

## **Legal Services Board – Decision Notice issued under Part 3 of Schedule 4 to the Legal Services Act 2007**

### **Solicitors Regulation Authority’s application for approval of amendments to the Qualified Lawyers Transfer Scheme Regulations**

#### **Introduction**

The Legal Services Board (“LSB”) is required by Part 3 of Schedule 4 of the Legal Services Act 2007 (“the Act”) to review and approve or reject the Regulatory Arrangements of the Approved Regulators. The Law Society is an Approved Regulator and whose regulatory functions are carried out through its regulatory arm, the Solicitors Regulation Authority (“SRA”).

Paragraph 25 of Schedule 4 explains that the LSB must approve a proposed change to the Regulatory Arrangements unless we are “...satisfied that...” the approval would fall within one or more of the criteria specified in sub paragraph 25(3) (and listed in the footnote below<sup>1</sup>). If the LSB is not satisfied that one or more of the criteria 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.

As provided for by paragraphs 20(1) and 23(3) of Schedule 4 to the Act, the LSB has made rules 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) requires that each proposed alteration has been made or is likely to be made in accordance with the procedures which apply in relation to making of the alteration. This includes the LSB’s rules.

The LSB will approve Regulatory Arrangements in so far that they appear to achieve their intended outcome and satisfy the sub paragraph 25(3) criteria. Most notably there must be no adverse impact on the Regulatory Objectives overall and the alterations and the process by which they have been produced must be consistent with Better Regulation Principles.

We received the SRA’s application for approval of amendments to the Qualified Lawyers Transfer Scheme (“QLTS”) Regulations on 10 March 2010. This is the Decision Notice in relation to that application. In the following paragraphs we explain

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<sup>1</sup> 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.

what we were requested to consider, the concerns that we raised in relation to the approval criteria and how these have been resolved in discussion with the SRA.

### **Process**

We have agreed with the SRA to conduct a joint “lessons learned” exercise following completion of the first two SRA applications – “Qualified Lawyers Transfer Scheme Regulations” and “Disciplinary Procedure Rules”<sup>2</sup>. We will, as a matter of routine, conduct similar exercises following the completion of applications from other Approved Regulators and communicate any generic lessons for both Approved Regulators and the LSB itself as necessary.

The chronology for handling of this application can be found towards the end of this Decision Notice.

### **Decision**

The SRA’s application is for approval of alterations to the Regulatory Arrangements to replace the Qualified Lawyer’s Transfer Regulations 2009 with the Qualified Lawyers Transfer Scheme Regulations 2010. The new scheme will alter:

1. the criteria to determine which qualified lawyers who are admitted outside of England and Wales can apply for domestic qualified status through the fast-tracked transfer route.
2. the outcomes on which applicants will be assessed.
3. the means by which the outcomes will be assessed.

The SRA’s assessment is that the proposed scheme is more open, transparent and fair than the existing scheme. Overall we are content with the SRA’s assessment that the proposed alterations will facilitate and promote the Regulatory Objectives of the Act and in particular:

1. Protecting and promotion the public interest.
2. Supporting the constitutional principle and the rule of law.
3. Improving access to justice.
4. Protecting and promoting the interest of consumers.
5. Encouraging an independent, strong, diverse and effective legal profession.
6. Promoting and maintaining adherence to the professional principles.

We are satisfied that, having considered the application in the context of Schedule 4 sub paragraph 25(3) criteria, we have no grounds for refusing the application made in whole or in part and are therefore granting the application.

In addition to approving the application, there are certain areas upon which we wish to comment in this Decision Notice. These are the areas that raised issues in relation to the approval criteria as described in the introduction to this document and therefore further clarification was required.

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<sup>2</sup> The application “Disciplinary Procedure Rules” is under consideration by the LSB at the time of this decision.

*Monitoring and evaluation of risks*

The SRA has undertaken a review of the previous transfer scheme and has proposed changes to make greater use of assessments against the same Day One benchmarks used in the core curriculum of the domestic qualification route. This replaces a system of flexible assessment requirements tailored to the jurisdiction in which the applicant qualified, coupled with a specified minimum length of experience practicing in a common law legal system and in England/Wales.

Only qualified lawyers from Recognised Jurisdictions can apply for domestic qualified status through the transfer scheme. The new QLTS includes provisions to open the transfer route to lawyers qualified in a larger number and wider range of jurisdictions than is currently the case.

The application, supporting information and responses to SRA consultation identify the potential for many benefits with the new scheme. These include increasing the quality of services for consumers; opening up the market to new entrants from different jurisdictions; increasing consistency and transparency by measuring defined outcomes; and improving the employment opportunities for transferees by increasing employers' confidence in the transfer route.

However, risks have also been identified. These include the potential for more demanding assessment and language requirements creating barriers to entry which may negatively impact on supply, access and competition. There is also the potential for barriers to impact disproportionately on certain groups.

We note that the SRA has consulted the Office of Fair Trading (OFT) who consider that there may be benefits in the new scheme for city/commercial firms and their consumers through opening up the market to new jurisdictions. However, they are also concerned that the new requirements may reduce the number of transferees entering high street firms.

It is not possible to judge definitively at this stage whether the impact of these changes will be positive or negative for consumers and providers of legal services or for aspirant transferees. However, we are content that the SRA has followed due process having undertaken an evidence-based review of the existing scheme, researched the potential impacts of proposed changes and undertaken robust analysis of the results.

Furthermore, the SRA has consulted widely on the changes and considered the responses in reaching its final position. Some of the respondents to the SRA's consultations did not necessarily agree with some or all of the SRA's arguments but absence of consensus does not invalidate the SRA's proposal or the process by which it was produced. It is not the role of the LSB to revisit the SRA's research and make our own assessment of the evidence provided. We are satisfied that the conclusions reached have been well explained, both in the application and subsequent discussions, with the evidence being well referenced.

However, we consider that the disparity of views underlines the necessity for the impact of the changes to be carefully and thoroughly evaluated in due course. We

have been assured that the SRA will put in place robust monitoring procedures, including enhancing its IT capability to collect the necessary data and assistance from its new quality assurance team, to evaluate whether or not such risks and benefits have been realised<sup>3</sup>, and whether further amendments to the QLTS Regulations may be required in the future.

#### *Regulatory actions against QLTS lawyers*

The SRA's application stated that one driver for reviewing the current QLTS Regulations is evidence that solicitors who have qualified using the transfer route are statistically more likely than those who have followed the domestic route to be the subject of regulatory procedures.<sup>4</sup> The SRA considered that a possible explanation for this is that the current transfer arrangements do not adequately assess applicants' knowledge, skills and understanding of law and legal practice in England and Wales.<sup>5</sup> This raises consumer protection concerns.

The OFT considered this matter and thought that "the complaints figures do not reveal any particular problems with QLT[S] lawyer quality except at the rare, but serious, end of the spectrum."<sup>6</sup> We were therefore concerned that it may be disproportionate to introduce safeguards that would impact on all transferees. However, the SRA clarified that in the first nine months of 2009, the QLTS transferees already accounted for a disproportionate number of less serious types of regulatory procedures before the Solicitors Disciplinary Tribunal (for example, reprimands and fines).

We would however expect the SRA to include, as part of its monitoring procedures, measures to determine whether there is a link between the number and severity of complaints against QLTS lawyers. We would expect the SRA to monitor changes in the number and type of complaints against transferred lawyers following the introduction of the new QLTS.

#### *Risk-based provisions*

We had concerns that requiring the majority of aspirant transferees to sit all of the assessments aligned to the core curriculum of the domestic qualification route may present a disproportionate barrier by expanding safeguards beyond where the risks lie. We considered whether it was appropriate for the proposed QLTS to provide for less onerous QLTS requirements for certain types of lawyers where the risks are lower.

For example, an experienced solicitor who has practiced in one specialism or area of reserved activity for a number of years may only wish to practice in that area domestically. It may therefore appear disproportionate to require assessment against all of the core curriculum. Similarly there are lower consumer risks for in-house

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<sup>3</sup> Refer question 2 in "Clarification points from the SRA", 30 March 2010

<sup>4</sup> SRA Application, paragraph 34.

<sup>5</sup> SRA Application, paragraph 34.

<sup>6</sup> Email from the OFT to SRA, dated 9 February 2010.

lawyers who do not undertake a public facing role; any risk arising from poor performance lies exclusively with the employer.

The SRA advised that such an approach would not fit with the domestic route which requires an individual to meet all of the core criteria in order to qualify no how they wish to specialise and then does not restrict the reserved activity that can be undertaken or area of law in which they can practise. As QLTS provides a transfer to domestic solicitor status, rather than an alternative qualification, there must be consistency within the current framework.

Furthermore, the SRA advised that there are alternative roles available which allow foreign qualified lawyers to practise without domestic qualified status such as the Registered European Lawyers and Registered Foreign Lawyers. Others are permitted to undertake some reserved legal activity work under the supervision of a solicitor. We are satisfied with this explanation, given the current need for parity with the domestic qualification system.

#### *Single assessment provider*

We had concerns that the SRA has proposed to only have one assessment provider during the first three years of the new QLTS Regulations. While we appreciate the arguments the SRA had made with regard to initially having one provider, notably that this may aid monitoring and evaluation of the impacts of QLTS<sup>7</sup>, we were concerned that having only one provider may create barriers to entry. In particular, we were concerned whether or not the single assessment provider will be able to maintain the necessary capacity to allow fair access and without increasing fees for the QLTS applicants.

However, the SRA has advised that the issue of fees and the volume of applicants will be dealt with in the contract that it will have with the successful assessment provider. We further note that the OFT did not raise this matter as a concern.

#### *“Phased in” Recognised Jurisdictions*

In the SRA’s Summary of Responses paper, it stated that it would phase in jurisdictions into the QLTS.<sup>8</sup> However, it was not clear in the SRA’s application whether or not it still intended to phase in the Recognised Jurisdictions, and what criteria the SRA would use to phase in Recognised Jurisdictions.

The SRA has confirmed that it does not intend to phase in jurisdictions into the QLTS. Instead, the SRA will send a survey to international law societies in July/August 2010. The purpose of the survey will help the SRA determine whether or not the respective international law societies meet the definition of Recognised Jurisdiction. The onus will be on the international law societies to demonstrate to the

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<sup>7</sup> Refer SRA Application, paragraph 23; and SRA, “Arrangements for Qualified Lawyers Transferring to Become Solicitors in England and Wales – Summary of Responses”, 18 November 2009, pages 25-31.

<sup>8</sup> SRA, “Arrangements for Qualified Lawyers Transferring to Become Solicitors in England and Wales – Summary of Responses”, 18 November 2009, pages 14-15.

SRA that they meet the definition, including those jurisdictions that the SRA currently accepts QLTS applicants from. The definition of “Recognised Jurisdiction” will be reviewed in five years. We would expect that, as part of the review, the SRA considers whether the “Recognised Jurisdiction” definition is creating an unfair barrier to entry for those jurisdictions who have sought to apply to be recognised but have not been successful.

#### *Character and suitability requirement*

The LSB had concerns how the SRA would assess the “character and suitability” requirement and whether this may prove an additional barrier to entry which could potentially undermine the regulatory objective of creating an independent, strong, diverse and effective legal profession. In particular, we were concerned that requiring the applicant to provide “references from people who can comment objectively on an applicant’s standing”<sup>9</sup> would prove especially difficult to groups of QLTS applicants from particular jurisdictions.

We have been advised by the SRA that although it still intends to assess the character and suitability of applicants, it no longer intends to require character references. Instead, the proposed QLTS Regulations will maintain the current character and suitability assessments, which are applied equally to current QLTS applicants and lawyers that have qualified through the domestic route.

#### *English language requirement*

For the same reasons as the character and suitability requirement, the LSB had concerns that the English language requirement could create a barrier to entry for some applicants. The existing Regulations do not have a separate English language requirement. However, we have been reassured by the SRA that applicants can meet the English language requirement by one of four ways<sup>10</sup>, and that the SRA has considered the decisions taken by other regulators with regard to including an English language requirement as part of their respective admissions procedures.<sup>11</sup> Furthermore, we expect that as part of its monitoring exercise, the SRA would assess whether there are differences in the short-term and long-term success rates of the candidates based on the four ways candidates can meet the English language requirements.

#### *Legislative requirements*

We recognised that the proposed QLTS Regulations could have different impacts for applicants depending on the jurisdiction they are applying from. However, following discussions, the SRA has confirmed that its proposed Regulations comply with the relevant EU Directives. The SRA also advised that it has received Counsel’s advice

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<sup>9</sup> SRA, “Arrangements for Qualified Lawyers Transferring to Become Solicitors in England and Wales – Summary of Responses”, 18 November 2009, page 8.

<sup>10</sup> SRA’s Application, paragraph 25.

<sup>11</sup> SRA, “Full Impact Assessment – Qualified Lawyers Transfer Scheme”, Annex 2, November 2009.

that it can prescribe eligibility requirements for EU applicants that are different from non-EU applicants.

With regard to world trade matters, the SRA has confirmed that the Regulations meet the obligations on members of the World Trade Organisation.

*Guidance for QLTS applicants*

The SRA has advised that it will be preparing guidance for QLTS applicants in the future. As this guidance falls under the remit of Regulatory Arrangements, we will be required to approve the guidance and will seek assurance that the material is consistent with the policy of the approved QLTS Regulations.

### **Chronology**

- The LSB confirmed receipt of an application from the SRA for approval of amendments to the Qualified Lawyers Transfer Scheme Regulations on Wednesday 10 March 2010.
- The 28 day initial decision period for considering the application will end on Tuesday 6 April 2010, 28 calendar days following confirmation of receipt of the application.
- This Decision Notice will be published on the LSB's website on Wednesday 31 March 2010.



# **SRA Qualified Lawyers Transfer Scheme Regulations [2010]**

Regulations dated [*date of approval*] made by the Solicitors Regulation Authority Board under sections 2 and 28 of the Solicitors Act 1974 with the approval of the Legal Services Board.

Regulations to provide Qualified Lawyers, who are not solicitors admitted in England and Wales, with a shorter alternative route to qualification to the domestic route (as set out in the Solicitors' Training Regulations). These Regulations also set out the means by which certain lawyers can seek admission by virtue of Directive 2005/36/EC and Directive 98/5/EC.

## **1. Eligibility**

1.1. Subject to 1.2 and 1.4 below, a person seeking to establish eligibility to apply for admission under these Regulations must provide such evidence as the SRA may require to show that the applicant:

- (a) is a Qualified Lawyer in a Recognised Jurisdiction;
- (b) has followed the Full Route to qualification in the Recognised Jurisdiction;
- (c) is entitled to practise as a Qualified Lawyer of the Recognised Jurisdiction;
- (d) has satisfied any applicable English Language requirements published by the SRA; and
- (e) is of the Character and Suitability to be admitted as a solicitor

1.2. For the avoidance of doubt, any lawyer applying for admission pursuant to European Communities Directive 2005/36/EC or any legislation implementing that Directive in the UK is deemed to have satisfied 1.1(d) above.

- 1.3. The SRA shall acknowledge receipt of an applicant's application under Directive 2005/36/EC within one month of receipt, and shall inform the applicant if any document is missing.
- 1.4. Any lawyer applying for admission pursuant to Directive 98/5/EC or any legislation implementing that Directive in the UK, is deemed to have satisfied 1.1(b) and (d) above.
- 1.5. If the SRA is satisfied that an applicant is eligible, it must issue a QLTS Certificate of Eligibility to that effect.
- 1.6. A person who does not hold a QLTS Certificate of Eligibility cannot register with the Assessment Organisation to take any of the QLTS Assessments.
- 1.7. A QLTS Certificate of Eligibility shall remain valid for a period of five years from the date of its issue. Applicants cannot apply for a second or subsequent QLTS Certificate of Eligibility before the expiry of any existing Certificate of Eligibility.

## **2. QLTS Assessments**

### **2.1. The SRA shall:**

- (a) publish guidelines and outcomes in relation to the QLTS Assessments,
- (b) validate and authorise the provision of the QLTS Assessments by the Assessment Organisation, and
- (c) monitor the provision of the QLTS Assessments by the Assessment Organisation.

2.2. International Lawyers must pass all the QLTS Assessments.

2.3. Any lawyer applying for admission pursuant to European Communities Directive 2005/36/EC or any legislation implementing the Directive in the UK, or any UK Qualified Lawyer, may be required to pass one or more QLTS Assessments, as the SRA shall determine.

### **3. Review of lists of Recognised Jurisdictions and Qualified Lawyers**

3.1. The SRA will review the lists of Recognised Jurisdictions and Qualified Lawyers every five years or whenever written evidence is received which suggests the need for a jurisdiction or qualification to be reviewed.

3.2. For the avoidance of doubt, individuals who have not qualified in a Recognised Jurisdiction and/or who are not Qualified Lawyers for the purposes of these Regulations, have no right to appeal this designation by the SRA.

### **4. Lawyers seeking admission under Directive 98/5/EC (the Establishment Directive)**

4.1. Any lawyer seeking to establish eligibility pursuant to Directive 98/5/EC or any legislation implementing that Directive in the UK must prove to the SRA that they have met the requirements of the Directive and implementing legislation and in particular that they have:

- (a) satisfied the nationality requirements set out in the legislation; and
- (b) satisfied the SRA's registration requirements; and either
- (c) effectively and regularly pursued for a period of at least three years a professional activity in the United Kingdom in the law of the United Kingdom including Community Law in accordance with article 10.1 of Directive 98/5/EC; or
- (d) effectively and regularly pursued a professional activity in the United Kingdom for a period of at least three years where the professional activity in the law of the United Kingdom has been for a period of less

than three years, under the conditions set out in article 10.3 of Directive 98/5/EC.

## 5. Review of decisions on eligibility

5.1. Subject to regulation 3.2, a person seeking to establish eligibility under regulation 1 (including regulation 4) may, within one month of receiving notification from the SRA of any decision to refuse to issue a QLTS Certificate of Eligibility, ask for the application to be reviewed.

5.2. Where an applicant is seeking to establish eligibility (other than pursuant to Directive 2005/36/EC or Directive 98/5/EC) and the SRA has:

- (a) refused the initial application on the ground that the applicant is not suitable to be admitted as a solicitor, and
- (b) has determined not to reverse that refusal on review;

the applicant has the right, within three months of receiving notification from the SRA of its decision on the review, to appeal to the High Court under regulation 4 of the Solicitors' Admission Regulations.

5.3. Where an applicant is seeking to establish eligibility pursuant to Directive 2005/36/EC and the SRA:

- (a) fails to take a decision on the initial application and notify it to the applicant within four months of receipt of all the relevant documents; or
- (b) refuses the initial application; or
- (c) has determined not to reverse that refusal on a review;

the applicant has the right, within four months of receiving notification or deemed notification of the SRA's decision, to appeal to the High Court under regulation 36 of the European Communities (Recognition of Professional

Qualifications) Regulations 2007.

- 5.4. Where in the case of an applicant seeking to establish eligibility pursuant to Directive 98/5/EC the SRA:
- (a) fails to take a decision on the initial application and notify it to the applicant within four months of receipt of all the relevant documents; or
  - (b) refuses the initial application; or
  - (c) has determined not to reverse that refusal on a review;

the applicant has the right, within three months of receiving notification or deemed notification of the SRA's decision, to appeal to the High Court under regulation 35 of the European Communities (Lawyer's Practice) Regulations 2000.

## **6. Character and Suitability of prospective solicitor**

- 6.1. If at any time the SRA is not satisfied as to the Character and Suitability to become a solicitor of any person to whom it has granted a QLTS Certificate of Eligibility under regulation 1 it may on such terms as it determines prohibit any attempt at any or all of the QLTS Assessments.
- 6.2. If the SRA imposes a prohibition under regulation 6.1, the unadmitted person may within one month of receiving notification from the SRA of its decision, ask for the matter to be reviewed.
- 6.3. If the unadmitted person has been authorised to apply other than pursuant to Directive 2005/36/EC, he or she has the right to appeal to the High Court under regulation 5 of the Solicitors' Admission Regulations within three months of receiving notification from the SRA of its decision on a review under regulation 6.2.

6.4. When in the case of an applicant who has been authorised to apply pursuant to Directive 2005/36/EC, the SRA:

- (a) prohibits any attempt at any or all of the QLTS Assessments under regulation 6.1; or
- (b) refuses to lift that prohibition on an application for review;

the applicant has the right, within four months of receiving notification of the SRA's decision, to appeal to the High Court under regulation 36 of the European Communities (Recognition of Professional Qualifications) Regulations 2007.

6.5. Any unadmitted person may make up to three applications to the SRA to remove a prohibition after intervals of not less than twelve months from the final determination as to the imposition of the prohibition, or from the final determination of the unadmitted person's previous application for review, as the case may be.

6.6. The unadmitted person has the right to appeal to the High Court under regulation 5 of the Solicitors' Admissions Regulations within three months of receiving notification from the SRA of its decision on an application for the removal of a prohibition under 6.5.

## **7. Forms and fees**

7.1. A person wishing to sit the QLTS Assessments must give notice to the Assessment Organisation in the prescribed form and pay the prescribed fee.

7.2. A person wishing to make an application or give notice to the SRA in accordance with these regulations must do so in the prescribed form and pay the prescribed

fee.

- 7.3. If at the time of making an application or giving a notice, no form has been prescribed by the SRA or the Assessment Organisation, the application or notice must be in writing, signed by the applicant or the person giving it and provide such information as is necessary to enable the SRA or the Assessment Organisation to deal with the application.
- 7.4. Whether or not the application is made or notice given on a prescribed form the SRA may, in its absolute discretion, require the applicant, or the person giving notice, to furnish such further information as it considers necessary.
- 7.5. The SRA may require any application to be supported by such evidence as it considers necessary and it may require facts relevant to any application to be accompanied by statutory declaration and may require the attendance of the applicant for an interview.
- 7.6. For the avoidance of doubt, no applicant may apply to the SRA for a review of a decision by an Assessment Organisation that he or she has failed one or more QLTS Assessment.

## **8. Admission as a solicitor**

- 8.1. Admission as a solicitor takes place under Part 3 of the Solicitors' Admission Regulations.

## **Schedule 1**

### **Commencement and repeal**

These Regulations will come into force on such date as the SRA may determine (the Commencement Date) on which date the Qualified Lawyers Transfer Regulations 2009 shall cease to have effect for new applications but will continue in force for candidates holding valid QLTR Certificates of Eligibility or candidates who have submitted an application for a QLTR Certificate of Eligibility prior to the Commencement Date of the QLTS.

## **Schedule 2**

### **Transitional arrangements**

- (1) On the Commencement Date, the SRA will cease to issue QLTR Certificates of Eligibility and will instead issue QLTS Certificates of Eligibility.
  
- (2) The Qualified Lawyers Transfer Test will continue to be available until the expiry of all QLTR Certificates of Eligibility.

## **Schedule 3**

### **Interpretation and definitions**

- (1) The Interpretation Act 1978 applies to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.



(2) Words and phrases not expressly defined in these Regulations unless the context otherwise requires bear the same meaning as they bear in the Solicitors Act 1974.

(3) In these Regulations:

**Assessment Organisation** means the assessment organisation awarded the initial three year contract to provide the QLTS Assessments, together with any other assessment organisations subsequently authorised to provide the QLTS Assessments after the initial three year period has expired.

**QLTR Certificate of Eligibility** means a Certificate issued under the QLTR 2009 (or earlier Regulations).

**QLTS Certificate of Eligibility** means a Certificate of Eligibility to take the QLTS Assessments under these Regulations, or an authorisation under these Regulations to apply for admission as a solicitor without taking any of the QLTS Assessments.

**Qualified Lawyers Transfer Regulations (QLTR)** means the Qualified Lawyers Transfer Regulations 1990 and 2009.

**Qualified Lawyers Transfer Test (QLTT)** means the tests which some lawyers are required to pass under the Qualified Lawyers Transfer Regulations 1990 and 2009.

**Character and Suitability** has the meaning given to it in Guidelines issued from time to time by the SRA.

**Commencement Date** means the date on which the SRA Board brings these Regulations into force.

**Entitled to practise** means having the right to practise without restrictions or conditions as a Qualified Lawyer of the Recognised Jurisdiction.

**Full Route** to qualification means that the applicant has completed the full route to qualification in the Recognised Jurisdiction and is not basing the application on the completion of a shortened or fast-track route completed in the Recognised Jurisdiction.

**International Lawyers** means lawyers who are not basing their application on a professional qualification as a Qualified Lawyer gained within the UK or within the EEA or Switzerland.

**QLTS Assessments** means the suite of assessments approved by the SRA and provided by the Assessment Organisation.

**Qualified Lawyer** means a lawyer with a professional title which the SRA has recognised as broadly similar to that applying to solicitors of England and Wales. The list of Qualified Lawyers and relevant criteria are available on the SRA's website.

**Recognised Jurisdiction** means a jurisdiction which the SRA has recognised as having a regulatory system which is broadly similar to that applying to solicitors of England and Wales. The list of Recognised Jurisdictions and relevant criteria are available on the SRA's website.

All European jurisdictions to which Directives 2005/36/EC and 98/5/EC apply are Recognised Jurisdictions for the purposes of these Regulations.

**SRA** means the Solicitors Regulation Authority.

**UK Qualified Lawyer** means solicitors and barristers qualified in Northern Ireland, solicitors and advocates qualified in Scotland and barristers qualified in England and Wales

## Schedule 4

### Consequential amendments

#### *Solicitors' Admission Regulations 2009*

1. The Solicitors' Admission Regulations 2009 are amended in accordance with paragraphs 2 to 11.
2. In Part 2, Regulation 4 (iii), after "regulation 4 of the Qualified Lawyers Transfer Regulations" insert "or regulation 1 of the Qualified Lawyers Transfer Scheme Regulations", and after "regulation 16(1) of", omit "those regulations" and insert "the Qualified Lawyers Transfer Regulations or, where appropriate, regulation 5.1 of the Qualified Lawyers Transfer Scheme Regulations".
3. In Part 2, Regulation 4 (iv), after "see 16(3) and (4) of the Qualified Lawyers Transfer Regulations" insert "or, where appropriate, regulations 5.3 and 5.4 of the Qualified Lawyers Transfer Scheme Regulations".
4. In Part 2, Regulation 5 (i),(b), after "regulation 4 of the Qualified Lawyers Transfer Regulations" insert "or regulation 1 of the Qualified Lawyers Transfer Scheme" and after "regulation 17(2) of

the Qualified Lawyers Transfer Regulations” insert “or regulation 6.2 of the Qualified Lawyers Transfer Scheme Regulations.”

5. In Part 2, Regulation 5 (i)(d), after “regulation 17(5) of the Qualified Lawyers Transfer Regulations” insert “or regulation 6.5 of the Qualified Lawyers Transfer Scheme Regulations”.
6. In Part 2, Regulation 5(ii)(a), after “an attempt at the Test” insert “any attempt at any or all of the Qualified Lawyers Transfer Scheme Assessments”.
7. In Part 2, Regulation 5(ii)(b), after “see regulation 17(4) of the Qualified Lawyers Transfer Regulations” insert “or 6.4 of the Qualified Lawyers Transfer Scheme Regulations”.
8. In Part 3, Regulation 6, after “Qualified Lawyers Transfer Regulations” insert “or the Qualified Lawyers Transfer Scheme Regulations”.
9. In Part 3, Regulation 8(i)(a), after “Qualified Lawyers Transfer Regulations” insert “ or the Qualified Lawyers Transfer Scheme Regulations”.
10. In Part 3, Regulation 8(iv), after “regulation 4 of the Qualified Lawyers Transfer Regulations” insert “regulation 1 of the Qualified Lawyers Transfer Scheme Regulations”.
11. In Part 3, Regulation 10(iii), after “regulation 4 of the Qualified Lawyers Transfer Regulations” insert “regulation 1 of the Qualified Lawyers Transfer Scheme Regulations”.

*Higher Rights of Audience Regulations 2009*

1. The Solicitors’ Higher Rights of Audience Regulations 2010 are amended in accordance with

paragraph 2 below.

2. In Regulation 1.3 after –

“Scotland, Northern Ireland, Republic of Ireland and those jurisdictions listed in paragraphs 1 and 2 of the Schedule to the Qualified Lawyers Transfer Regulations 1990”

insert –

“together with all Recognised Jurisdictions as defined in the Qualified Lawyers Transfer Scheme Regulations, and from time to time published by the SRA.”

*Solicitors’ Training Regulations 2009*

1. The Solicitors’ Training Regulations 2009 are amended in accordance with paragraphs 2 and 3 below.
2. In Part I, Regulation 3, after “Qualified Lawyers Transfer Regulations” insert “ and the Qualified Lawyers Transfer Scheme Regulations”.
3. In Part IV, Regulation 30(1), after “Qualified Lawyers Transfer Regulations” insert “and the Qualified Lawyers Transfer Scheme Regulations”.