

Solicitors  
**Regulation**  
Authority

# **SQE1 Functioning Legal Knowledge Assessment Specification**

**Solicitors Qualifying Examination**

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August 2019

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# Overview of SQE1 Functioning Legal Knowledge assessments

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The two SQE1 Functioning Legal Knowledge (FLK) assessments comprise the following subject areas:

1. Business Law and Practice; Dispute Resolution; Contract; Tort; Legal System of England and Wales; Constitutional and Administrative Law and Legal Services.
2. Property Practice; Wills and the Administration of Estates; Solicitors Accounts; Land Law; Trusts; Criminal Law and Practice.

**Within each of the above FLK assessments, questions may draw on any combination of the subject areas which might be encountered in practice.**

Ethics and Professional Conduct will be examined **pervasively** across the two assessments above.

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

- Business Law and Practice
- Property Law and Practice
- Wills and the Administration of Estates.

In this document, the subject areas are grouped within two sections giving details of each of the two FLK assessments. For each area, assessment objectives are set out, followed by the knowledge of law and practice which candidates are expected to apply in order to answer questions in the assessments.

# Functioning Legal Knowledge

**The depth and breadth of knowledge of the Law of England and Wales required of candidates is that of functioning legal knowledge. This means that candidates must apply their knowledge of the law to demonstrate the competences required to the level of a newly qualified solicitor of England and Wales.**

The core legal principles and rules a candidate will be asked to apply are identified by subject area below. A candidate should be able to apply these fundamental legal principles and rules appropriately and effectively at the level required of a competent newly qualified solicitor in practice, to realistic client-based and ethical problems and situations. Each single best answer (SBA) question is followed by five possible answers. Candidates should mark only one answer for each question.

The SQE1 FLK assessments are closed book. The questions in the assessments are designed to test the application of fundamental legal principles which can be expected of a newly qualified solicitor of England and Wales without reference to books and notes. They are not designed to test matters of detail which a newly qualified solicitor would be expected to look up.

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

The relationship between the Statement of Solicitor Competence (SoSC) and the legal principles and rules which candidates must know and apply is indicated at Annex 3. In the FLK assessments, candidates will be tested at level 3 of the Threshold Standard - ie that of the newly qualified solicitor – as set out in Annex 6.

## Application of Legal Principles and Rules

The following illustrations of the range of question style used to test the FLK are not intended to be exhaustive:

1. A question may require the candidate to both identify and apply a fundamental legal principle or rule.
2. A question may identify the relevant legal principle or rule and require the candidate to identify how it should be properly applied, and/or the outcome of that proper application.
3. A candidate may be required to demonstrate that they understand whether a client can legally achieve a desired outcome and offer appropriate explanatory advice.
4. Where the legal result of a client's action is already established by the question, the candidate may be required to identify why the application of a legal principle or rule produces that result in law and/or what the relevant legal principle or rule is.
5. A question may require a candidate to perform a calculation by applying rules, rates, percentages and thresholds to identify a correct figure. For questions on taxation, candidates will be expected to remember certain thresholds and rates of tax and to be

aware of the availability of certain reliefs and exemptions where these have been part of the UK tax system for a considerable period. However, within the UK tax system, many rates and thresholds and some exemptions and reliefs are subject to adjustment, introduction or removal by successive Budgets, and for those, the figures required to work out an answer to any tax calculation would normally be provided.

Published sample questions will provide examples of the style of questions which may be used to test the candidate's ability to apply the fundamental legal principles and rules that are set out in this Assessment Specification.

## Legal Authorities

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

## Subject Matter

The FLK assessments for SQE1 will sample from the content indicated in this assessment specification. A blueprint is provided at Annex 3.

## Ethics and professional conduct

Candidates are required to demonstrate their ability to act honestly and with integrity, and in accordance with the SRA Standards and Regulations as follows:

The purpose, scope and content of the SRA Principles

The purpose, scope and content of the:

- SRA Code of Conduct for Solicitors, RELs and RFLs
- SRA Code of Conduct for Firms in relation to:
  - Managers in authorised firms
  - Compliance Officers.

Together referred to as the Code of Conduct.

See SoSC (A1) at Annex 1.

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

# FLK assessment 1: Business Law and Practice; Dispute Resolution; Contract; Tort; Legal System, Public Law, Legal Services

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## Business Law and Practice

### Assessment objectives

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

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

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

Candidates are expected to draw upon and apply knowledge from the areas of law and practice set out on pages 11-13.

**Questions may draw on any combination of the subject areas within this FLK assessment 1 which might be encountered in practice.**

# Dispute Resolution

## Assessment objectives

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

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

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

Candidates are expected to draw upon and apply knowledge from the areas of law and practice set out on pages 13-16.

**Questions may draw on any combination of the subject areas within this FLK assessment 1 which might be encountered in practice.**

# Contract

## Assessment objectives

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

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

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

Candidates are expected to draw upon and apply knowledge from the areas of law and practice set out on pages 16-18.

**Questions may draw on any combination of the subject areas within this FLK assessment 1 which might be encountered in practice.**



# Tort

## Assessment objectives

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

1. Negligence.
2. Remedies and defences.
3. Occupiers' liability.
4. Product liability.
5. Nuisance and the rule in *Rylands v Fletcher*.

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

Candidates are expected to draw upon and apply knowledge from the areas of law and practice set out on pages 18-19.

**Questions may draw on any combination of the subject areas within this FLK assessment 1 which might be encountered in practice.**

# The Legal System of England and Wales, Constitutional and Administrative Law, Legal Services

## Assessment objectives

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

1. The Legal System of England and Wales and Sources of law.
2. Constitutional and Administrative law and EU law.
3. Legal services.

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

Candidates are expected to draw upon and apply knowledge from the areas of law and practice set out on pages 19-22.

**Questions may draw on any combination of the topics within this FLK assessment 1 which might be encountered in practice.**

# Business organisations, rules and procedures

(Excluding the Listing, Prospectus, Disclosure Guidance and Transparency Rules and any other FCA, London Stock Exchange, market rules or codes)

Business and organisational characteristics (sole trader/partnership/LLP/private and unlisted public companies).

Legal personality and limited liability.

Procedures and documentation required to incorporate a company/form a partnership/LLP and other steps required under companies and partnerships legislation to enable the entity to commence operating:

- constitutional documents
- Companies House filing requirements.

Finance:

- funding options: debt and equity
- types of security
- distribution of profits and gains
- financial records, information and accounting requirements.

Corporate governance and compliance:

- rights, duties and powers of directors and shareholders of companies
- company decision-making and meetings: procedural, disclosure and approval requirements
- documentary, record-keeping, statutory filing and disclosure requirements
- appointment and removal of directors
- minority shareholder protection.

Partnership decision-making and authority of partners:

- procedures and authority under the Partnership Act 1890
- common provisions in partnership agreements.

Insolvency (corporate and personal):

- options and procedures - CVA/IVA, bankruptcy, administration, fixed asset receivership, voluntary and compulsory liquidation
- claw-back of assets for creditors – preferences, transactions at an undervalue, fraudulent and wrongful trading, setting aside a floating charge
- order of priority for distribution to creditors.

## Taxation - business

Income Tax:

- chargeable persons/entities (employees, sole traders, partners, shareholders, lenders and debenture holders)
- basis of charge (types of income/main reliefs and exemptions)
- the charge to tax: calculation and collection
- the scope of anti-avoidance provisions.

Capital Gains Tax:

- chargeable persons/entities (sole traders, partners, and shareholders)
- basis of charge (calculation of gains/allowable deductions/main reliefs and exemptions)
- the charge to tax: calculation and collection
- the scope of anti-avoidance provisions.

Corporation Tax:

- basis of charge
- calculation, payment and collection of tax
- tax treatment of company distributions or deemed distributions to shareholders
- outline of anti-avoidance legislation.

Value Added Tax:

- key principles relating to scope, supply, input and output tax
- registration requirements and issue of VAT invoices

- returns/payment of VAT and record keeping.

Inheritance Tax:

- business property relief.

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

Different options for dispute resolution:

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

Resolving a dispute through a civil claim:

- preliminary considerations: limitation, pre-action protocols:
- parties and causes of action
- calculating limitation periods for claims in contract and tort
- Practice Direction – Pre-action conduct
- principles and purpose of pre-action protocols governing particular claims and consequences for failure to follow their terms
- applicable law: mechanisms to determine which country's laws apply to a contractual or tortious claim issued in the courts of England and Wales
- jurisdiction: mechanisms to determine jurisdiction over an international contractual or tortious claim.

Where to start proceedings:

- allocation of business between the High Court and the County Court
- jurisdiction of the specialist courts.

Issuing and serving proceedings:

- issuing a claim form
- adding, removing or substituting parties
- service of a claim form within the jurisdiction

- procedure for service of a claim form outside the jurisdiction (with or without the court's permission) and mechanisms for effecting valid service in another jurisdiction
- deemed dates of service and time limits for serving proceedings
- service by an alternative method.

#### Responding to a claim:

- admitting the claim
- acknowledging service and filing a defence and/or counterclaim
- disputing the court's jurisdiction
- entering and setting aside judgment in default
- discontinuance and settlement
- time limits for responding to a claim.

#### Statements of case:

- purpose, structure and content of a claim form, particulars of claim, or defence relating to a claim in contract or tort
- purpose, structure and content of a reply, Part 20 claim, or defence to Part 20 claim
- requests for further information about statements of case
- amendments.

#### Interim applications:

- procedure for making an application
- purpose, procedure and evidence required for particular applications:
  - summary judgment
  - interim payments
  - interim injunctions.

#### Case management:

- the overriding objective
- track allocation

- case management directions for cases proceeding on the fast or multi-tracks
- non-compliance with orders, sanctions and relief
- costs and case management conferences.

Evidence:

- relevance, hearsay and admissibility
- the burden and standard of proof
- expert evidence -
  - opinion evidence
  - duties of experts
  - single joint experts
  - discussion between experts
- witness evidence -
  - witness statements
  - affidavits.

Disclosure and inspection:

- standard disclosure
- orders for disclosure
- specific disclosure
- pre-action and non-party disclosure
- electronic disclosure
- privilege and without prejudice communications
- waiver of privilege.

Trial:

- summoning witnesses
- preparations for trial -
  - purpose of pre-trial checklists and hearings

- purpose of trial bundles.
- trial procedure
- the nature and effect of judgment.

#### Costs:

- costs management and budgeting
- inter-partes costs orders (interim and final)
- non-party costs
- qualified one-way costs shifting
- Part 36 and other offers
- security for costs
- fixed and assessed costs.

#### Appeals:

- permission
- destination of appeals
- grounds for appeals.

#### Enforcement of money judgments:

- oral examination
- methods of enforcement
- procedure and mechanisms for effecting valid enforcement in another jurisdiction.

## Core principles of contract law

#### Formation:

- offer and acceptance
- consideration
- intention to create legal relations
- certainty
- capacity.



Parties:

- privity of contract
- rights of third parties.

Contract terms:

- express terms
- incorporation of terms
- terms implied by common law and statute
- exemption clauses
- key boilerplate and other common terms
- the interpretation of contract terms (conditions, warranties and innominate terms)
- variation.

Vitiating factors:

- misrepresentation
- mistake
- unfair contract terms
- duress and undue influence
- illegality.

Termination:

- expiry or other specified event
- breach
- frustration
- basic principles of restitution and unjust enrichment in the context of termination of contract.

Remedies:

- damages
- liquidated sums and penalties

- specific performance
- injunctions
- duty to mitigate
- indemnities
- guarantees.

Causation and remoteness

## Core principles of tort

Negligence:

- duty of care (standard (general and professional)) and breach
- causation (single and multiple)
- remoteness and loss
- principles of remedies for personal injury and death claims
- claims for pure economic loss arising from either a negligent act or misstatement
- claims for psychiatric harm
- employers' primary liability (operation and effect of the common law principles).

Defences:

- consent
- contributory negligence
- illegality
- necessity.

Principles of vicarious liability

Occupiers' Liability:

- legal requirements for a claim under the Occupiers' Liability Act 1957 (in relation to visitors) and the Occupiers' Liability Act 1984 (in relation to non-visitors)

- defences
- exclusion of liability.

Product liability:

- principles in negligence
- principles of the Consumer Protection Act 1987.

Nuisance:

- public and private nuisance
- the rule in Rylands v Fletcher
- remedies (damages and injunctions) and defences.

## The Legal System of England and Wales and Sources of law

The courts:

- the judiciary
- court hierarchy, the appeal system and jurisdiction
- rights of audience.

Development of case law: the doctrine of precedent

Primary legislation: the structure of an act of Parliament

Statutory interpretation:

- the literal rule
- the golden rule
- the mischief rule
- the purposive approach
- presumptions
- aids to statutory interpretation and construction.

# Constitutional and Administrative law and EU law

Core institutions of the state and how they interrelate:

- parliament and parliamentary sovereignty
- central government and accountability
- status of the devolved institutions and their relationship with Westminster
- the monarch and the Crown
- the role of constitutional conventions
- prerogative power: relationship with legislation and constitutional conventions
- parliamentary privilege.

Legitimacy, separation of powers and the rule of law:

- powers and procedures for the enactment, implementation and repeal of primary and secondary legislation
- Public Order law
  - Processions
  - Assemblies
  - Breach of the peace
- judicial review
  - the nature, process and limits of judicial review
  - supervisory nature
  - remedies
  - decisions which may be challenged
  - standing
  - time limits
  - grounds:
    - illegality
    - irrationality

- procedural impropriety
- legitimate expectation.

Human Rights Act 1998 and the European Convention on Human Rights:

- ss.2, 3, 4, 6, 7, 8, 10 Human Rights Act 1998
- Schedule 1 HRA 1998 the "Convention Rights".

The place of EU law in the UK constitution:

- Sources of retained EU law
- Categories/status/interpretation of retained EU law
- Modification/withdrawal of retained EU law
- Parliamentary sovereignty and retained EU law.

## Legal services

The regulatory role of the SRA:

- principles and risk-based regulation
  - jurisdiction and sanctions of the Solicitors Disciplinary Tribunal
  - reserved legal activities
  - professional indemnity insurance
  - other regulated providers of legal services
- overriding legal obligations
  - The Equality Act 2010
  - money laundering
    - purpose and scope of anti-money laundering legislation including the international context
    - circumstances encountered in the course of practice where suspicion of money laundering should be reported in accordance with the legislation

- the appropriate person or body to whom suspicions should be reported, the appropriate time for such reports to be made and the appropriate procedure to be followed
- direct involvement and non-direct involvement offences, and defences to those offences under Proceeds of Crime Act 2002
- due diligence requirements
- Financial services
  - the financial services regulatory framework including authorisation, and how it applies to solicitors' firms
  - recognition of relevant financial services issues, including the identification of specified investments, specified activities and relevant exemptions
  - application of the Financial Services and Markets Act 2000 and related secondary legislation to the work of a solicitor
  - appropriate sources of information on financial services.

Funding options for legal services:

- private retainer
- conditional fee arrangements
- damages based agreements
- fixed fees
- eligibility for criminal and civil legal aid
- third party funding
- legal expenses insurance.

# FLK Assessment 2: Property Practice; Wills and the Administration of Estates; Solicitors Accounts; Land Law; Trusts; Criminal

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## Property Practice

### Assessment objectives

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

1. The key elements of a freehold and/or leasehold residential or commercial property transaction.
2. Investigation of a registered or an unregistered freehold and/or leasehold title.
3. Pre-contract searches and enquiries undertaken when acquiring a freehold and/or leasehold property.
4. Steps in progressing a freehold and/or leasehold property transaction to exchange of contracts.
5. Pre-completion steps relevant to a freehold and/or leasehold property transaction.
6. Completion and post-completion steps relevant to a freehold and/or leasehold property transaction including remedies for delayed completion.
7. The grant and the assignment of a commercial lease and/or underlease.
8. The key lease covenants in a commercial lease and the law relating to their breach.
9. Security of tenure under the Landlord and Tenant Act 1954 Part II.
10. Taxation of property transactions through Stamp Duty Land Tax, Land Transaction Tax, Value Added Tax and Capital Gains Tax.

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

Candidates are expected to draw upon and apply knowledge from the areas of law and practice set out on pages 27-31.

**Questions may draw on any combination of the subject areas within this FLK assessment 2 which might be encountered in practice.**

# Wills and the Administration of Estates

## Assessment objectives

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

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

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

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

Candidates are expected to draw upon and apply knowledge from the areas of law and practice set out on pages 32-34.

**Questions may draw on any combination of the subject areas within this FLK assessment 2 which might be encountered in practice.**

# Solicitors Accounts

## Assessment objectives

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

1. Transactions involving client money and money belonging to the authorised body.



2. Operation of ledgers and bank accounts; the payment of interest.
3. Breaches of the SRA Accounts Rules.
4. Accounting entries required; bills; obtaining and delivery of accountants' reports; obligations regarding record-keeping.

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

Candidates are expected to draw upon and apply knowledge from the areas of law and practice set out on page 34-35.

**Questions may draw on any combination of the subject areas within this FLK assessment 2 which might be encountered in practice.**

## Land Law

### Assessment objectives

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

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

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

Candidates are expected to draw upon and apply knowledge from the areas of law and practice set out on pages 35-36.

**Questions may draw on any combination of the subject areas within this FLK assessment 2 which might be encountered in practice.**

# Trusts

## Assessment objectives

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

1. Express and implied trusts.
2. The fiduciary relationship.
3. Trustees' duties, powers and liability.
4. Equitable remedies.

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

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

Candidates are expected to draw upon and apply knowledge from the areas of law and practice set out on pages 37-38.

**Questions may draw on any combination of the subject areas within this FLK assessment 2 which might be encountered in practice.**

# Criminal Law and Practice

## Assessment objectives

In the context of specified criminal offences, candidates are required to apply relevant core legal principles and rules appropriately and effectively, at the level of a competent newly qualified solicitor in practice, to realistic client-based and ethical problems and situations in the following areas:

1. The core principles of criminal liability including actus reus and mens rea, specific and general defences, and participation.
2. The law, procedure and processes involved in advising a client at the police station.
3. The law, procedure and processes involved in pre-trial considerations.
4. The law, procedure and processes involved to meet the client's objectives.

5. The law, procedure and processes involved in magistrates' court and Crown Court trials, including sentencing and appeals.

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

Candidates are expected to draw upon and apply knowledge from the areas of law and practice set out on pages 38-43.

**Questions may draw on any combination of the topics within this FLK assessment 2 which might be encountered in practice.**

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

Investigation of a registered and unregistered freehold title:

- key elements and structure of freehold property transactions
- process of analysing Land Registry official copy entries
- process of analysing an epitome of title and deducing ownership
- issues that could arise from an investigation of title and further action required
- purpose and process of reporting to the client.

Pre-contract searches and enquiries:

- range and purpose of making searches and raising enquiries
- who would make the searches and raise enquiries
- results of searches and enquiries.

Law Society Conveyancing Protocol

Finance:

- sources of finance for a property transaction
- types of mortgage.

Acting for a lender:

- lender's requirements
- purpose of a certificate of title.

#### Preparation for and exchange of contracts:

- key conditions contained in the:
  - Standard Conditions of Sale
  - Standard Commercial Property Conditions.
- purpose of, and matters covered by, special conditions
- methods of holding a deposit:
  - stakeholder
  - agent
- insurance and risk
- basics of VAT in a contract
- timing for issuing certificate of title to a lender
- the practice, method and authority to exchange
- consequences of exchange.

#### Pre-completion:

- form of transfer deed and formalities for execution
- pre-completion searches
- pre-completion steps.

#### Completion and post-completion:

- methods and effect of completion
- post-completion steps.

#### Remedies for delayed completion:

- common law damages
- contractual compensation
- notice to complete
- rescission.

# Core knowledge areas of leasehold real estate law and practice

Structure and content of a lease:

- repair
- insurance
- alterations
- user and planning
- rent and rent review
- alienation
- options for the term of a lease
- Code for Leasing Business Premises.

Procedural steps for the grant of a lease or underlease:

- drafting the lease
- purpose of an agreement for lease
- deduction of title
- pre-contract enquiries and searches
- pre-completion formalities
- completion and post-completion steps.

Procedural steps for the assignment of a lease:

- deduction of title
- pre-contract enquiries and searches
- landlord's consent
- deed of assignment and covenants for title
- pre-completion formalities
- authorised guarantee agreement
- completion and post-completion steps.

Licence to assign and licence to underlet:

- purpose of and who prepares the draft
- privity of contract and how the licence deals with this
- key provisions in the licence.

Leasehold covenants:

- liability on covenants in leases –
  - leases granted before 1 January 1996
  - leases granted on or after 1 January 1996

Remedies for breach of a leasehold covenant:

- action in debt
- forfeiture
- Commercial Rent Arrears Recovery
- pursue guarantors and/or rent deposit
- specific performance
- damages
- self-help/Jervis v Harris clause.

Termination of a lease:

- effluxion of time
- notice to quit
- surrender
- merger.

Security of tenure under a business lease:

- Landlord and Tenant Act 1954 (Part II) –
  - application of 1954 Act
  - renewal lease by the tenant
  - termination by the landlord

- landlord's grounds of opposition
- terms of new lease
- availability of compensation.

## Core principles of planning law

Statutory definition of "Development"

Matters that do not constitute "Development"

Matters that do not require express planning permission  
Building regulation control

Enforcement: time limits and the range of local planning authority's enforcement powers

## Taxation – property

Stamp Duty Land Tax and Land Transaction Tax:

- basis of charge in both England and Wales for:
  - residential property
  - non-residential freehold property.

Value Added Tax:

- basis of charge:
  - what constitutes a taxable supply
  - differences between standard, exempt and zero-rated supplies
- reasons why a client would make an option to tax and the effect that has.

Capital Gains Tax:

- basis of charge
- principal private dwelling-house exemption.

# Wills and Intestacy

Validity of wills and codicils:

- testamentary capacity
- duress and undue influence
- formal requirements.

Personal Representatives:

- the appointment of executors
- renunciation and reservation of power.

Alterations and amendments to wills:

- effect of alterations made to wills both before and after execution
- use of codicils.

Revocation of wills:

- methods of revocation
- effect of marriage and divorce of a testator.

The interpretation of wills:

- effect of different types of gift
- failure of gifts.

The intestacy rules:

- Section 46 of The Administration of Estates Act 1925
- the statutory trusts.

Property passing outside the estate:

- joint property
- life policies
- pension scheme benefits
- trust property.



# Probate and Administration Practice

Grants of representation:

- need for grant
- the relevant provisions of the Non-Contentious Probate Rules
- application procedure
- valuation of assets and liabilities
- excepted estates
- methods of funding the initial payment of Inheritance Tax
- burden and incidence of Inheritance Tax.

Administration of estates:

- duties of personal representatives
- liabilities of personal representatives and their protection
- the sale of assets to raise funds to pay funeral expenses, tax, debts and legacies
- distribution of the estate.

Claims against estates under the Inheritance (Provision for Family and Dependents) Act 1975:

- time limit
- applicants
- ground.

## Taxation – wills and the administration of estates

Inheritance Tax:

- lifetime transfers that are immediately chargeable and those that are potentially exempt
- transfers on death
- exemptions and reliefs

- the scope of anti-avoidance provisions.

Income and Capital Gains Tax in respect of the period of the administration of an estate:

- the personal representatives' liability to Income Tax and Capital Gains Tax
- the beneficiaries' liability to Capital Gains Tax on inherited assets.

## Solicitors Accounts

Client money:

- definition
- requirement to pay client money into a client account
- circumstances in which client money may be withheld from a client account
- repayment
- accounting entries required.

Client account:

- meaning and name of account
- obligation not to use client account to provide banking facilities
- withdrawals and accounting entries required.

Requirement to keep client money separate from money belonging to the authorised body

Interest:

- requirement to pay interest on client money
- accounting entries required.

Breach of the SRA Accounts Rules:

- duty to correct breaches of SRA Accounts Rules promptly on discovery
- accounting entries required.

Requirement to keep and maintain accurate records in client ledgers, including requirement to carry out reconciliation of client accounts and to keep a record of bills to include:

- disbursements using the agency and principal methods

- transfers
- submission, reduction and payment of bills including the VAT element
- accounting entries required.

Operation of joint account; operation of a client's own account

Third party managed accounts

Obtaining and delivery of accountants' reports; storage and retention of accounting records

## Core principles of land law

Nature of Land:

- distinction between real property and personal property
- how to acquire and transfer legal and equitable estates
- how to acquire and dispose of legal and equitable interests in land
- methods to protect and enforce third party interests
- different ways in which land can be held
- legal formalities required to create and transfer interests and estates in land.

Title to Land:

- registration of title to land:
  - estates that can be substantively registered
  - how to protect interests
  - interests that override registration and interests that need to be protected on the register
- core principles of unregistered title to land:
  - role of title deeds
  - Land Charges
  - continuing role of doctrine of notice.

Co-ownership and Trusts:

- differences between joint tenants and tenants in common in law and in equity
- rule of survivorship
- severance of joint tenancies
- solving disagreements between co-owners by reference to sections 14 and 15 of Trusts of Land & Appointment of Trustees Act 1996.

#### Proprietary Rights:

- essential characteristics of easements
- methods for creation of easements
- rules for the passing of the benefit and burden of freehold covenants
- mortgages, including enforceability of terms, priority of mortgages, lender's powers and duties, and protection of mortgagors and other third parties with an interest in the land.

#### Leases:

- relationship between landlord and tenant in a lease
- essential characteristics of a lease including the difference between a lease and a licence
- privity of contract and privity of estate
- rules for the passing of the benefit and burden of leasehold covenants and enforceability
- purpose and effect of an alienation covenant
- remedies for breach of leasehold covenants (including forfeiture)
- different ways a lease can be terminated.

# Core principles of trust law

Creation and requirements of express trusts:

- the three certainties of intention, subject matter and objects:
  - fixed interest trusts
  - discretionary trusts
- formalities to create express inter vivos trusts
- constitution of express inter vivos trusts and exceptions to the rule that equity will not assist a volunteer.

Beneficial entitlement:

- fixed, discretionary, vested, contingent interests
- the rule in *Saunders v Vautier*.

The distinction between charitable trusts and non-charitable purpose trusts

Resulting trusts:

- how they arise and when they are (or are not) presumed.

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.

Liability of strangers to the trust:

- establishing recipient liability
- establishing accessory liability.

The fiduciary relationship and its obligations:

- duty not to profit from fiduciary position
- trustees not to purchase trust property

- fiduciary not to put himself in a position where his interest and duty conflict.

Trustees:

- who can be a trustee; appointment, removal and retirement of trustees
- trustees' duty of care
- trustees' duty to invest (and powers in relation to investment)
- trustees' statutory powers of maintenance and advancement.

Trustees' liability:

- breach of trust
- measure of liability
- protection of trustees
- limitation period.

The nature of equitable remedies and the availability of tracing in equity.

## Core principles of criminal liability

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

Specified criminal offences:

- offences against the person:
  - assault and battery
  - s. 47 Offences Against the Person Act 1861
  - s. 20 Offences Against the Person Act 1861
  - s. 18 Offences Against the Person Act 1861
- theft offences:
  - s. 1 Theft Act 1968
  - s. 8 Theft Act 1968
  - s. 9 Theft Act 1968
  - s. 10 Theft Act 1968

- criminal damage:
  - simple criminal damage
  - aggravated criminal damage
  - arson
- homicide:
  - murder
  - voluntary manslaughter
  - involuntary manslaughter (unlawful act manslaughter, manslaughter by gross negligence)
- fraud:
  - by false representation
  - by abuse of position
  - by failing to disclose.

Definition of the offence:

- actus reus
- mens rea.

General defences:

- intoxication
- self-defence/defence of another.

Partial defences:

- loss of control
- diminished responsibility.

Parties:

- principal offender
- accomplices
- joint enterprise.

Inchoate offences:

- Attempt to commit an offence.

## Advising clients, including vulnerable clients, about the procedure and processes at the police station

Rights of a suspect being detained by the police for questioning:

- right to legal advice
- right to have someone informed of arrest
- reviews and detention time limits under PACE 1984, Code C.

Identification procedures:

- when an identification procedure must be held
- different types of identification procedure
- procedure for carrying out an identification procedure PACE 1984, Code D.

Advising a client, including vulnerable clients, whether to answer police questions:

- right to silence
- adverse inferences.

Procedure for interviewing a suspect under PACE 1984:

- role and appropriate conduct by defence legal representative/ solicitor including representation of vulnerable client
- role of appropriate adult and who can be an appropriate adult.

## The procedures and processes involved in criminal litigation

Bail applications:

- the right to bail and exceptions
- conditional bail
- procedure for applying for bail



- further applications for bail
- appeals against decisions on bail
- absconding and breaches of bail.

First hearings before the magistrates' court:

- classification of offences
- applying for a representation order
- procedural overview – what will happen at the hearing
- the role of the defence solicitor at the hearing.

Plea before Venue:

- procedure on defendant entering plea
- advising the client on trial venue.

Allocation of business between magistrates' court and Crown Court:

- procedure ss. 19–20 and s. 22A Magistrates' Courts Act 1980
- sending without allocation s. 50A Crime and Disorder Act 1998.

Case management and pre-trial hearings:

- Magistrates' court case management directions
- Plea and Trial Preparation Hearing
- disclosure – prosecution, defence and unused material.

Principles and procedures to admit and exclude evidence:

- burden and standard of proof
- visual identification evidence and Turnbull guidance
- inferences from silence ss. 34, 35, 36, 37, 38 Criminal Justice and Public Order Act 1994
- hearsay evidence:
  - definition
  - grounds for admitting hearsay evidence
- confession evidence:

- definition
- admissibility
- challenging admissibility ss. 76 and 78 PACE 1984
- character evidence:
  - definition of bad character
  - the 7 gateways s. 101(1) Criminal Justice Act 2003
  - procedure for admitting defendant's bad character
  - court's powers to exclude defendant's bad character
- exclusion of evidence:
  - scope and application of s. 78 PACE and the right to a fair trial.

#### Trial procedure in magistrates' court and Crown Court:

- burden and standard of proof
- stages of a criminal trial, including submission of no case to answer
- modes of address and Court room etiquette
- difference between leading and non-leading questions
- competence and compellability
- special measures
- solicitor's duty to the court.

#### Sentencing:

- role of sentencing guidelines
- determining seriousness (aggravating and mitigating facts)
- concurrent and consecutive sentences
- mitigation
- types of sentence:
  - custodial sentences
  - suspended sentences

- community orders
- Newton hearings.

Appeals procedure:

- appeals from the magistrates' court:
  - procedure for appeal against conviction and/or sentence
  - powers of the Crown Court
  - appeal to the High Court by way of case stated
- appeals from the Crown Court:
  - grounds of appeal
    - procedure for making the appeal
    - powers of the Court of Appeal.

Youth court procedure:

- jurisdiction and grave crimes
- allocation
  - youths jointly charged with adult
- sentencing:
  - role of the Sentencing Children and Young People – definitive guidelines
  - referral orders
  - detention and training orders
  - youth rehabilitation orders.

# Annex 1 – Statement of Solicitor Competence

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

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

The competence statement should be read holistically. By way of example, the requirement in A1e to respect diversity and act fairly and inclusively pervades all areas of work and underpins all of the competences in the statement.

Solicitors should be able to:

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

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

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

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

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

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

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

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

- a) Identifying relevant legal principles.
- b) Applying legal principles to factual issues, so as to produce a solution which best addresses a client's needs and reflects the client's commercial or personal circumstances.

- c) Spotting issues that are outside their expertise and taking appropriate action, using both an awareness of a broad base of legal knowledge (insofar as relevant to their practice area) and detailed knowledge of their practice area.

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

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

## **B. Technical legal practice**

B1. Obtain relevant facts, including:

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

B2. Undertake legal research, including:

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

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

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

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

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

B5. Undertake effective spoken and written advocacy, including:

- a) Preparing effectively by identifying and mastering relevant facts and legal principles.
- b) Organising facts to support the argument or position.
- c) Presenting a reasoned argument in a clear, logical, succinct and persuasive way.
- d) Making appropriate reference to legal authority.
- e) Complying with formalities.
- f) Dealing with witnesses appropriately.
- g) Responding effectively to questions or opposing arguments.
- h) Identifying strengths and weaknesses from different parties' perspectives.

B6. Negotiate solutions to clients' issues, including:

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

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

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

### **C. Working with other people**

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

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

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

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

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

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

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

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

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

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

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

D3. Apply good business practice, including:

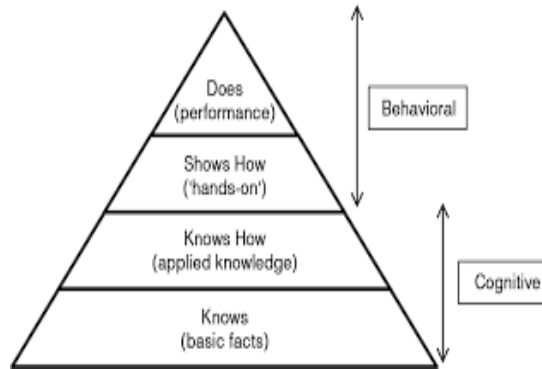
- a) Demonstrating an adequate understanding of the commercial, organisational and financial context in which they work and their role in it.
- b) Understanding the contractual basis on which legal services are provided, including where appropriate how to calculate and manage costs and bill clients.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

## Annex 2 – SQE Assessment Approach

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

### Miller's pyramid



SQE1 assesses the application of Functioning Legal Knowledge required for effective practice – the 'knows how' of Miller's pyramid.

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



## Annex 3 – Assessment Objectives and Statement of Solicitor Competence mapping

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

|                                  | <b>Subject area Assessment Objectives</b>   | <b>Coverage of SoSC</b>    |
|----------------------------------|---|----------------------------|
| <b>Business Law and Practice</b> | Starting a new business through the vehicle of a company, partnership, LLP or as a sole trader                            | A1, A4, A5, B3, B7, D2, D3 |
|                                  | The management of a business and company decision making to ensure compliance with statutory and other legal requirements | A1, A4, A5, B3, B7, D2, D3 |
|                                  | The interests, rights, obligations and powers of stakeholders in a business   | A1, A4, A5, B3, B7, D2, D3 |
|                                  | Financing a business  | A1, A4, A5, B3, B7, D2, D3 |
|                                  | Taxation of a business and its stakeholders   | A1, A4, A5, B3, B7, D2, D3 |
|                                  | The termination of a solvent business, corporate insolvency and personal bankruptcy                                       | A1, A4, A5, B3, B7, D2, D3 |

|                           |  |                    |
|---------------------------|--|--------------------|
| <b>Dispute Resolution</b> | Analysis of merits of claim or defence   | A1, A4, A5, B3, B7 |
|                           | Arbitration, mediation and litigation as an appropriate mechanism to resolve a dispute   | A1, A4, A5, B3, B7 |
|                           | Pre-action considerations and steps  | A1, A4, A5, B3, B7 |
|                           | Commencing, responding to or progressing a claim   | A1, A4, A5, B3, B7 |
|                           | Case management and any interim applications relevant to a claim   | A1, A4, A5, B3, B7 |
|                           | The evidence needed and disclosure steps required in commencing, responding to, progressing or defending a claim   | A1, A4, A5, B3, B7 |
|                           | Preparation of a case for a trial, the trial and any post trial steps  | A1, A4, A5, B3, B7 |
|                           | Procedures and processes relevant to costs involved in dispute resolution  | A1, A4, A5, B3, B7 |
| <b>Contract</b>           | Existence/formation of a contract; contents of a contract; causation and remoteness; vitiating elements; discharge of contract and remedies; unjust enrichment | A4, A5, B3         |
| <b>Tort</b>               | Negligence; remedies and defences; Occupiers' liability; Product liability; Nuisance and the rule in <i>Rylands v Fletcher</i>                                 | A4, A5, B3         |

|   |   |                            |
|---|---|----------------------------|
| <b>The Legal System of England and Wales, Constitutional and Administrative Law, Legal Services</b> | The Legal System of England and Wales and Sources of law  | A4, A5, B3, B7             |
|   | Constitutional and Administrative Law   | A1, A4, B3, B7             |
|   | Legal services  | A1, A4, A5, B3, B7, D2, D3 |
| <b>Ethics and Professional Conduct</b>  | The purpose, scope and content of the SRA Principles<br>The purpose, scope and content of the SRA Code of Conduct for Solicitors, RELs and RFLs and the SRA Code of Conduct for firms | A1                         |
| <b>Property Practice</b>  | The key elements of a freehold and/or leasehold residential or commercial property transaction  | A1, A4, A5, B3, B7         |
|   | Investigation of a registered or an unregistered freehold and/or leasehold title  | A1, A4, A5, B3, B7         |
|   | Pre-contract searches and enquiries undertaken when acquiring a freehold and/or leasehold property  | A1, A4, A5, B3, B7         |
|   | Steps in progressing a freehold and/or leasehold property transaction to exchange of contracts  | A1, A4, A5, B3, B7         |
|   | Pre-completion steps relevant to a freehold and/or leasehold property transaction   | A1, A4, A5, B3, B7         |

|  |   |                            |
|--|---|----------------------------|
|  | Completion and post-completion steps relevant to a freehold and/or leasehold property transaction including remedies for delayed completion                       | A1, A4, A5, B3, B7         |
|  | The grant and the assignment of a commercial lease and/or underlease  | A4, A5, B3, B7             |
|  | The key lease covenants in a commercial lease and the law relating to their breach  | A4, A5, B3, B7             |
|  | Security of tenure under the Landlord and Tenant Act 1954 Part II   | A4, A5, B3, B7             |
|  | Taxation of property transactions through Stamp Duty Land Tax, Land Transaction Tax, Value Added Tax and Capital Gains Tax  | A1, A4, A5, B3, B7, D2, D3 |
| <b>Wills and the Administration of Estates</b> | The validity of a will and interpretation of the contents of a will. The distribution of testate, intestate and partially intestate estates                       | A1, A4, A5                 |
|  | The law and practice in connection with an application for a grant of representation  | A1, A4, A5, B3, B7         |
|  | The law and practice of Inheritance Tax in the context of lifetime gifts and transfers on death   | A1, A4, A5, B3, B7         |
|  | The planning, management and progression of the administration of an estate including claims under the Inheritance (Provision for Family and Dependents) Act 1975 | A1, A4, A5, B3, B7         |

|                                  |   |                    |
|----------------------------------|---|--------------------|
|                                  | The law and practice relating to personal representatives and trustees in the administration of estates and consequent trusts. The rights, powers and remedies of beneficiaries of wills and consequent trusts  | A1, A4, A5, B3, B7 |
| <b>Solicitors Accounts</b>       | Transactions involving client money and money belonging to the authorised body; operation of ledgers and bank accounts; the payment of interest; breaches of the SRA Accounts Rules; accounting entries required, bills, obtaining and delivery of accountants' reports; obligations regarding record-keeping | A1, A4, A5         |
| <b>Land Law</b>                  | Registered and unregistered land; freehold and leasehold estates, and legal and equitable interests in land; Landlord and tenant; co-ownership  | A4, A5, B3         |
| <b>Trusts</b>                    | Express and implied trusts; the fiduciary relationship; trustees' duties, powers and liability; equitable remedies  | A4, A5, B3         |
| <b>Criminal Law and Practice</b> | The core principles of criminal liability, including actus reus and mens rea, specific and general defences, and participation  | A4, A5, B3         |
|                                  | The law, procedure and processes involved in advising a client at the police station  | A1, A4, A5, B3, B7 |
|                                  | The law, procedure and processes involved in pre-trial considerations   | A1, A4, A5, B3, B7 |
|                                  | The law, procedure and processes involved to meet the client's objectives   | A1, A4, A5, B3, B7 |

|  |  |                    |
|--|--|--------------------|
|  | The law, procedure and processes involved in magistrates' court and Crown Court trials, including sentencing and appeals   | A1, A4, A5, B3, B7 |
| <b>Ethics and Professional Conduct</b> | <p>The purpose, scope and content of the SRA Principles</p> <p>The purpose, scope and content of the SRA Code of Conduct for Solicitors, RELs and RFLs and the SRA Code of Conduct for firms</p> | A1                 |

## Annex 4 – Functioning Legal Knowledge blueprint

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This annex indicates blueprinting of the Functioning Legal Knowledge for SQE1. The method of classification used for this blueprint is “Single Best Classification”. This means an item is assigned to the classification that is considered to be the primary focus of that question. This does not imply that questions are discrete and neatly fit into each category as, for example, an item may require knowledge of ‘dispute resolution’ and ‘contract’ in order for a candidate to answer it correctly. As such, a blueprint may describe an assessment as having 20% of questions on a particular classification, but application of the knowledge in that classification would be required to answer more than 20% of the questions included in the paper.

| <b>FLK assessment</b>  | <b>Assessed as a % of paper</b> |
|--|---------------------------------|
| Business, Dispute Resolution, Contract, Tort, Legal System, Public, Legal Services           |                                 |
| Business organisations, rules and procedures, including taxation of business organisations   | 14-20%                          |
| The principles, procedures and processes involved in dispute resolution                      | 14-20%                          |
| Core principles of contract law  | 14-20%                          |
| Core principles of tort  | 14-20%                          |
| The Legal System of England and Wales, Sources of law, Constitutional and Administrative law | 14-20%                          |
| Legal services   | 12-16%                          |
| Ethics   | Pervades                        |
| Property, Wills, Land, Trusts, Solicitors Accounts, Criminal                                 |                                 |

|   |          |
|---|----------|
| Core knowledge areas of freehold and leasehold real estate law and practice, including core principles of planning law and property taxation. Solicitors Accounts in the context of conveyancing. | 14-20%   |
| Core principles of land law   | 14-20%   |
| Wills and Intestacy, and Probate and Administration Practice. Taxation and Solicitors Accounts in the context of Wills and Probate Practice.  | 14-20%   |
| Core principles of trust law  | 14-20%   |
| The procedures and processes involved in advising clients at the police station and in criminal litigation  | 14-20%   |
| Core principles of criminal liability   | 14-20%   |
| Ethics  | Pervades |



## Annex 5 – Overview: Statement of Solicitor Competence mapped against SQE1 Functioning Legal Knowledge

| Statement | SQE1<br>Functioning Legal Knowledge Assessments   |  |
|-----------|---|--|
|           | Business, Disputes, Contract, Tort, Legal System, Constitutional and Administrative, Legal Services | Property, Wills, Land, Trusts, Solicitors Accounts, Criminal |
| A. Ethics |   |  |
| A1        | x   | x  |
| A2        |   |  |
| A3        |   |  |
| A4        | x   | x  |

|                                     |          |          |
|-------------------------------------|----------|----------|
| <b>A5</b>                           | <b>x</b> | <b>x</b> |
| <b>B. Technical legal practice</b>  |          |          |
| <b>B1</b>                           |          |          |
| <b>B2</b>                           |          |          |
| <b>B3</b>                           | <b>x</b> | <b>x</b> |
| <b>B4</b>                           |          |          |
| <b>B5</b>                           |          |          |
| <b>B6</b>                           |          |          |
| <b>B7</b>                           | <b>x</b> | <b>x</b> |
| <b>C. Working with other people</b> |          |          |
| <b>C1</b>                           |          |          |
| <b>C2</b>                           |          |          |
| <b>C3</b>                           |          |          |

|  |          |          |
|--|----------|----------|
| <b>D. Managing themselves and their own work</b> |          |          |
| <b>D1</b>  |          |          |
| <b>D2</b>  | <b>x</b> | <b>x</b> |
| <b>D3</b>  | <b>x</b> | <b>x</b> |

## Annex 6 – Threshold Standard

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

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