonstrating English or Welsh language competence and proposal to remove the word “test” from our principles accordingly?

The Society believes this is a fair approach and has no further comment at this time.

5. Do you have any further information on our proposals or how we propose to implement them to inform our impact assessment?

The Society welcomes the work of the SRA's equality, diversity and inclusion impact assessment, will follow updates closely and comment further when information becomes available.

Julie Brannan
Director of Education and Training
Solicitors Regulation Authority
Birmingham
UK

By email

22 April 2020

Consultation on Proposed Changes to Principles for Overseas Qualified Lawyers

Dear Ms Brannan

I am writing this on behalf of the New Zealand Council of Legal Education. Thank you for the opportunity to be consulted about the proposed minor changes to the SRA's Principles for Qualified Lawyers in light of the intended rollout of the Solicitors Qualifying Examination next year.

The New Zealand Council of Legal Education ("the Council") is a statutory body that sets the qualification and educational requirements for candidates for admission as barristers and solicitors of the High Court of New Zealand, including recognition of foreign qualifications of those seeking to be admitted to practise in New Zealand.

The Council therefore does not have a direct interest in the recognition of qualifications for admission to practice in England and Wales, as regulated by the Solicitors Regulation Authority, even in respect of candidates who are qualified in New Zealand.

In any event, the proposed minor changes are mostly concerned with the English (or Welsh) language requirement, and would not usually impact on New Zealand qualified applicants, as New Zealand is an English-speaking jurisdiction.

As regards the one proposed change that does not relate to the language requirement (5.1- removal of the requirement for qualified lawyers seeking an exemption from SQE to be from a 'recognised jurisdiction'), we understand from our reading of the documents that 'recognised jurisdiction' status per the existing QLTS will not be removed (Principle 7), so New Zealand's status as a recognised jurisdiction will not be affected.

However, we note that proposed Principles 8 and 9 suggest that a 'regulatory/professional body of a recognised jurisdiction' can apply for recognition for the whole or some of the SQE for 'their jurisdiction/profession', and if they do so, they will have to undertake a 'mapping exercise'. The Council has the function specified at the start of this letter, and it does not directly award qualifications, nor is it an admitting authority or a professional body. It is unclear to what body Principle 8 would apply, at least in the New Zealand context.

In any event it would seem a matter for individual applicants to satisfy the SRA as to their

qualifications for admission. To the extent that the Council might assist applicants to verify or clarify New Zealand qualifications in a particular case, any assistance might incur a fee payable by such applicants for the Council's administration costs.

Lastly, though outside the terms of this consultation, the Council would like to express its interest and some concern about the move to the SQE in 2021. This will impact on some English graduates and lawyers seeking recognition for their qualifications and experience with a view to being admitted in New Zealand. The Council is considering what steps, if any, it might need to take regarding the Regulations and policy in respect of this since a significant proportion of our applications from overseas lawyers come from England and Wales.. Currently, our Regulations require overseas applicants (wherever they are from) to have, prima facie, a minimum three year full time law degree or equivalent tertiary study, as well as post-admission practical training. This is required as the minimum equivalent to the requirement of law study for New Zealand candidates for admission here. Clearly the SQE contemplates that it will be possible for lawyers to be qualified in future in England and Wales without having a Qualifying Law Degree.

Has the SRA (and Legal Services Board) taken into account the impact that the move away from the requirement for Qualifying Law Degree will have on the international mobility of English solicitors in future, including in New Zealand? We would be happy to assist you in further understanding the impact of this on our New Zealand regulations.

Yours sincerely

D Brown

David Brown
Policy Adviser
New Zealand Council of Legal Education

24 May 2020

Tim Pearce
Policy Officer - Regulations Specialist
Solicitors Regulation Authority
The Cube, 199 Wharfside Street,
Birmingham, B1 1RN
UNITED KINGDOM

By email tim.pearce@sra.org.uk

Dear Tim

RE: SRA consultation: Changes to the Principles for Qualified Lawyers

Thank you for the opportunity for the New Zealand Law Society (NZLS) to comment on your consultation paper for your proposed changes to exemptions for qualified lawyers seeking admission through the new SQE. We have reviewed the Principles, Regulations, and Consultation paper with annexures, and attach our response to the consultation questions.

I note that you are also seeking the view of the New Zealand Council of Legal Education (NZCLE). As previously advised, NZCLE is a separate entity from NZLS that carries out the initial assessment of overseas qualifications for applicants wishing to be registered in New Zealand.

Where the applicant has been admitted and practised in another jurisdiction, the NZCLE assessment is then reviewed by members of the NZLS Regulatory Team. Further information about the assessment process and requirements can be found in the NZCLE - Assessment of Overseas Law Qualifications Information Brochure, available on their website - http://www.nzcle.org.nz/Docs/Admission_Brochure.pdf.

I hope this is of assistance. Please do not hesitate to contact me if you wish to discuss, or if further information is required.

Yours sincerely



Neil Mallon
General Manager Regulatory

New Zealand Law Society response to SRA Consultation - Proposed Changes to the Principles for Qualified Lawyers

1. *Do you agree with our proposal to remove the requirement for qualified lawyers seeking an exemption from the SQE to be from a jurisdiction we recognise?*

Yes. We agree that where the assessment of equivalency for an exemption from the SQE or relevant part of it, is based on an objective analysis of an overseas qualified lawyer's professional qualification and professional experience, recognising the jurisdiction itself is not necessary.

In New Zealand we acknowledge that a professional qualification from a common law country is more likely to be equivalent to the NZ Law degree. However, exemption to further study at degree level of a particular core subject may be applied to an applicant from a non-common law country, where the corresponding subject in their jurisdiction is shown to be sufficiently similar in content, or where the applicant has extensive professional experience in that area of law, in practice.

2. *Do you agree with our proposal to amend the principles to add a Welsh language test requirement so qualified lawyers have the option to demonstrate their language competence in either English or Welsh?*

Yes. The proposed amendment will achieve consistency with the regulations and will mean that those who wish to demonstrate language competency in Welsh are not disadvantaged.

3. *Do you agree with our proposal to amend the principles to extend to qualified lawyers exempt from parts of SQE2?*

Yes. We agree to the proposed amendment to your principles to extend the language requirement to those qualified lawyers who may be partially exempt from SQE2, where there are serious and concrete doubts as to whether they have demonstrated all four elements of language knowledge (listening, speaking, reading and writing) necessary to ensure they are able to provide legal services competently.

We have an English language requirement in our assessment of overseas qualified lawyers to ensure that persons from countries where English is not the primary language can demonstrate sufficient knowledge of the English language to cope with communication in New Zealand.

We note your acknowledgment that the proposal could indirectly discriminate on grounds of race or nationality for applicants born and/or brought up in a non-English or Welsh speaking country. However, we agree that the requirement is justifiable in the public interest in order to ensure "qualified lawyers can maintain proper standards of work and can act in the best interests of their clients."

4. Do you agree with our proposed approach to demonstrating English or Welsh language competence and proposal to remove the word “test” from our principles accordingly?

Yes. We agree that the word “test” should be removed in order to reflect the flexibility in how a qualified lawyer can demonstrate their language knowledge, and that the proposed flexible approach will “encourage the widest range of qualified lawyers to seek qualification whilst enabling you to maintain the high standards expected.”

As noted above, in New Zealand overseas qualified lawyer applicants must satisfy the New Zealand Council of Legal Education that they can communicate effectively in both spoken and written English. Evidence in support of the language proficiency may be provided by:

- (a) completion within the last 2 years of the International English Language Testing System (“IELTS”) Academic Module test obtaining minimum scores of 7.5 for each of writing, speaking, reading and listening;
- (b) completion of a law degree that was taught in English while residing in an English-speaking country; or
- (c) otherwise satisfying the Council that the applicant’s proficiency in the English language is comparable to the proficiency demonstrated by completing the IELTS within the minimum scores set out in paragraph (a) above.

5. Do you have any further information on our proposals or how we propose to implement them to inform our impact assessment?

We have reviewed all the documentation accompanying the consultation paper including the Initial Impact Assessment in Annex 2, and are satisfied that all potential risks have been identified and mitigated in your approach.

We also note that you will continue to monitor the impact of any proposal implemented to ensure that there are no unintentional barriers to entry to the profession for qualified lawyers.

We have nothing further to add, but would be happy to further discuss our response if it would assist. Please direct any correspondence to our Regulatory Legal Team – regulatory@lawsociety.org.nz.



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qualifiedlawyers@sra.org.uk

12/05/2020

Dear Colleague

Consultation on the Changes to the Principles for Qualified Lawyers

Thank you for the opportunity to respond to this consultation; and also for the positive co-operation between my office and yours as we continue to discuss the practicalities of delivering the SQE in Welsh.

Below is our response to consultation questions 2-5. We have omitted question 1 as it was not relevant to our work.

Question 2: Do you agree with our proposal to amend the principles to add a Welsh language test requirement so qualified lawyers have the option to demonstrate their language competence in either English or Welsh?

Regulation 6.2(b) of the SRA Authorisation of Individuals Regulations provides that one of the eligibility requirements for a practising certificate is that the applicant has sufficient knowledge of written and spoken English or Welsh, depending on the language they

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use. However, the current principles are inconsistent with this regulation as it prohibits qualified lawyers from showing their linguistic knowledge in Welsh.

We agree with the proposal to revise the principles to include a requirement to demonstrate linguistic ability in English or Welsh; and we welcome the fact that this change is being proposed. By revising the principles, the SRA's language requirements will ensure that candidates who wish to demonstrate their linguistic ability in Welsh are not at a disadvantage. It will also ensure that the bilingual society of Wales is reflected and will adhere to the core principle of the Welsh Language (Wales) Measure 2011 of not treating Welsh less favourably than English.

Question 3: Do you agree with our proposal to amend the principles to extend to qualified lawyers exempt from parts of SQE2?

We welcome the proposal to include Welsh as part of the language requirement which will be extended to qualified lawyers who are exempt from parts of SQE2. By including the Welsh language in this requirement, on the same basis as the English language, the SRA will operate in a way that recognises the official status of the Welsh language in Wales and will adhere to the principle that the Welsh language should be treated no less favourably than the English language.

Question 4: Do you agree with our proposed approach to demonstrating English or Welsh language competence and proposal to remove the word “test” from our principles accordingly?

We agree with the principle that the same requirements apply in terms of both the English and Welsh languages.

However, you note that most qualified lawyers will satisfy you as to their English language knowledge by completing all or parts of the SQE; and further note that passing the SQE in Welsh would be the corresponding criterion 'if' the assessment is offered in Welsh. We



Comisiynydd y
Gymraeg
Welsh Language
Commissioner

have expressed our position on this issue many times in correspondence and in a meeting on 29 January 2020, that professional legal examinations for those wishing to practice in Wales should be available to all and be available through the medium of Welsh.

Question 5: Do you have any further information on our proposals or how we propose to implement them to inform our impact assessment?

We would like to take this opportunity to acknowledge formally that we feel our discussions with the SRA have been positive and we are confident that you are planning towards being in a situation where you will be able to offer SQE in Welsh. We wish to continue to work with you to ensure that this is achieved.

We note that the roundtable meeting to discuss the introduction of the SQE in Welsh due to take place on 24 March this year has been postponed due to Covid-19. We look forward to continuing the discussions once circumstances permit, whether face-to-face or online.

Yours sincerely

Aled Roberts

Welsh Language Commissioner



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qualifiedlawyers@sra.org.uk

12/05/2020

Annwyl Gyfaill

Ymgynghoriad ar y Newidiadau i'r Egwyddorion ar gyfer Cyfreithwyr Cymwys

Diolch am y cyfle i ymateb i'r ymgynghoriad hwn; a hefyd am y cydweithio cadarnhaol sydd rhyngoch a'm swyddfa wrth inni barhau i drafod elfennau ymarferol o fynd ati i gyflwyno'r SQE yn Gymraeg.

Dyma ein hymateb i gwestiynau 2-5 yr ymgynghoriad. Rydym wedi hepgor cwestiwn 1 gan nad oedd yn berthnasol i'n gwaith ni.

Cwestiwn 2: Ydych chi'n cytuno â'n cynnig i ddiwygio'r egwyddorion i ychwanegu gofyniad prawf iaith Gymraeg er mwyn i gyfreithwyr cymwys allu dewis dangos eu gallu ieithyddol yn Gymraeg neu'n Saesneg?

Mae Rheoliad 6.2(b) Rheoliadau Awdurdodi Unigolion yr Awdurdod Rheoleiddio Cyfreithwyr (SRA) yn darparu mai un o'r gofynion cymhwyso ar gyfer tystysgrif ymarfer fel cyfreithiwr yw bod gan yr ymgeisydd allu digonol o ran y Gymraeg neu Saesneg yn ysgrifenedig ac ar lafar, yn dibynnu ar yr iaith mae'n ei ddefnyddio. Serch hynny, mae'r

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Comisiynydd y
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Commissioner

egwyddorion presennol yn anghyson â'r rheoliad hwn gan ei fod yn gwahardd cyfreithwyr cymwysedig rhag dangos eu gwybodaeth ieithyddol yn y Gymraeg.

Rydym yn cytuno â'r cynnig i ddiwygio'r egwyddorion er mwyn cynnwys gofyniad i ddangos gallu ieithyddol yn y Gymraeg neu'r Saesneg; ac yn croesawu bod y newid hwn yn cael ei gynnis. O ddiwygio'r egwyddorion, bydd gofynion ieithyddol yr SRA yn sicrhau nad yw ymgeiswyr sy'n dymuno dangos eu gallu ieithyddol yn y Gymraeg o dan anfantais, yn adlewyrchu cymdeithas ddwyieithog Cymru ac yn dilyn egwyddor craidd Mesur y Gymraeg (Cymru) 2011 o beidio â thrin y Gymraeg yn llai ffafriol na'r Saesneg.

Cwestiwn 3: Ydych chi'n cytuno â'n cynnig i ddiwygio'r egwyddorion i'w hystyngi i gyfreithwyr cymwys sydd wedi'u heithrio o rannau o SQE2?

Rydym yn croesawu'r cynnig i gynnwys y Gymraeg yn rhan o'r gofyniad iaith a gaiff ei hystyngi i gyfreithwyr cymwys sydd wedi'u heithrio o rannau o SQE2. Drwy gynnwys y Gymraeg yn y gofyniad hwn, ar yr un lefel â'r Saesneg, bydd yr SRA yn gweithredu mewn ffordd sy'n cydnabod statws swyddogol y Gymraeg yn Nghymru a'r egwyddor na ddylid trin y Gymraeg yn llai ffafriol na'r Saesneg.

Cwestiwn 4: Ydych chi'n cytuno â'n dull gweithredu arfaethedig ar gyfer dangos gallu Cymraeg neu Saesneg, a'r cynnig i dynnu'r gair "prawf" o'n hegwyddorion i gyd-fynd â hynny?

Rydym yn cytuno â'r egwyddor bod yr un gofynion yn bodoli o ran y Gymraeg a'r Saesneg.

Er hynny, rydych yn nodi y bydd y rhan fwyaf o gyfreithwyr cymwys yn eich bodloni o ran eu gallu yn y Saesneg drwy gyflawni'r SQE; ac yn nodi mai pasio'r SQE yn Gymraeg fyddai'r maen prawf cyfatebol 'os' bydd yr asesiad yn cael ei gynnis yn Gymraeg. Rydym wedi mynegi ein safbwynt ar y mater hwn wrthy ch droeon mewn gohebiaeth ac mewn cyfarfod ar 29 Ionawr 2020, sef y dylai arholiadau cyfreithiol proffesiynol i'r rhai sydd am ymarfer yng Nghymru fod ar gael i bawb a thrwy gyfrwng y Gymraeg.



Comisiynydd y
Gymraeg
Welsh Language
Commissioner

Cwestiwn 5: Oes gennych ragor o wybodaeth am ein cynigion neu sut rydym yn bwriadu eu rhoi ar waith, er mwyn dylanwadu ar ein hasesiad o'r effaith?

Rydym yn cydnabod bod ein trafodaethau gyda'r SRA wedi bod yn rhai cadarnhaol ac yn hyderus eich bod yn cynllunio ar gyfer gallu cynnig yr SQE yn Gymraeg. Rydym yn awyddus i barhau i gydweithio â chi i sicrhau bod hyn yn cael ei gyflawni.

Nodwn fod y cyfarfod bwrdd crwn i drafod cyflwyno'r SQE yn Gymraeg oedd i fod i gael ei gynnal ar 24 Mawrth eleni wedi cael ei ohirio o ganlyniad i Covid-19. Edrychwn ymlaen i barhau â'r trafodaethau unwaith y bydd amgylchiadau'n caniatáu hynny, boed wyneb yn wyneb neu ar-lein.

Yr eiddoch yn gywir,

Aled Roberts
Comisiynydd y Gymraeg

Changes to the Principles for Qualified Lawyers: Consultation

Response ID:1 Data

2. About you

1.
First name(s)

Ghulam

2.
Last name

Mustafa

3.
Please enter your SRA ID (if applicable)

568972

5.
Would you like to receive email alerts about Solicitors Regulation Authority consultations?

Yes

6.
I am responding..

in a personal capacity

7.
In what personal capacity?

Other legal professional

8.
Please specify

Lawyer

9.
How should we publish your response?

Please select an option below.

Publish the response with my/our name

3. Consultation questions

10.
1) Do you agree with our proposal to remove the requirement for qualified lawyers seeking an exemption from the SQE to be from a jurisdiction we recognise?

Yes

11.

2) Do you agree with our proposal to amend the principles to add a Welsh language test requirement so qualified lawyers have the option to demonstrate their language competence in either English or Welsh?

Yes

12.

3) Do you agree with our proposal to amend the principles to extend to qualified lawyers exempt from parts of SQE2?

Yes

13.

4) Do you agree with our proposed approach to demonstrating English or Welsh language competence and proposal to remove the word "test" from our principles accordingly?

Yes

14.

5) Do you have any further information on our proposals or how we propose to implement them to inform our impact assessment?

Please consider the experience gained in the UK while working in a SRA authorised firm.

Changes to the Principles for Qualified Lawyers: Consultation

Response ID:20 Data

2. About you

1.
First name(s)

KRISHNA

2.
Last name

R SHARMA

3.
Please enter your SRA ID (if applicable)

5.
Would you like to receive email alerts about Solicitors Regulation Authority consultations?

Yes

6.
I am responding..

in a personal capacity

7.
In what personal capacity?

8.
How should we publish your response?

Please select an option below.

Publish the response with my/our name

3. Consultation questions

9.
1) Do you agree with our proposal to remove the requirement for qualified lawyers seeking an exemption from the SQE to be from a jurisdiction we recognise?

YES.

10.
2) Do you agree with our proposal to amend the principles to add a Welsh language test requirement so qualified lawyers have the option to demonstrate their language competence in either English or Welsh?

NO

11.

3) Do you agree with our proposal to amend the principles to extend to qualified lawyers exempt from parts of SQE2?

YES

12.

4) Do you agree with our proposed approach to demonstrating English or Welsh language competence and proposal to remove the word "test" from our principles accordingly?

YES

13.

5) Do you have any further information on our proposals or how we propose to implement them to inform our impact assessment?

NO

Changes to the Principles for Qualified Lawyers: Consultation

Response ID:21 Data

2. About you

1.
First name(s)

hamzah

2.
Last name

yusuf

3.
Please enter your SRA ID (if applicable)

5.
Would you like to receive email alerts about Solicitors Regulation Authority consultations?

Yes

6.
I am responding..

in a personal capacity

7.
In what personal capacity?

8.
How should we publish your response?

Please select an option below.

Publish the response with my/our name

3. Consultation questions

9.
1) Do you agree with our proposal to remove the requirement for qualified lawyers seeking an exemption from the SQE to be from a jurisdiction we recognise?

I strongly agree that qualified lawyers of England and Wales, Barristers, chartered legal executives should automatically be exempt from taking the SQE 2, and/or parts of SQE 1 depending on the nature and framework of the proposed format. If no exemptions are given to qualified lawyers from SQE 1 and/or SQE 2 I believe this would discredit the ability and recognition of the effort and examinations that are required to pass in order to be qualified in the UK. Legal skills, writing, advocacy, and modules such as Tort, property, contract, family, wills and trust have for the most part been part and parcel of what a qualified lawyer would have already passed during studies, and practiced in a practical legal environment with a firm. Therefore, I believe if no exemptions are offered to qualified lawyers, it would massively discredit their work and qualifications.

10.

2) Do you agree with our proposal to amend the principles to add a Welsh language test requirement so qualified lawyers have the option to demonstrate their language competence in either English or Welsh?

I agree with this

11.

3) Do you agree with our proposal to amend the principles to extend to qualified lawyers exempt from parts of SQE2?

I strongly agree with any/all exemptions offered to qualified lawyers from parts of, if not all of the SQE 2. kindly refer to my answer in question 1.

12.

4) Do you agree with our proposed approach to demonstrating English or Welsh language competence and proposal to remove the word "test" from our principles accordingly?

n/a

13.

5) Do you have any further information on our proposals or how we propose to implement them to inform our impact assessment?

n/a

Changes to the Principles for Qualified Lawyers: Consultation

Response ID:2 Data

2. About you

9.

How should we publish your response?

Please select an option below.

Publish the response anonymously

3. Consultation questions

10.

1) Do you agree with our proposal to remove the requirement for qualified lawyers seeking an exemption from the SQE to be from a jurisdiction we recognise?

No. I believe that in order to transfer a legal qualification there needs to be an assessment of jurisdiction of origin. If that jurisdiction does not offer valid academical credential, or a valid qualification route, it should not be admitted to the conversion route.

11.

2) Do you agree with our proposal to amend the principles to add a Welsh language test requirement so qualified lawyers have the option to demonstrate their language competence in either English or Welsh?

Yes. If there are proficient Welsh speakers, they should be admitted to a Welsh test.

12.

3) Do you agree with our proposal to amend the principles to extend to qualified lawyers exempt from parts of SQE2?

Yes. Provided that they submit evidence of their post-qualification experience as qualified lawyer, which can be the same as the two years required for law graduates to be admitted to the SQE.

13.

4) Do you agree with our proposed approach to demonstrating English or Welsh language competence and proposal to remove the word "test" from our principles accordingly?

Yes. There are more effective ways to prove knowledge of a language rather than a a test.

14.

5) Do you have any further information on our proposals or how we propose to implement them to inform our impact assessment?

Yes. As a Registered European lawyer, I would like the SRA to take into account the specifics of this category of foreign lawyers. Those who have worked many years under the SRA's supervision should see this time recognised, in form of an exemption based on an assessment of their experience as RELs.

Changes to the Principles for Qualified Lawyers: Consultation

Response ID:5 Data

2. About you

10.

How should we publish your response?

Please select an option below.

Publish the response anonymously

3. Consultation questions

11.

1) Do you agree with our proposal to remove the requirement for qualified lawyers seeking an exemption from the SQE to be from a jurisdiction we recognise?

My opinion is mixed.

On the one hand, we should not discriminate some jurisdictions; on the other hand, we have to treat them differently because in a number of jurisdictions, becoming lawyer is too easy, and in some other jurisdictions, reciprocity does not exist (e.g. they do not allow English lawyer to requalify in their countries).

12.

2) Do you agree with our proposal to amend the principles to add a Welsh language test requirement so qualified lawyers have the option to demonstrate their language competence in either English or Welsh?

Yes.

13.

3) Do you agree with our proposal to amend the principles to extend to qualified lawyers exempt from parts of SQE2?

Yes

14.

4) Do you agree with our proposed approach to demonstrating English or Welsh language competence and proposal to remove the word "test" from our principles accordingly?

I notice that someone I know read, speak and write poor English and yet they passed qlts (and OSCE). This is unthinkable. How they can claim they are English solicitors while speaking, reading or writing such poor English. We must maintain the prestigious status of solicitors of England and Wales.

15.

5) Do you have any further information on our proposals or how we propose to implement them to inform our impact assessment?

None so far.

Changes to the Principles for Qualified Lawyers: Consultation

Response ID:7 Data

2. About you

10.

How should we publish your response?

Please select an option below.

Publish the response anonymously

3. Consultation questions

11.

1) Do you agree with our proposal to remove the requirement for qualified lawyers seeking an exemption from the SQE to be from a jurisdiction we recognise?

Yes

12.

2) Do you agree with our proposal to amend the principles to add a Welsh language test requirement so qualified lawyers have the option to demonstrate their language competence in either English or Welsh?

Yes

13.

3) Do you agree with our proposal to amend the principles to extend to qualified lawyers exempt from parts of SQE2?

Yes

14.

4) Do you agree with our proposed approach to demonstrating English or Welsh language competence and proposal to remove the word "test" from our principles accordingly?

Yes

15.

5) Do you have any further information on our proposals or how we propose to implement them to inform our impact assessment?

No

Changes to the Principles for Qualified Lawyers: Consultation

Response ID:15 Data

2. About you

9.

How should we publish your response?

Please select an option below.

Publish the response anonymously

3. Consultation questions

10.

1) Do you agree with our proposal to remove the requirement for qualified lawyers seeking an exemption from the SQE to be from a jurisdiction we recognise?

Yes.

11.

2) Do you agree with our proposal to amend the principles to add a Welsh language test requirement so qualified lawyers have the option to demonstrate their language competence in either English or Welsh?

No.

12.

3) Do you agree with our proposal to amend the principles to extend to qualified lawyers exempt from parts of SQE2?

No. The QLTS is a very adequate test system for qualified lawyers from other recognised jurisdictions to qualify as a solicitor (England and Wales). There is no need to include them in the SQE.

13.

4) Do you agree with our proposed approach to demonstrating English or Welsh language competence and proposal to remove the word "test" from our principles accordingly?

No. Passing the test will ensure sufficient English knowledge.

14.

5) Do you have any further information on our proposals or how we propose to implement them to inform our impact assessment?

Changes to the Principles for Qualified Lawyers: Consultation

Response ID:16 Data

2. About you

9.

How should we publish your response?

Please select an option below.

Publish the response anonymously

3. Consultation questions

10.

1) Do you agree with our proposal to remove the requirement for qualified lawyers seeking an exemption from the SQE to be from a jurisdiction we recognise?

No The highest standards in must be maintained.

11.

2) Do you agree with our proposal to amend the principles to add a Welsh language test requirement so qualified lawyers have the option to demonstrate their language competence in either English or Welsh?

Yes

12.

3) Do you agree with our proposal to amend the principles to extend to qualified lawyers exempt from parts of SQE2?

No view

13.

4) Do you agree with our proposed approach to demonstrating English or Welsh language competence and proposal to remove the word "test" from our principles accordingly?

No

14.

5) Do you have any further information on our proposals or how we propose to implement them to inform our impact assessment?

Lawyers as a group world wide because they deal with some of the most essential matters affecting fellow humans must have the highest standards of honesty integrity and ability including communication skills to clients and others. There must be no "watering down" of this principle.

Changes to the Principles for Qualified Lawyers: Consultation

Response ID:19 Data

2. About you

10.

How should we publish your response?

Please select an option below.

Publish the response anonymously

3. Consultation questions

11.

1) Do you agree with our proposal to remove the requirement for qualified lawyers seeking an exemption from the SQE to be from a jurisdiction we recognise?

I agree with the proposal to the extent that it is discriminatory towards lawyers from non-recognised jurisdictions who would be entirely competent to practice English law in a particular area. If it is possible to assess their competence without resorting to crude measures such as jurisdiction, this will increase the pool of quality English solicitors.

That being said, given the historic links between England and other common law jurisdictions, it would be artificial to ignore the fact that solicitors/attorneys in other common law jurisdictions such as Australia, Hong Kong, Singapore, Canada, New Zealand and the US share a common heritage with English law. This is reflected in their legal education and the qualification routes in those jurisdictions. By extension these lawyers are much more likely to be competent to practice English law even without further assessment/qualification. Requiring these lawyers to qualify without exemptions is unduly burdensome. This is especially in view of the fact that many of these lawyers intend to practice in the offshore British territories or in international commercial law practice, and have no intention of practicing in England itself.

12.

2) Do you agree with our proposal to amend the principles to add a Welsh language test requirement so qualified lawyers have the option to demonstrate their language competence in either English or Welsh?

I do not have an opinion in this regard

13.

3) Do you agree with our proposal to amend the principles to extend to qualified lawyers exempt from parts of SQE2?

I completely agree. Common law qualified lawyers where English is the pre-dominant legal language such as Australia, New Zealand, Singapore would have to demonstrate as a matter of qualification that they have already demonstrated the skills in SQE2. Requiring such lawyers to take these assessments would increase the administrative burden on the SRA and testing authorities without much inherent benefit.

Even in common law jurisdictions where English is predominant language but operates alongside another language (as a matter of practice) such as in Hong Kong, Hong Kong solicitors are required to demonstrate the competencies in SQE2 as part of their qualification route (given the historic ties between Hong Kong and England and that the Hong Kong legal profession looks to the English legal profession as a benchmark for international practice).

14.

4) Do you agree with our proposed approach to demonstrating English or Welsh language competence and proposal to remove the word "test" from our principles accordingly?

I do. Given that English is a global language (albeit with its home in the England), it would be unscientific to assume that non-English qualified lawyers did not have an adequate level of English. For example, this respondent (despite not being an English solicitor) noticed that your consultation paper on this topic utilised "competences" as the plural form of competence rather than "competencies". Although this mistake is completely understandable, it would be considered a typographical error in Australia and Hong Kong.

15.

5) Do you have any further information on our proposals or how we propose to implement them to inform our impact assessment?

If I may say so, the SRA in evaluating its proposals to grant exemptions to foreign qualified lawyers should keep in mind the talent and diversity of other pools of overseas qualified lawyers steeped in the common law tradition. The very best of these lawyers may, at some point, in their careers practice in England (similar to the manner in which other English lawyers practice in jurisdictions in Asia and the Middle East). By allowing these lawyers to qualify (without disproportionately burdensome requirements), this can enrich the pool of lawyers in London (especially at specific times when there is not enough of a supply of qualified English lawyers in a particular field of expertise). By also allowing recognising the historic links between the common law jurisdictions (and their common English law inheritance), this will open greater global opportunities to English lawyers as well.