



Legal Services Board decision notice issued under Part 3 of Schedule 4 to the Legal Services Act 2007

The Solicitors Regulation Authority (SRA) application for approval of amendments to the SRA Training Regulations 2011

The Legal Services Board (LSB) has approved the SRA's amendments to the SRA Training Regulations 2011 to provide for Bar Vocational Course (BVC) and Bar Professional Training Course (BPTC) graduates to apply for exemptions from parts of the Legal Practice Course (LPC).

This application was one of five applications submitted to the Board by the SRA on 14 and 15 March 2012. The five applications are subject to five separate decisions.

This decision notice sets out the basis for the LSB approval and the decision taken, including a brief description of the changes.

Introduction

1. The LSB is required by Part 3 of Schedule 4 to the Legal Services Act 2007 (the Act) to review and approve or reject alterations to the regulatory arrangements of the approved regulators. The SRA is an approved regulator.
2. Paragraph 25 of Schedule 4 to the Act explains that the LSB may only refuse an application setting out a proposed change to the regulatory arrangements if it is satisfied that by granting the application one or more of the criteria specified in sub paragraph 25(3) (and listed in the footnote below¹) will be met. Most notably, the LSB's granting of the application to alter the regulatory arrangements must not be prejudicial to the regulatory objectives overall. Accordingly, if the LSB is not satisfied that one or more of the criteria for refusal are met, then it must approve the application in whole, or at least the parts of it that can be approved when only part of the application meets the criteria.

¹ The Board may refuse the application only if it is satisfied that—(a) granting the application would be prejudicial to the regulatory objectives, (b) granting the application would be contrary to any provision made by or by virtue of the Act or any other enactment or would result in any of the designation requirements ceasing to be satisfied in relation to the approved regulator, (c) granting the application would be contrary to the public interest, (d) the alteration would enable the approved regulator to authorise persons to carry on activities which are reserved legal activities in relation to which it is not a relevant approved regulator, (e) the alteration would enable the approved regulator to license persons under Part 5 to carry on activities which are reserved legal activities in relation to which it is not a licensing authority, or (f) the alteration has been or is likely to be made otherwise than in accordance with the procedures (whether statutory or otherwise) which apply in relation to the making of the alteration.

3. As provided for by paragraphs 20(1) and 23(3) of Schedule 4 to the Act, the LSB has made rules² about how the application to alter the regulatory arrangements must be made including the contents of that application. The rules highlight the applicant's obligations under section 28 of the Act to have regard to the Better Regulation Principles. The rules also require that the applicant provides information about the nature and effect of each proposed change and of appropriate consultation undertaken. Sub paragraph 25(3)(f) of Schedule 4 to the Act requires that each proposed alteration has been made or is likely to be made in accordance with the procedures (whether statutory or otherwise) which apply in relation to the making of the alteration. This therefore includes the LSB's rules.
4. The chronology for the LSB's handling of this application can be found towards the end of this decision notice.

Decision

5. The SRA has proposed a change to the SRA Training Regulations 2011. This will enable providers who offer the LPC to give credit to those who have already been assessed on LPC outcomes through their completion of the BVC or BPTC. The change was in part motivated by recent changes to the Qualified Lawyers Transfer Scheme which stopped BVC and BPTC graduates qualifying via that route.
6. The new arrangements will apply to those who completed the BVC or BPTC no more than five years before enrolling on the LPC and will exempt them from attendance and assessment of certain LPC outcomes, subject to the agreement of their authorised provider.
7. The LSB notes that the SRA has undertaken wide ranging consultation with groups affected by the change. As well as a full public consultation it has also carried out consultations with LPC providers and discussed its approach with the Bar Standards Board. The LSB also notes the extensive analysis undertaken by the SRA to map the BVC and BPTC outcomes against those of the LPC.
8. The LSB is satisfied with the approach being taken by the SRA. It is targeted at a specific group and, by providing more flexibility around how the LPC outcomes are met, the approach is outcomes focused. In addition, by providing course providers with the flexibility to determine whether, within the SRA's guidance, a candidate should gain credit for elements of their BVC or BPTC course, the SRA has recognised that there may be instances where the BVC and BPTC outcomes will and will not be sufficient for different LPC course providers.
9. Therefore, having considered the SRA's application against the criteria in paragraph 25(3) of Schedule 4 to the Act, the LSB considers that there is no reason to refuse this application; accordingly, the LSB grants this application.

² Rules for Rule Change Applications – Version 2 (November 2010)

10. The Annex to this decision notice contains the changes to the SRA's Training Regulations 2011.

Chronology

- The LSB confirmed receipt of this application on 15 March 2012.
- The LSB asked for a minor clarification in relation to the proposed amendment and for the proposed amendment to be re-submitted on 29 March 2012. The proposed amendment was submitted on 10 April 2012 and is provided at the attached Annex.
- The 28 day initial decision period for considering the application ended on 11 April 2012.
- On 5 April 2012, the LSB issued an extension notice to the SRA extending the period in which the LSB would consider the five applications submitted by the SRA on 14 and 15 March 2012, of which this was one.
- This decision notice is being published on the LSB's website on 18 April 2012.

Chris Kenny, Chief Executive

Acting under delegated authority granted by the Board of the Legal Services Board

Annex

Amendment to the SRA Training Regulations 2011 Part 1 – Qualification Regulations

Regulation 17: Course requirements

Insert new regulation 17.2:

"Subject to any entitlement to *permitted exemptions*, the *LPC Outcomes* are met by completing all the Stage 1 and Stage 2 assessments."