

# **Exemptions for qualified lawyers from outside the UK from the Qualified Lawyers Transfer Scheme in the event of a no-deal Brexit**

## **Consultation responses**

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March 2019

# List of respondents

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EY Riverview Law

Harikrishnan Ravindran

Junior Lawyers Division

Law Society of Ireland

Linson Joseph

Liverpool Law Society

Merlys Consulting Limited

QLTS School

The Law Society

Yusuf Sheikh

# Exemptions for qualified lawyers from outside the UK from the Qualified Lawyers Transfer Scheme in the event of a no-deal Brexit

Response ID:21 Data

## 2. About you

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1.  
**First name(s)**

Susannah

2.  
**Last name**

Brumby

6.  
**I am responding..**

on behalf of an organisation

7.  
**On behalf of what type of organisation?**

Law firm or other legal services provider

8.  
**Please enter your organisation's SRA ID (if applicable)**

612745

9.  
**Please enter your organisation's name**

EY Riverview Law

10.  
**How should we publish your response?**

**Please select an option below.**

Publish the response with my/our name

## 3. Consultation questions

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11.  
**1) Do you agree that, in the event of a no-deal Brexit, we amend the QLTS regulations with effect from EU exit day:**

**So as to entitle all non-UK qualified lawyers who are seeking admission as an English solicitor to exemptions from the QLTS, where they can demonstrate equivalent qualifications or experience to the Day One Outcomes; provided that These exemptions may only be granted from the whole of the multiple choice test or objective structured clinical examination or both.**

Yes we agree that the Qualified Lawyers Transfer Scheme (QLTS) regulations should be amended so that the exemptions

from the QLTS apply to all non-UK lawyers. This is because in the event of a no-deal Brexit, we must treat EU countries in the same way as non-EU countries, in line with World Trade Organisation (WTO) rules. This approach promotes equal opportunities and diversity within the legal profession.

It is also agreed that consistency of assessment will be achieved by ensuring that candidates prove that they have qualifications or experience which demonstrates knowledge of English and Welsh law and practice (i.e. the equivalent to the whole of a component part of the QLTS) and this would reflect the SQE position.

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12.

**2) Are there any potential impacts arising from these recommendations that we have not already identified?**

If the exemptions are going to be open to all non-UK qualified lawyers, rather than just to EU qualified lawyers, then then it may be an incentive for lawyers from all around the world to become UK qualified lawyers.

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13.

**3) Do you agree with our approach to Morgenbesser candidates under the current training regulations?**

We agree that the knowledge and skills of Morgenbesser candidates which have been gained through partial qualification should be recognised and taken into account when being admitting as a UK qualified lawyer. This is because the candidate would have worked hard and dedicated time to gaining their experience and knowledge. If that experience and knowledge is valid and applicable to the training requirements then it should count towards their qualification.

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14.

**4) In relation to the new Authorisation of Individual regulations, do you agree with our approach to Morgenbesser candidates?**

We agree that the provision that entitles an individual who was a part-qualified legal professional under the rules of an EU member state to apply for exemptions from the SQE should be removed. This is because individuals from the EU shouldn't be automatically entitled to the exemptions; the exemptions should apply to both EU nationals as well as non-EU nationals, in order to ensure compliance with the WTO rules. However, the exemptions should be discretionary and depend on an individual's circumstances, experience and knowledge.

Irish lawyers are uniquely qualified in comparison with lawyers from other EU states, given the pedigree of their legal system. Whilst the requirements should be the same, the SRA might usefully produce some indicative guidance which would show the likely position for Irish lawyers seeking to qualify here.

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15.

**5) Do you agree that this wording gives effect to the recommended approach?**

Yes we agree because it correctly refers to the recommended exemptions and the fact that an individual's qualifications and experience will be considered.

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# Exemptions for qualified lawyers from outside the UK from the Qualified Lawyers Transfer Scheme in the event of a no-deal Brexit

Response ID:13 Data

## 2. About you

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1.

**First name(s)**

Harikrishnan

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2.

**Last name**

Ravindran

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6.

**I am responding..**

in a personal capacity

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7.

**In what personal capacity?**

Solicitor

---

10.

**How should we publish your response?**

**Please select an option below.**

Publish the response with my/our name

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## 3. Consultation questions

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11.

**1) Do you agree that, in the event of a no-deal Brexit, we amend the QLTS regulations with effect from EU exit day:**

**So as to entitle all non-UK qualified lawyers who are seeking admission as an English solicitor to exemptions from the QLTS, where they can demonstrate equivalent qualifications or experience to the Day One Outcomes; provided that These exemptions may only be granted from the whole of the multiple choice test or objective structured clinical examination or both.**

No. I am of the view that there should be no exemptions granted.

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12.

**2) Are there any potential impacts arising from these recommendations that we have not already identified?**

Skill levels of Lawyers qualified and trained in other jurisdictions will not be very different from lawyers qualified in England and Wales. However as their education, qualification and/or training was not completed in England and Wales, their knowledge of the English legal system and its procedural rules cannot be equated to that of a lawyer who has studied or trained within this system. As a non UK lawyer, I am aware of the amount of hard work and study required to clear these assessments. I am of the opinion that a non UK lawyer should be required to demonstrate their knowledge of the substantive and procedural laws of England & Wales before they are admitted and in my view there is no better way to do this than by way of an assessment. There is a possibility that if an objective criterion is used to grant exemptions, persons with qualifications that look good on paper but lacking substantive practical knowledge will gain admission into the profession. On the other hand, if exemptions are being granted on a subjective case by case basis, SRA may have to contend with an increased disgruntled candidates challenging its decisions to refuse to grant exemptions citing discrimination, lack of transparency, SRA's wide discretion amounting to arbitrariness etc..

13.

**3) Do you agree with our approach to Morgenbesser candidates under the current training regulations?**

Yes

14.

**4) In relation to the new Authorisation of Individual regulations, do you agree with our approach to Morgenbesser candidates?**

Yes

15.

**5) Do you agree that this wording gives effect to the recommended approach?**

I would personally prefer granting no exemptions. However if the SRA prefers to proceed with this proposal, I would suggest that this is too broadly worded. The wording should also indicate what are the factors that SRA would take into account whilst granting this exemption and what would be deemed as equivalent qualifications.

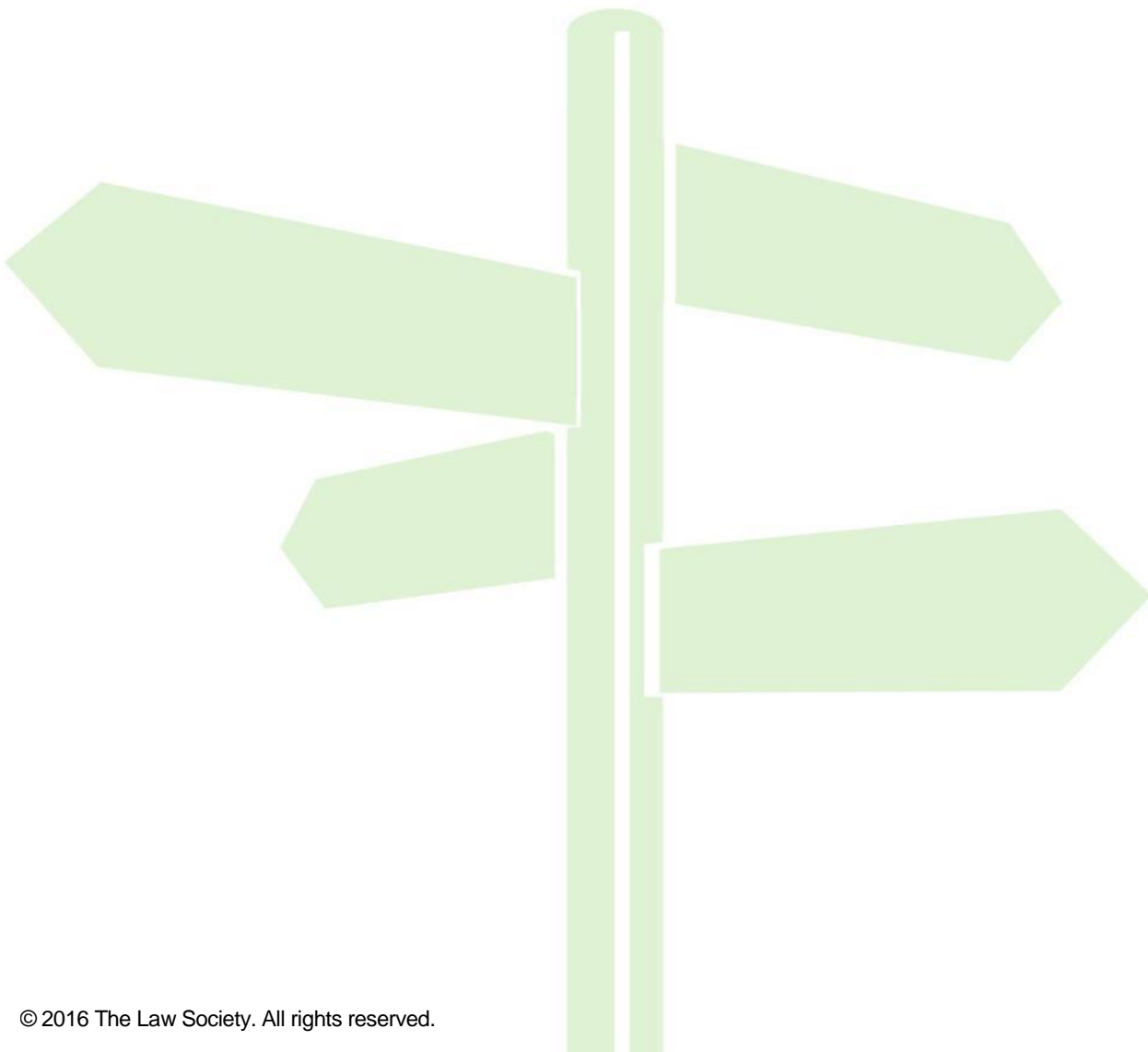


The Law Society

# **Exemptions for qualified lawyers from outside the UK from the Qualified Lawyers Transfer Scheme in the event of a no-deal Brexit**

Junior Lawyers Division response to SRA consultation

January 2019



## **Exemptions for qualified lawyers from outside the UK from the Qualified Lawyers Transfer Scheme in the event of a no-deal Brexit**

### **Junior Lawyers Division response to SRA consultation**

In December 2018 the SRA issued a consultation seeking views on their recommended approach in relation to qualified lawyers from outside the UK and part-qualified EU candidates in the event of a no-deal Brexit. The Junior Lawyers Division response to this consultation is set out below.

The Junior Lawyers Division of the Law Society of England and Wales (the "JLD") represents LPC students, LPC graduates, trainee solicitors, and solicitors up to five years qualified. With a membership of approximately 70,000, it is important that we represent our members in all matters likely to affect them either currently and in the future.

**Question 1:** Do you agree that, in the event of a no-deal Brexit, we amend the QLTS regulations with effect from EU exit day:

- (a) so as to entitle all non-UK qualified lawyers who are seeking admission as an English solicitor to exemptions from the QLTS, where they can demonstrate equivalent qualifications or experience to the Day One Outcomes; provided that
- (b) These exemptions may only be granted from the whole of the multiple choice test or objective structured clinical examination or both.

**Response:** The JLD agree that in the event of a no-deal Brexit, the QLTS regulations should be amended with effect from exit day to entitle all non-UK qualified lawyers to apply for exemptions from the QLTS. However, the JLD are unclear as to why the exemption should be changed as per paragraph 12 and now require any exemption to be from the entirety of the MCQ or the structured clinical examination, rather than part of the test on particular legal knowledge / skills that the candidate can demonstrate equivalent qualifications or experience (as is the way currently).

We do however understand that once the SQE has been implemented, this position is likely to change.

**Question 2:** Are there any potential impacts arising from these recommendations that we have not already identified?

**Response:** The main impact the JLD can anticipate at this stage is the need for greater understanding, and most likely resource, in order for the SRA to be able to properly consider qualifications and experience equivalency from all jurisdictions around the world.

Further, as alluded to in our response to question 1 above, we are concerned that if the SRA amend the exemptions in line with paragraph 12 of the consultation paper, this may appear to be an unnecessarily high barrier to qualification in the UK and decrease the number of non-UK lawyers wishing to qualify in the UK. The JLD is unsure of the implications this may have on the UK legal system in the event of a no-deal Brexit but do not anticipate this would have a positive impact of the profession in the UK.



Conversely, if the equivalent qualifications and/or experience are not considered properly, there is a concern that the quality of a solicitor in England and Wales might be wide ranging. The JLD understands that this is one of the reasons the SRA has introduced the SQE (i.e. for consistency of quality).

**Question 3:** Do you agree with our approach to Morgenbesser candidates under the current training regulations?

**Response:** Under the current training regulations, the JLD fully supports the use of equivalent means to allow candidates to apply to the SRA for exemptions from the different requirements on the route to qualification. The JLD believes that equivalent means requires the candidate to demonstrate, with evidence, in a significant amount of detail, the reasons why they believe they should be granted an exemption from one or more of the requirements. The JLD also agrees with paragraph 27 of the consultation paper that, following Brexit, the SRA should allow candidates from all jurisdictions to apply under this principle. However as set out in our response to Question 2, it is important that there are sufficient resources and understanding of the relevant jurisdiction when making such an assessment.

**Question 4:** In relation to the new Authorisation of Individual regulations, do you agree with our approach to Morgenbesser candidates?

**Response:** The JLD is not entirely clear from the content of paragraph 28, whether the option is for:

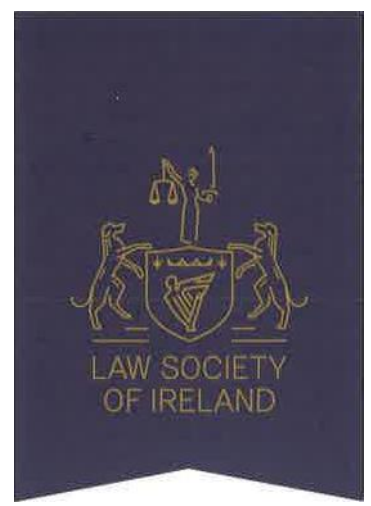
- (c) the provision to be removed in its entirety and be unavailable to all candidates, EU and non-EU; or
- (d) the provision be amended to no longer reference that the candidate must be part-qualified under the rules of an EU member state.

The JLD does not agree with the proposed approach in paragraph (a) and would instead suggest that the SRA consider paragraph (b) and allow all part-qualified candidates from across the world to apply under the Morgenbesser principle – as per paragraph 27 of the consultation paper. The JLD does not understand why this principle should not be available to all candidates from both EU and non-EU jurisdictions following Brexit. Whilst there will no longer be specific educational requirements under the new SQE, the candidate may have obtained the equivalent of an LLB degree, or passed examinations equivalent to SQE 1 and/or 2 and therefore the JLD believes that the Morgenbesser principle should be available to candidates to demonstrate they have the equivalent part-qualified requirements and that any such applications be considered on an individual basis.

**Question 5:** Do you agree that this wording gives effect to the recommended approach?

**Response:** The JLD is unsure about the proposed wording because it could be read to suggest that a candidate may be granted exemptions from individual assessments which form the MCQ or the structured clinical examination. Please provide clarity.

Junior Lawyers Division  
January 2019



**Private & Confidential**

Maxine Warr,  
Solicitors Regulatory Authority,  
The Cube,  
199 Wharfside Street,  
Birmingham.  
B1 1RN

[maxine.warr@sra.orq.uk](mailto:maxine.warr@sra.orq.uk)

21 December 2018

**RE: Consultational exemptions for qualified lawyers from outside the UK from a Qualified Lawyers Transfer Scheme in the event of a No-Deal Brexit**

Dear Ms Warr,

I refer to the above consultation. I am responding on behalf of the Law Society of Ireland. As you know, the Law Society of Ireland is the body charged with the Education and Admission of Solicitors in this jurisdiction.

In the consultation document, the position of Irish solicitors is set out at paragraph 13. It is our preferred solution that this current situation would remain. Thus, it would be our preference that the option identified as "B" on page 7 would be followed.

In the paper there is reference to the most favourite nation principle under the general agreement on trade and services. However, this principle only works in the context of the degree of similarity between similar professions. We have already undertaken a detailed mapping exercise with the Solicitors Regulatory Authority ("SRA") in the context of the introduction of the QLTS scheme. It has been accepted by the SRA that the process of qualification and admission as a solicitor in this jurisdiction is more similar to that in England & Wales than other common and civil law jurisdictions and that the only requirement should be English Land Law.

I hope that this is of some assistance.

Yours sincerely,

**T P Kennedy**  
**Director of Education**



# Exemptions for qualified lawyers from outside the UK from the Qualified Lawyers Transfer Scheme in the event of a no-deal Brexit

Response ID:17 Data

## 2. About you

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1.  
**First name(s)**

Linson

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2.  
**Last name**

Joseph

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6.  
**I am responding..**

in a personal capacity

---

7.  
**In what personal capacity?**

Member of the public

---

8.  
**How should we publish your response?**

**Please select an option below.**

Publish the response with my/our name

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## 3. Consultation questions

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9.  
**1) Do you agree that, in the event of a no-deal Brexit, we amend the QLTS regulations with effect from EU exit day:**

**So as to entitle all non-UK qualified lawyers who are seeking admission as an English solicitor to exemptions from the QLTS, where they can demonstrate equivalent qualifications or experience to the Day One Outcomes; provided that These exemptions may only be granted from the whole of the multiple choice test or objective structured clinical examination or both.**

Agree

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10.  
**2) Are there any potential impacts arising from these recommendations that we have not already identified?**

No

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11.  
**3) Do you agree with our approach to Morgenbesser candidates under the current training regulations?**

Agree

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**12.**  
**4) In relation to the new Authorisation of Individual regulations, do you agree with our approach to Morgenbesser candidates?**

No

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**13.**  
**5) Do you agree that this wording gives effect to the recommended approach?**

No

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# Exemptions for qualified lawyers from outside the UK from the Qualified Lawyers Transfer Scheme in the event of a no-deal Brexit

Response ID:26 Data

## 2. About you

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1.  
First name(s)

Ann

2.  
Last name

Murphy

6.  
I am responding..

on behalf of an organisation

7.  
On behalf of what type of organisation?

Law society

8.  
Please enter the name of the society

Liverpool

9.  
How should we publish your response?

**Please select an option below.**

Publish the response with my/our name

## 3. Consultation questions

---

10.  
1) Do you agree that, in the event of a no-deal Brexit, we amend the QLTS regulations with effect from EU exit day:

**So as to entitle all non-UK qualified lawyers who are seeking admission as an English solicitor to exemptions from the QLTS, where they can demonstrate equivalent qualifications or experience to the Day One Outcomes; provided that These exemptions may only be granted from the whole of the multiple choice test or objective structured clinical examination or both.**

We agree that the QLTS regulations should be amended so that the exemptions from the QLTS apply to all non-UK lawyers in line with WTO rules.

We also agree that exemption should be available to non-UK qualified solicitors who are seeking admission as an English solicitor where they can demonstrate equivalent qualification, with exemption only being granted from the whole of the multiple choice test and/or objective structured clinical examination.

11.

**2) Are there any potential impacts arising from these recommendations that we have not already identified?**

The changes could incentivise lawyers from outside the EU to apply for admission as an English Solicitor.

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12.

**3) Do you agree with our approach to Morgenbesser candidates under the current training regulations?**

We agree with your approach to Morgenbesser candidates as set out at paragraphs 26 and 27 of the Consultation.

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13.

**4) In relation to the new Authorisation of Individual regulations, do you agree with our approach to Morgenbesser candidates?**

We agree that in the event of a no-deal Brexit there should be no specific provision entitling individuals who are part-qualified under the rules of an EU member state to apply for exemptions from the SQE. However, consideration should be given to the position of Irish lawyers. Irish lawyers are uniquely qualified in comparison with lawyer from other EU member states. Whilst the requirement for all non-UK qualified solicitors will need to be the same to accord with WTO rules, given the pedigree of the Irish legal system so the SRA might usefully provide some indicative guidance on the position of Irish lawyers seeking admission as an English solicitor.

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14.

**5) Do you agree that this wording gives effect to the recommended approach?**

Yes.

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# Exemptions for qualified lawyers from outside the UK from the Qualified Lawyers Transfer Scheme in the event of a no-deal Brexit

Response ID:24 Data

## 2. About you

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1.

**First name(s)**

Verena Kathleen Felicity

2.

**Last name**

Charvet

6.

**I am responding..**

on behalf of an organisation

7.

**On behalf of what type of organisation?**

Law firm or other legal services provider

8.

**Please enter your organisation's SRA ID (if applicable)**

640408

9.

**Please enter your organisation's name**

Merlys Consulting Limited

10.

**How should we publish your response?**

**Please select an option below.**

Publish the response with my/our name

## 3. Consultation questions

---

11.

**1) Do you agree that, in the event of a no-deal Brexit, we amend the QLTS regulations with effect from EU exit day:**

**So as to entitle all non-UK qualified lawyers who are seeking admission as an English solicitor to exemptions from the QLTS, where they can demonstrate equivalent qualifications or experience to the Day One Outcomes; provided that These exemptions may only be granted from the whole of the multiple choice test or objective structured clinical examination or both.**

I agree with the above proposal

12.

**2) Are there any potential impacts arising from these recommendations that we have not already identified?**

A broad view of what will be accepted as the "equivalent" qualifications should be taken while ensuring that the highest professional standards are maintained.

13.

**3) Do you agree with our approach to Morgenbesser candidates under the current training regulations?**

Yes

14.

**4) In relation to the new Authorisation of Individual regulations, do you agree with our approach to Morgenbesser candidates?**

I am not clear why the SRA is proposing the change set out in paragraph 28 of the consultation as a "blanket solution". The principles of English (and Welsh) law - especially regarding contracts and commercial issues - are often the basis of, or have strongly shaped, other legal systems even where these are codified. Clearly this may not be appropriate for some areas of the law which even today are determined by national interests (e.g. immigration, family law, criminal law). The current position appears intended to ensure that where there are significant differences the individual applicant is required to undertake additional education and training to overcome any perceived deficiency in their knowledge. I would urge the SRA consider extending the position described in paragraph 26 in the event of a "no deal Brexit" rather than looking to become what may appear to be "protectionist".

15.

**5) Do you agree that this wording gives effect to the recommended approach?**

With regard to the proposed wording, it provides the SRA with a lot of discretion which seems sensible at this time and therefore I am supportive of this.

Is there intended to be guidance on what will be accepted as "equivalent" and/ or will determinations of "equivalence" be published? Without this transparency I fear that the SRA may end up being challenged about its decisions / judicially reviewed (as far as that may be possible against a body with the status of the SRA). This could be expensive and time-consuming and increase the cost of regulation for those regulated by the SRA.



# Exemptions for qualified lawyers from outside the UK from the Qualified Lawyers Transfer Scheme in the event of a no-deal Brexit

Response ID:20 Data

## 2. About you

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1.  
First name(s)

Nir

2.  
Last name

Chanoch

6.  
I am responding..

on behalf of an organisation

7.  
On behalf of what type of organisation?

University or other education/training provider

8.  
Please enter the name of your institution

QLTS School

9.  
How should we publish your response?

Please select an option below.

Publish the response with my/our name

## 3. Consultation questions

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10.  
1) Do you agree that, in the event of a no-deal Brexit, we amend the QLTS regulations with effect from EU exit day:

**So as to entitle all non-UK qualified lawyers who are seeking admission as an English solicitor to exemptions from the QLTS, where they can demonstrate equivalent qualifications or experience to the Day One Outcomes; provided that These exemptions may only be granted from the whole of the multiple choice test or objective structured clinical examination or both.**

Yes, the proposal makes sense. It is not clear however, in practical terms, how many lawyers will eventually be able to obtain exemptions from the entire MCT or OSCE. I am doubtful the numbers will be significant, as currently most of the EU-candidates who are granted exemptions are only exempted from some elements of either the MCT or OSCE.

11.

**2) Are there any potential impacts arising from these recommendations that we have not already identified?**

You may want to reconsider the position regarding Scottish solicitors and English barristers, who are entitled to pre-agreed exemptions from some elements of the MCT and OSCE. Will the position changed in respect to those intra-UK lawyers?

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**12.**

**3) Do you agree with our approach to Morgenbesser candidates under the current training regulations?**

N/A

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**13.**

**4) In relation to the new Authorisation of Individual regulations, do you agree with our approach to Morgenbesser candidates?**

N/A

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**14.**

**5) Do you agree that this wording gives effect to the recommended approach?**

N/A

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The Law Society

**Response to the SRA consultation**  
**Exemptions for qualified lawyers from outside the UK**  
**from the Qualified Lawyers Transfer Scheme in the**  
**event of a no-deal Brexit**

Law Society Response  
January 2019

## Introduction

1. At the moment, lawyers from other European Union (EU) states can requalify as solicitors of England and Wales through the Qualified Lawyers Transfer Scheme (QLTS). The EU regulations, such as the Mutual Recognition of Professional Qualifications (MRPQ) allows for examining the candidates' competency and assessing whether they would need to pass an aptitude test or complete an adaptation period. The SRA gives exemptions to EU lawyers in appropriate cases.
2. In the event of a "no deal Brexit" this regime will need to change in order to comply with the World Trade Organisation (WTO) rules, such as the Most Favoured Nation (MFN) principle which does *not* allow for preferential treatment of one or more WTO members over others.
3. Therefore, The Law Society is wholly supportive of the SRA putting in place contingency plans for the changes needed to comply with WTO rules. This would mean changing aspects of both the current QLTS Regulations 2011<sup>1</sup> and, when in force, the Authorisation of Individual Regulations to remove preferential treatment for EU lawyers.
4. The Government's technical notice<sup>2</sup> has already highlighted that the profession must be ready and able to adapt due to the Mutual Recognition of Professional Qualifications Regulations being amended or repealed to meet WTO obligations.
5. In its introduction to the consultation, the SRA set out two options:
  - A. To permit no exemptions from the QLTS; or
  - B. To permit candidates from all non-UK jurisdictions to apply for exemptions:
    - (i) an exemption from the multiple choice test; (ii) an exemption from the objective structured clinical examination; or (iii) an exemption from both the multiple choice test *and* the objective structured clinical examination.

We strongly disagree with option A as this would cause an unnecessary barrier to qualification for lawyers from both within and outside EU jurisdictions, which may have the knock on effect of making England and Wales a less attractive jurisdiction to practice for lawyers overseas. The UK legal sector was worth £26bn to the economy in 2016<sup>3</sup>. It is also the largest market for legal services in Europe, with around a fifth of the total European market, and almost a tenth of the global market for legal services<sup>4</sup>. All of these advantages could be imperilled by option A.

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<sup>1</sup> Qualified Lawyers Transfer Scheme (QLTS) allows fully qualified lawyers from other (recognised) jurisdictions become a solicitor of England and Wales. The regulations include the provisions of the MRPQ.

<sup>2</sup> 'Providing services including those of a qualified professional if there's no Brexit deal' published on 12 October 2018 and available at: <https://www.gov.uk/government/publications/providing-services-including-those-of-a-qualified-professional-if-theres-no-brexit-deal/providing-services-including-those-of-a-qualified-professional-if-theres-no-brexit-deal>.

<sup>3</sup> <https://www.lawgazette.co.uk/news/legal-sector-worth-26bn-to-economy/5054361.article>

<sup>4</sup> The Law Society of England and Wales. *The EU and the Legal Sector*. October 2015.

6. Considering option B, while we appreciate the need to be compliant with the WTO's MFN principle, we nevertheless think that there is room and justification for exceptions which can be achieved. For example, by the Mutual Recognition Agreements (MRAs) or other existing arrangements in full compliance with the WTO obligations.
1. This would allow, for example, the England and Wales agreement with Ireland on automatic recognition to continue, and thus for English and Welsh solicitors to continue to requalify in Ireland without substantial barriers and vice versa.
2. Likewise, we think it is important for those lawyers who have studied EU law to be able to apply for exemptions on that basis. We understand that EU law will for the moment remain as one of the core subjects required by the SRA to become a solicitor.

## Questions

3. Our response to the questions posed by the SRA's consultation are laid out below and reflect the Law Society's position at this time.

### Question 1

- a) The Law Society agrees with the current position of the SRA to amend the QLTS regulations so as to entitle all non-UK qualified lawyers who are seeking admission as an solicitor to exemptions from the QLTS, where they can demonstrate equivalent qualifications or experience to the 'Day One Outcomes'<sup>5</sup>.
- b) In particular we would support the SRA's proposal to permit candidates from all non-UK jurisdictions to apply for exemptions from the multiple-choice test, or clinical examination, or to both.
- c) This will allow the system of exemptions to be consistent with the approach that will be taken with the Solicitors Qualifying Exam (SQE), which will replace the QLTS for overseas lawyers from 2021 onwards. Furthermore, this will apply a fair and open system, which treats all jurisdictions on an equal footing.
- d) We would request further views from the SRA on whether there will be any exemptions for foreign students in relation to EU law.
- e) We would also encourage the SRA to continue to accept any additional qualifications which a candidate may rely on to demonstrate equivalence. For example, the Land Law exam run by the Law Society of Ireland.

### *Partial Exemption*

- f) The SRA has stated in paragraph 24 of the consultation that, "We think there is a strong argument that any disproportionality in requiring candidates, where there is

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<sup>5</sup> <https://www.sra.org.uk/solicitors/qlts/day-one-outcomes-table.page>

near-equivalence, to take the whole of the multiple choice test or the objective structured clinical examination is justified (by the objective of consistency and fairness in assessment).”

- g) We believe it would be reasonable to judge whether someone should be partially exempted from one of the component parts in a fair and consistent way. There is no evidence given as why this cannot be done as part of the review of whether a candidate is exempt from a whole of an exam.

#### Question 2

- a) We would note the SRA’s requirement to adhere to the LSB’s 2014 Statutory guidance on legal education and training, which tasks regulators with minimising barriers between different parts of the legal profession, and not just in England and Wales but also for Irish (and Scottish) practitioners.

#### Question 3

- a) We agree with the proposed approach.

#### Question 4

- a) We agree with the proposed approach.

#### Question 5

- a) There is no mention of any criteria that would apply, and no reference to any oversight or appeal provisions. We would recommend these are included for each of the different parts of the SQE.

# Exemptions for qualified lawyers from outside the UK from the Qualified Lawyers Transfer Scheme in the event of a no-deal Brexit

Response ID:15 Data

## 2. About you

---

1.  
First name(s)

Yusuf

2.  
Last name

Sheikh

6.  
I am responding..

in a personal capacity

9.  
How should we publish your response?

**Please select an option below.**

Publish the response with my/our name

## 3. Consultation questions

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10.  
1) Do you agree that, in the event of a no-deal Brexit, we amend the QLTS regulations with effect from EU exit day:

So as to entitle all non-UK qualified lawyers who are seeking admission as an English solicitor to exemptions from the QLTS, where they can demonstrate equivalent qualifications or experience to the Day One Outcomes; provided that These exemptions may only be granted from the whole of the multiple choice test or objective structured clinical examination or both.

Please do it .

11.  
2) Are there any potential impacts arising from these recommendations that we have not already identified?

No

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12.

3) Do you agree with our approach to Morgenbesser candidates under the current training regulations?

Yes , I am agree

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13.

4) In relation to the new Authorisation of Individual regulations, do you agree with our approach to Morgenbesser candidates?

Yes

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14.

5) Do you agree that this wording gives effect to the recommended approach?

Yes

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